

1 AN ORDINANCE TO AMEND CHAPTER 1 OF
2 THE COMPREHENSIVE PLAN BY
3 INCORPORATING PRINCIPLES GUIDING
4 THE VOLUNTARY CONVERSION OF
5 NONCONFORMING USES IN ACCIDENT
6 POTENTIAL ZONE 1 TO CONFORMING
7 USES

6 WHEREAS, on March 27, 2006, the Planning Commission held a
7 public hearing concerning the amendment of the Comprehensive
8 Plan (the "Plan") as set forth in the attached Exhibit A, and at
9 the conclusion of such public hearing, recommended that the Plan
10 be amended thereby;

11 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
12 CITY OF VIRGINIA BEACH, VIRGINIA:

13 That the Comprehensive Plan be, and hereby is, amended and
14 reordained in accordance with the attached Exhibit A.

15
16 Adopted by the Council of the City of Virginia Beach,
17 Virginia, on the _____ day of _____, 2006.

18 CA-9802
19 OID/ordres/AICUZ/APZ-1 Comp Plan ordin.doc
20 R-1
21 March 7, 2006

22 APPROVED AS TO CONTENT: APPROVED AS TO LEGAL SUFFICIENCY:

23
24
25
26 _____
Planning Department

City Attorney's Office

Exhibit A

Recommended Amendment to Comprehensive Plan

March 28, 2006

Underlined text indicates proposed addition to the following portion of the Comprehensive Plan:

Chapter 1 Introduction and General Strategy

Page 12 of the Comprehensive Plan Policy Document

A strong military presence in the community

We want Virginia Beach to continue to be the proud host and home to the military. We support the military and recognize the important contributions they make to our community. We will work to further galvanize the strong partnership that has been a hallmark of our relationship over the past four decades. The military presence in this region is a major positive force that stabilizes our economy, provides numerous government and private sector jobs, results in extensive government expenditures in the private sector, and provides an important element in the identity for the region. The military also helps by contributing to a reliable and well-trained local labor pool that is an effective lure to desirable industry. A consistent and reliable AICUZ Program provides necessary protection to potential development in the community from jet noise and accident potential, and is an important factor in enabling the military to remain here in force and contribute to our local economy. Future military aircraft basing decisions may bring louder and more numerous aircraft accentuating the importance of giving due consideration to this program during all land use decision making. Retention and growth of the military presence in this region will be directly reflected in the economic vitality of Virginia Beach.

To ensure that the military remains here in force and continues to contribute to our local economy, areas of the city instrumental to military operations must be strategically planned to consist of land uses that conform to OPNAV Instructions regarding AICUZ. The area designated as Accident Potential Zone 1 is a geographic area of special concern. Already subject to the APZ-1 ordinances, which prohibit by-right development not in accordance with the OPNAV Instructions, and to the AICUZ Overlay Ordinance, which prohibits discretionary approval by Council except in accordance with the OPNAV Instructions, this area is also the subject of an intense effort by the City to work with willing property owners to transform nonconforming uses to conforming uses in APZ-1.

This will be conducted according to three basic principles:

1. The City's involvement will be only with willing property owners. While the City will encourage and facilitate certain choices, it will not force solutions on unwilling participants.
2. The City will encourage the orderly exercise of choice. Residents and businesses that choose to remain in the status quo deserve a quality setting in which to live and work. Unsuitable uses will not be allowed to intrude into areas where people live and work to the detriment of the quality of life, and they will not be allowed to infringe upon established neighborhoods and commercial areas. Integrity of existing land use is a first priority.
3. The second priority, where it can be achieved compatibly with existing neighborhoods and businesses, is to systematically replace uses that are nonconforming under the OPNAV Instructions with those are conforming. Among the techniques to be used are: retention of conforming uses where they already exist; recruitment of conforming uses from outside the APZ-1 area; providing incentives to the private sector to replace nonconforming with conforming uses; and location of appropriate conforming public uses within the area.