

PROCESS FOR MAKING INTENSITY & COMPATIBILITY DETERMINATIONS:

1. Any office, business, or industrial use existing prior to December 20, 2005, that is not compatible in APZ-1 on Table 2 may continue and will be considered nonconforming as to AICUZ. Any office, business or industrial use existing prior to February 14, 2006, that is not compatible on Table 2 may continue and will be considered nonconforming as to AICUZ.
2. Such use may be replaced by another use, provided that the new use is of an equal or lesser intensity than the existing use.
3. Any nonconforming use may be changed or added onto provided that the resulting operation is of an equal or lesser intensity than the existing use.
4. To obtain an intensity determination, the owner should submit a letter to the Zoning Administrator describing both the existing use and the proposed change or new use. The letter should include the following information:
 - a. Details on the previous use.
 - b. Details on the type of use, existing and proposed.
 - c. Details on any accessory uses, existing and proposed.
 - d. Square footage of any existing or proposed structures.
 - e. Details on any gases, petroleum products or chemicals that will be on the site, existing and proposed.
 - f. The maximum number of employees on any shift, existing and proposed.
 - g. The maximum number of employees within a 24 hour period, existing and proposed.
 - h. The maximum number of customers at any time, existing and proposed.
 - i. The maximum number of customers in a 24-hour period, existing and proposed.
5. The Zoning Administrator will send out a letter acknowledging receipt of the request and outlining any additional information that may be needed to make a determination.
6. The Zoning Administrator will consult with the AICUZ Liaison at NAS Oceana and make a determination regarding the intensity of the proposed use in APZ-1/Clear Zone. The determination will be recorded on the appropriate form. A copy of the determination will be sent to the applicant and a copy will be kept on file with the Zoning Administrator.
7. If the use is determined to be of equal or lesser intensity than the use as it existed prior to the December 20, 2005, the appropriate development process may begin; such as conditional use permit application, site plan review, building permit, business license, etc. the letter of determination should be included with any development submittal and business license request.
8. Please submit letter to Arlethia Wilson at 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452. Arlethia Wilson (757) 385-2058 or Email awilson@vbgov.com.