



Department of Planning and  
Community Development  
2875 Sabre St. Suite 500  
Virginia Beach, VA 23452  
(757) 385-4621  
(757) 385-5667 (FAX)  
[PLANADMN@VBGOV.COM](mailto:PLANADMN@VBGOV.COM)

## REASONABLE USE EXCEPTION FOR INCOMPATIBLE USES IN ANY AICUZ GREATER THAN 70 DB DNL AND/OR ANY APZ

### 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 in either Table 1 ("AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN NOISE ZONES") or Table 2 ("AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES") of Section 1804 of the City Zoning Ordinance:**

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 EXCEPTION CRITERIA PER SECTION 1804 OF THE CITY ZONING ORDINANCE**

Pursuant to Section 1804(a) of the City Zoning Ordinance, it is the policy of the City Council that no application for any property located in either an Accident Potential Zone (APZ) or an AICUZ Greater than 70 dB DNL shall be approved unless the uses and structures it contemplates are designated as "Compatible" under Table 1 and Table 2 in Section 1804 of the City Zoning Ordinance **UNLESS** the City Council finds that no reasonable use designated as compatible under the applicable table or tables can be made of the property. In such cases, the City Council shall approve the proposed use of property at the least density or intensity of development that is reasonable.



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RM. 115, BLDG. 2  
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### APPLICATION REQUIREMENTS

To satisfactorily demonstrate that the Reasonable Use Exception standard has 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 Table 1 and/or Table 2 of the AICUZ Overlay Ordinance (following pages) that have been 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
3. A list of those uses designated as Incompatible under Table 1 and/or Table 2 of the AICUZ Overlay Ordinance (following pages) that would result in a lower density and/or intensity for the property, and a detailed explanation of why development of those uses on the property 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
4. An explanation why the proposal is not capable of development at a lower density and/or intensity of use.

(D) *Tables.* The following tables show the uses designated as compatible (Y) and those designated as not compatible (N) in each listed Noise Zone (Table 1) or Accident Potential Zone (Table 2). The designation of any use as compatible shall not be construed to allow such use in any zoning district in which it is not permitted as either a principal or conditional use.

TABLE 1 - AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN NOISE ZONES		
Land Use Land Use Name	Land Use Compatibility	
	70-75 dB DNL	>75 dB DNL
<i>Residential and Related</i>		
Single-family dwellings	N	N
Semidetached dwellings	N	N
Attached dwellings/townhouses	N	N
Duplexes	N	N
Multiple-family dwellings	N	N
Dormitories and other group quarters	N	N
Mobile home parks	N	N
Hotels and motels	N	N
Other residential uses	N	N
<i>Manufacturing</i>		
Food & kindred products; manufacturing	Y	Y
Textile mill products; manufacturing	Y	Y
Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	Y	Y
Lumber and wood products (except furniture); manufacturing	Y	Y
Furniture and fixtures; manufacturing	Y	Y
Paper and allied products; manufacturing	Y	Y
Printing, publishing, and allied industries	Y	Y
Chemicals and allied products; manufacturing	Y	Y
Petroleum refining and related industries	Y	Y
Rubber and misc. plastic products; manufacturing	Y	Y
Stone, clay and glass products; manufacturing	Y	Y
Primary metal products; manufacturing	Y	Y
Fabricated metal products; manufacturing	Y	Y
Professional scientific, and controlling instruments; photographic and optical goods; watches and clocks	Y	Y
Miscellaneous manufacturing	Y	Y
<i>Transportation, communication and utilities</i>		
Railroad, rapid rail transit, and street railway transportation	Y	Y
Motor vehicle transportation	Y	Y



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TABLE 1 - AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN NOISE ZONES		
Land Use Land Use Name	Land Use Compatibility	
	70-75 dB DNL	>75 dB DNL
Aircraft transportation	Y	Y
Marine craft transportation	Y	Y
Highway and street right-of-way	Y	Y
Automobile parking	Y	Y
Communication	Y	Y
Utilities	Y	Y
Other transportation, communication and utilities	Y	Y
<i>Trade</i>		
Wholesale trade	Y	Y
Retail trade - building materials, hardware and farm equipment	Y	Y
Retail trade - general merchandise	Y	Y
Retail trade - food	Y	Y
Retail trade - automotive, marine craft, aircraft and accessories	Y	Y
Retail trade - apparel and accessories	Y	Y
<i>Services</i>		
Retail trade - furniture, home, furnishings and equipment	Y	Y
Retail trade - eating and drinking establishments	Y	Y
Other retail trade	Y	Y
Finance, insurance and real estate services	Y	Y
Personal services	Y	Y
Cemeteries	Y	Y
Business services	Y	Y
Warehousing and storage	Y	Y
Repair services	Y	Y
Professional services	Y	Y
Hospitals, other medical facilities	Y	N
Nursing homes	N	N
Contract construction services	Y	Y
Government services	Y	Y
Educational services	Y	N
Miscellaneous	Y	Y
<i>Cultural, entertainment and recreational</i>		
Cultural activities	Y	N
Religious uses	Y	N
Nature exhibits	N	N
Public assembly halls	N	N
Auditoriums, concert halls	Y	N
Outdoor music shells, amphitheaters	N	N
Outdoor sports arenas, spectator sports	Y	N
Other outdoor recreational facilities	Y	Y
Indoor recreational facilities	Y	Y
Campgrounds	Y	N
Parks	Y	N
Other cultural, entertainment and recreation	Y	N
<i>Resource Production and Extraction</i>		
Agriculture (except live stock)	Y	Y



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TABLE 2 - AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES			
Land Use Name	Clear Zone	APZ-I	APZ-II
<i>Residential</i>			
Single-family dwellings	N	N	Y
Semidetached dwellings	N	N	N
Attached dwellings/townhouses	N	N	N
Multiple-family dwellings	N	N	N
Dormitories and other group quarters	N	N	N
Hotels and motels	N	N	N
Mobile home parks	N	N	N
Other residential	N	N	N
<i>Manufacturing</i>			
Food & kindred products; manufacturing	N	Y	Y
Textile mill products; manufacturing	N	Y	Y
Apparel and other finished products; products made from fabrics, leather and similar materials; manufacturing	N	Y	Y
Lumber and wood products (except furniture); manufacturing	N	Y	Y
Furniture and fixtures; manufacturing	N	Y	Y
Paper and allied products; manufacturing	N	Y	Y
Printing, publishing, and allied industries	N	Y	Y
Chemicals and allied products; manufacturing	N	N	N
Petroleum refining and related industries	N	N	N
Rubber and misc. plastic products; manufacturing	N	N	N
Stone, clay and glass products; manufacturing	N	Y	Y
Primary metal products; manufacturing	N	Y	Y
Fabricated metal products; manufacturing	N	Y	Y
Professional scientific, & controlling instrument; photographic and optical goods; watches & clocks	N	Y	Y
Miscellaneous manufacturing	N	Y	Y
<i>Transportation, communication and utilities</i>			
Railroad, rapid rail transit, and street railway transportation	N	Y	Y
Motor vehicle transportation	N	Y	Y
Aircraft transportation	N	Y	Y
Marine craft transportation	N	Y	Y
Auto parking	N	Y	Y





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TABLE 2 - AIR INSTALLATIONS COMPATIBLE USE ZONES LAND USE COMPATIBILITY IN ACCIDENT POTENTIAL ZONES			
Land Use Name	Clear Zone	APZ-I	APZ-II
Communication	N	Y	Y
Utilities	N	Y	Y
Solid waste disposal (landfills, incineration, etc.)	N	N	N
Other transport, comm. and utilities	N	Y	Y
<i>Trade</i>			
Wholesale trade	N	Y	Y
Retail trade - building materials, hardware and farm equipment	N	Y	Y
Retail trade - general merchandise	N	N	Y
Retail trade - food	N	N	Y
Retail trade - automotive, marine craft, aircraft and accessories	N	Y	Y
Retail trade - apparel and accessories	N	N	Y
Retail trade - furniture, home, furnishings and equipment	N	N	Y
Retail trade - eating and drinking establishments	N	N	N
Other retail trade	N	N	Y
<i>Services</i>			
Finance, insurance and real estate services	N	N	Y
Personal services	N	N	Y
Cemeteries	N	Y	Y
Business services (credit reporting; mail, stenographic, reproduction; advertising)	N	N	Y
Warehousing and storage services	N	Y	Y
Repair services	N	Y	Y
Professional services	N	N	Y
Hospitals, nursing homes	N	N	N
Other medical facilities	N	N	N
Contract construction services	N	Y	Y
Government services	N	N	Y
Educational services	N	N	N
Miscellaneous	N	N	Y
<i>Cultural, entertainment and recreational</i>			
Cultural activities	N	N	N
Religious uses	N	N	Y
Nature exhibits	N	Y	Y
Public assembly	N	N	N
Auditoriums, concert halls	N	N	N
Outdoor music shells, amphitheaters	N	N	N
Outdoor sports arenas, spectator sports	N	N	N
Indoor recreational facilities	N	Y	Y
Indoor play centers	N	N	Y
Campgrounds	N	N	N
Parks	N	Y	Y
Other cultural, entertainment and recreation	N	Y	Y
Agriculture (except livestock)	Y	Y	Y
<i>Resource production and extraction</i>			
Livestock farming and breeding	N	Y	Y
Agriculture related activities	N	Y	Y
Forestry activities	N	Y	Y
Fishing activities	N	Y	Y
Mining activities	N	Y	Y