

Existing Noise/Land Use Policies

4.1 Navy

Current Navy land use and noise policy is dictated by the OPNAV Instruction 11010.36B. The most recent revisions to this policy occurred in December 2002, modifying past guidance on land use compatibility within AICUZ zones. As discussed in Chapter 3, this instruction recommends specific guidelines for land uses compatible with maintaining public safety, health, and welfare within each mapped noise zone. The policy reinforces earlier guidance noting incompatibility of all residential uses in any noise zone. In recognition of the need for reducing noise and safety impacts around active airfields with existing development, the Navy has implemented this policy to reduce operational impacts on communities. Civilian communities ultimately decide on local land use and zoning changes in response to the Navy's recommendations.

Modifications to aircraft operations are a primary method of accommodating increasing incompatible development around the airfields. An overview of recent changes at the Hampton Roads airfields includes modifications in flight altitudes, landing patterns, and flight times, as well as upgrades of airfield equipment and facilities at both NAS Oceana and NALF Fentress. The goal of these changes has been to reduce noise impacts on uses within the noise zones from mission-related operations. Strict review and assessment of future potential changes would be required in order to prevent additional erosion of "true to life" training for Fleet pilots.

Specific changes recently implemented by the Navy to reduce noise impacts include the following:

Operational Changes:

- Arrivals are held to higher altitudes closer to the airfield
- Flights destined to offshore operating areas are vectored directly over water
- Southbound departure intermediate segments level off until 15 miles south

- No overhead break, practice approaches, or high power engine turns occur at NAS Oceana between 11:00 pm and 7:00 am
- Tighter landing pattern emphasized
- Navigation aid installed at NALF Fentress

Other Changes:

- Mid-downwind light beacon for Runway 5 installed at NALF Fentress
- Fly 800' pattern at NALF Fentress is non-standard
- Fly 1,000' patterns at NAS Oceana and Chambers Field are non-standard
- Helicopter arrival/departures routed over Camp Pendleton vice Rudee Inlet
- Instrument approach patterns elevated to 2,000 feet vice 1,500 feet
- Field Carrier Landing Practice (FCLP) restricted at NAS Oceana
- Afterburner use restricted from the airfield boundary until in an operating area unless in an emergency situation
- Flight ops web page created
- Community concerns hot line implemented
- CO reviews of all noise concerns begun
- Hush house construction at Oceana

4.2 Norfolk (Chambers Field)

Existing planning policies in the City of Norfolk recognize the military presence in the community and importance of recognizing the mutual relationship between community growth, goals, and the military establishment. Tools exist at both the current and comprehensive planning levels, protecting the health, safety, and welfare of community residents (See Table 4.1). Regulatory tools guiding planning decisions include zoning districts and zones establishing conditions for safe development and coordination of community development around military installations. The Airport Safety Overlay District exists to prevent obstructions to safe air operations at both the civilian and military airports in Norfolk. The ordinance defines safety zones and height restrictions around the airfields, limiting uses which obstruct safe operations. CFR Part 77.28 for military airports is specifically referenced as the basis for height restrictions designated in the ordinance. Examples include any uses which impair pilot visibility or interfere with aircraft landings. Non-conforming uses are grandfathered in under the ordinance, with restrictions on new obstructions.

Noise zone disclosure and sound attenuation ordinances are not currently included within the Zoning Code. No policies exist which require notification of a property's presence in airport zones to prospective buyers, renters, or leasers. Sound attenuation is also not required in the development or redevelopment of existing neighborhoods surrounding Chambers Field.

Long-range planning policy decisions are governed by a general Comprehensive Plan, guiding growth into established areas utilizing a framework of urban revitalization. The plan identifies the need to foster joint development and shared military–civilian use of land and facilities. It emphasizes the need for continuing dialogue between the military and community, building support for growth in military investment and population.

Policies encouraging clustering of new development also exist, promoting a more compact urban form, ideally out of the constrained zones present around the Naval Station. Little land area within the City is encumbered by safety and noise zones as compared to Virginia Beach or Chesapeake; thus, advocacy for, or public interest in, mitigation measures have been minimal.

4.3 Chesapeake (NALF Fentress)

Planning policy in the City of Chesapeake addresses both existing and future development, organized within a framework of encouraging managed growth in developed areas and maintaining environmentally sensitive lands in rural areas. The toolkit for managing this growth is varied, including administrative tools such as zoning districts, level of service standards, and cluster zoning provisions (See Table 4.2). Policy-based tools include programs for acquisition of conservation easements and noise-related real estate disclosures. Each of these tools guides community growth away from areas of concern, including active agricultural operations, environmentally sensitive lands, and active military installations.

The administrative tools controlling growth around NALF Fentress focus on zoning control through established zones and overlay districts. The intent of the Fentress Overlay District is permitting limited development around the airfield, focusing on commercial and industrial uses rather than residential, institutional, or educational. Also included in the District is the provision that new development should not burden existing services and is compatible with the character of the surrounding rural area.

This Overlay District, first implemented in 1990, includes property around NALF Fentress in the 65-70 DNL noise contour, the 70-75 DNL noise contour, and the greater than 75 DNL noise contour; however, land use and noise attenuation regulations apply only to those areas in the greater than 75 DNL noise contours. Residential development and other related uses such as churches, schools, and childcare centers are discouraged in the greater than 75 DNL noise contour unless they are allowed under the current zoning classification of that property. Proposals for certain limited commercial and industrial development in the greater than 75 DNL noise contour require a conditional use permit (CUP). The Chesapeake Planning Commission reviews all CUP applications and makes recommendations to the City Council. The Council then makes the final decision on all CUP applications.

Height restrictions for buildings and structures in proximity to NALF Fentress are set out in general zoning regulations and in a separate “Airport Safety Zone” ordinance that governs uses in proximity to all private and military airports in Chesapeake. The Airport Safety Zone ordinance references CFR Part 77.28 for airport zones, approach zones, transition zones, and conical zones of NALF Fentress. Also, the Fentress Overlay District requires that conditional non-residential buildings and structures in the greater than 75 DNL noise contour comply with Navy AICUZ height restrictions.

The Overlay District specifies that certain conditional non-residential buildings and structures occupied in the greater than 75 DNL noise contour must be constructed with an outdoor to indoor noise level reduction of 35 dB. This standard was recently adopted at the request of the U.S. Navy and must be certified by an acoustical engineer. In addition, new residences in the greater than 75 DNL noise contour are to be constructed in accordance with the noise attenuation standards in the Uniform Statewide Building Code. All residential and non-residential site plans, subdivision plats, and sales contracts and leases within all noise zones of the Fentress Airfield Overlay District must include a written statement that such property is located “partially or wholly within an aircraft noise and/or accident zone and may be subject to above-average noise levels.”

Minimum development standards in the Overlay District also include:

- All lighting of conditional non-residential uses in the greater than 75 DNL noise contour should be directed downward and should not interfere with airfield operations. The extent of light interference is to be determined by the U.S. Navy.

- No conditional non-residential building or structure located in the greater than 75 DNL noise contour should exceed the U.S. Navy height restrictions under the AICUZ program.

Cluster zoning provisions include district allowances for Planned Unit Developments (PUDs). The districts are intended to promote unified development of larger tracts of land, encouraging the efficient use of land with improved amenities and environmental sensitivity.

Policy-based tools include a recently-adopted Comprehensive Plan envisioning a managed growth scenario, balancing economic growth, military viability, and environmental protection. The Plan sets policy for guiding growth into existing developed areas with adequate infrastructure, minimizing the burden of new development on community services. Targeting the southern half of the City for preservation of rural character and development, policies encourage the viability of active agricultural operations. Maintaining viable agriculture in the City aids the balanced future of community services, lessening the burden of residential demands on such infrastructure as schools, police, fire, and utilities. Coupled with the establishment of programs to purchase development rights, using conservation easements, the Comprehensive Plan helps ensure future protection of existing open space.

The Plan also helps maintain the viability of military operations within City limits, encouraging limited residential uses around NALF Fentress. This vision of limited residential use is in concert with the protection of agriculture and environmentally sensitive lands, helping promote both goals of conservation and public safety. Encouraging lower density uses near Fentress limits public exposure to noise and safety impacts, resulting in higher community quality of life and continued economic viability of the military resource.

4.4 Virginia Beach (NAS Oceana)

The planning framework in the City of Virginia Beach is multi-faceted, focused on a long-range vision for the future of the built environment and community values. Tools for accomplishing this vision include traditional planning tools such as zoning, a Comprehensive Plan (updated in 2003), and specific area preservation ordinances (See Table 4.3). These policies are intended to guide the City in providing economic stability and a high quality of life for the community. Balancing the redevelopment of an aging infrastructure, demand for new growth along its southern border, and economic vitality, Virginia Beach has crafted planning policies addressing each of these important issues.

Comprehensive Plan

The Comprehensive Plan establishes the policy framework for a jurisdiction managing growth and promoting economic development. The foundation of the Plan is the maintenance of an economically vibrant community, promoting tourism and providing high quality communities and services for citizens. The Plan guides future development into Strategic Growth Areas, which are regions designated around the City suitable for the creation of community nodes, often with access to transportation links and mixed-use services. Compatible land uses are designated for each Strategic Growth Area, recognizing constraints and development limitations of specific areas. The Strategic Growth Areas within the AICUZ noise zones around NAS Oceana recognize the incompatibility of residential uses, instead targeting future growth of limited commercial and industrial uses.

The Comprehensive Plan recognizes the limitations of new growth around NAS Oceana for the community's safety while balancing the need for future development of the tourist economy and redevelopment of the resort area along the shore. The City recognizes the opportunities in targeting higher density development around transit outside of the noise zones. Maintaining lower density residential and rural uses in the Princess Anne (or Transition) Area and southern part of the City enables the retention of suburban communities desired by some citizens. Future challenges include the redevelopment of the Resort Area, and other aging residential communities, within the context of land uses compatible with the military mission at NAS Oceana.

Zoning Ordinance

The Virginia Beach Airport Noise Attenuation and Safety Ordinance, first adopted in 1994, establishes four airport noise zones (less than 65 DNL, 65 to 70 DNL, 70 to 75 DNL, and greater than 75 DNL) and three APZs (Clear Zone, APZ 1, and APZ 2), which conform to the projected 1999 noise contours and APZs for NAS Oceana. The ordinance limits certain conditional uses within the aircraft APZs and airport noise zones in accordance with the Navy's land use compatibility guidelines previous to the recent December 2002 update. The ordinance does not prohibit sensitive uses in all noise zones, as the most recent Navy instruction recommends in its land use guidelines.

The ordinance also requires acoustical performance standards for residential use group buildings and written disclosure for property sold, rented, or leased within the AICUZ. This notification is required at time

of contract or lease on all properties except those designated solely for agricultural purposes.

The ordinance also contains height restrictions on development and natural vegetation recognizing the need to limit obstructions to create safe air operations around NAS Oceana. These restrictions apply to the imaginary surfaces generated geometrically from the runway in accordance with similar FAA restrictions around civilian airports. The Planning Department delineates height limitations for protecting navigable airspace in compliance with 14CFR77.21.

Princess Anne (or Transition) Area

Created to provide a gradient of development options and densities between the existing development in the north and rural areas in the south, the Princess Anne Area is one where limited new services and utilities will help provide such a buffer. The City identified this area and established the “Green Line” as growth management tools to prevent the extension of capital improvements and utilities into rural areas to the south. The new Comprehensive Plan identifies acceptable densities of the Princess Anne Area at a maximum of 1 dwelling unit per acre, an increase from the existing agricultural zoning but less than other residential uses north of the Green Line.

Without the guidelines established for the Princess Anne (or Transition) Area, future growth would continue unchecked into the southern half of the city. Demand for new infrastructure associated with residential development, including roads, utilities, and schools, would increase, leading to greater financial strain on the entire community in providing services. Existing environmental resources would be consumed by new development and extension of services, reducing the region-wide value of sensitive habitats and land for flora and fauna.

Redevelopment

Redevelopment is crucial to the future of an economically balanced and vibrant Virginia Beach. The Comprehensive Plan sets a strategy for guiding this development, utilizing primarily the Strategic Growth Areas concept discussed previously. Specific actions include construction of a new conference center to replace the Pavilion Conference Center and redevelopment of the beach Resort Area. Both of these actions are far-reaching, influencing the larger land use pattern and structure of the City. Both plans address areas of land encumbered by the existing AICUZ noise zones for NAS Oceana. Assessing uses compatible with both the military

mission and redevelopment goals is a primary challenge for future planning efforts in this area.

Targeted as a key element of the present and future economic well-being of Virginia Beach, the Resort Area is the key tourism destination, serving an increasing number of summer tourists and year-round residents. Redevelopment of the aging infrastructure is planned, resulting in a vibrant mixed use area with urban residential units, upgraded hotel facilities and services, and community icons such as the new convention center to the west. This redevelopment is crucial in attracting increased numbers of year-round residents, tourists, and businesses.

Accomplishments

As the primary economic engine in Virginia Beach, the military presence is a factor for which planning policies have accounted over the past decades. The Navy has operated NAS Oceana since the 1940s, when land surrounding the base was undeveloped. Growth in the past 60 years, and especially within the last decade, has resulted in land use incompatibilities around the airfield. The City and Navy have been working together for 30 years to develop policies addressing the need to balance this growth with a safe environment for continued military operations.

The City has enacted both administrative and policy-based tools to guide growth in a compatible manner around NAS Oceana. Examples include amendments to the zoning ordinance in the form of an Airport Noise Attenuation and Safety Ordinance, clustering ordinances for growth encouraging compact development patterns, establishment of Strategic Growth Areas, and building code revisions/real estate disclosures in high noise areas. The goal of each of these tools is the same, accommodating existing and future military missions through encouragement of compatible development and education of the community on noise issues and real estate possibilities.

Airfield Encroachment

Over time, decisions by Virginia Beach officials have occurred, resulting in land use incompatibilities within the noise zones surrounding NAS Oceana. Opportunities for preventing future residential incompatibilities as well as redevelopment of existing parcels remain. It should be noted, though, that some of the existing problems include 1950s and 60s development around the airfield, which pre-dates Navy AICUZ designations and land use guidelines.

In addition, certain planning policies in areas such as the Resort Area, Lynnhaven Mall area, Transition Area and other portions of the Virginia Beach AICUZ conflict with current Navy land use guidelines. These planning policies either have resulted in, or could cause, incompatible land development around Oceana. Balancing the growth interests of the City with Navy policies is a focus of this study and major challenge that will continue in the future.

Table 4.1 Existing Noise / Land Use Policies : City of Norfolk

Existing Tools	Definition	Purpose/Intent
Military Installation (MI) District	Specifies permitted and special exception uses. Also encourages coordination with the Navy: 10-7.3 "In areas of MI Districts not affected by military security, in areas where commercial, residential, or mixed use developments are proposed, and in areas where joint public/private development may be explored, the federal government is encouraged to establish a coordinated planning process with the City of Norfolk to achieve both federal and local benefits, to minimize development impacts, and to help meet the objectives and policies of the General Plan of Norfolk."	Special Purpose District intended to recognize the location of major single use and multiple use military facilities in the city. It is recognized that local government has no official regulatory control over development and users on federal property.
Airport Zones	Establishes conditions for land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Norfolk International Airport and NS Norfolk (Chambers Field).	To prevent the creation or establishment of obstructions that are hazards to air navigation.
Airport Overlay District	Airport Safety Overlay District that applies height limitations, use restrictions.	That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.
Planned Development (PD)	PLANNED DEVELOPMENT (PD) The development standards including the yard and setback requirements, the height limitations, parking requirements and the open space areas are established as a function of the approval of the PD application and the location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities must be compatible with the surrounding land uses.	To encourage the efficient use of land and resources, to promote greater efficiency in public and utility services, and to encourage innovation in the planning, design and building of all types of development in the City.
Chesapeake Bay Preservation Area District	Chesapeake Bay Preservation Area District. The district including areas designated as a Resource Protection Agency (RPA), Resource Management Area (RMA), or an Intensely Developed Area (IDA). Applies additional standards for lands in the Chesapeake Bay Preservation Area District in addition to the underlying zoning.	To protect state waters, reduce pollution, and promote water resource conservation.
Level of Service (LOS) Standards	none	
Easement Purchase	none	
Real Estate Disclosures	none	
General Plan	Policies to continue to monitor defense activities and liaison with the Navy.	To foster joint development and shared military-civilian use of land and facilities, while continuing to support growth in military investment and population.

Table 4.2 Existing Noise / Land Use Policies : City of Chesapeake

Existing Tools	Definition	Purpose/Intent
Airport Zones	Establishment of zones including all of the City area lying beneath the approach, transitional, horizontal, and conical surfaces as they apply to the Chesapeake Municipal Airport, Hampton Roads Airport, and Fentress Airfield.	The prevention of obstructions to air navigation is accomplished, to the extent legally possible, by the exercise of police power without compensation.
Airport Overlay District	Zoning district with conditions in addition to those present in the baseline zoning classification of the property. The Overlay District cannot prohibit any development allowed under the baseline classification.	Allow limited commercial and industrial development within the area of southern Chesapeake identified as AICUZ noise zone greater than 75 dB DNL, subject to individual case review to ensure that any proposed commercial or industrial use is compatible with the surrounding rural area and does not improperly burden the existing city infrastructure and services.
Planned Unit Development (PUD)	An area of land under unified ownership or control to be developed as a single development operation or phased series of development operations where two or more uses may be included.	Within all zoning districts, except C-1 and C-2, it is intended to permit the establishment of districts for specialized purposes where tracts are in a suitable location, area, and character for the uses and structures proposed to be planned and developed in a unified manner. PUDs are intended to promote the economical and efficient use of land, an improved level of amenities, creative design, and a better environment.
Chesapeake Bay Preservation Area District	The district including areas designated as a Resource Protection Agency (RPA), Resource Management Area (RMA), or an Intensely Developed Area (IDA).	Protect and improve the water quality of the Bay, its tributaries, buffer areas, and other state waters, by minimizing the potential adverse effects of human activity upon these areas.
Level of Service (LOS) Standards	Standards focusing on timing and management of new growth in a community. Standards set a measurable standard of capacity or performance for a given public facility or service that must be planned, funded, or in place in order for a particular development application to receive approval.	Manage the location, type, and form of new development to accommodate growth while ensuring that development does not exceed the available and planned capacity of public services and facilities.
Easement Purchase	The purchase of a portion or all of the development rights on a property. Compensation is provided to the landowner in exchange for restrictions placed on the land's deed, in perpetuity.	Encourage and promote preservation of open space and agricultural lands throughout the City by means that are voluntary rather than regulatory.
Real Estate Disclosures	Provision of a written disclosure to all potential buyers or lessees at the time of site plan and subdivision plat approval or sale of contract/rental of property.	Make potential buyers and lessees aware of noise environment on property.

Table 4.3 Existing Noise / Land Use Policies : City of Virginia Beach

Existing Tools	Definition	Purpose/Intent
Airport Zones	Sets standards for conditional uses in airport noise zones greater than 75 DNL, 70-75 DNL and 65-70 DNL, and aircraft accident potential zones as shown on the AICUZ map prepared by the City (same as 1999 Navy AICUZ map).	To protect the public health, safety and welfare from the adverse impacts associated with excessive noise from flight operations at nearby airports and military air facilities and potential aircraft accidents by limiting certain conditional uses which are incompatible.
Airport Overlay District	AIRPORT NOISE ATTENUATION AND SAFETY ORDINANCE: Establishes additional standards for property within four (4) airport noise zones and three (3) aircraft accident potential zones.	Protect the public health, safety and welfare; ensure that the construction of residential uses include appropriate sound reduction; ensure disclosure to purchasers, renters or lessees of property within airport noise zones and aircraft accident potential zones.
Planned Development (PD) Districts	ARTICLE 11. PLANNED DEVELOPMENT DISTRICTS: Establishes the PD-H1 and PD-H2 Districts.	Permits variation from the underlying zoning district to achieve compatibility with the development and zoning of the land adjacent to the district and to promote public benefit.
Chesapeake Bay Preservation	CHESAPEAKE BAY PRESERVATION AREA ORDINANCE: Applies additional standards for lands in the Chesapeake Bay Preservation Area in addition to the underlying zoning. The area includes: Resource Protection Areas (RPA) and Resource Management Areas (RMA).	To protect water quality with performance standards intended to prevent a net increase in non-point source pollution.
Watershed Management	SOUTHERN WATERSHEDS MANAGEMENT ORDINANCE: Applies additional performance standards and design criteria to land in the within the watershed of the North Landing River, the Northwest River and Back Bay.	To protect, enhance and restore the quality of waters within the Southern Watersheds of the City.
Level of Service (LOS) Standards	none	
Easement Purchase	AGRICULTURAL LANDS PRESERVATION ORDINANCE: The City acquires, in accordance with the provisions of this Ordinance and to the extent of available funding, the development rights on eligible parcels of farmland as shown on the City's map "Area of Applicability, Agricultural Reserve Program" available from the City Dept. of Agriculture.	To promote and encourage the preservation of farmland in the rural southern portion of the City, where agricultural uses predominate, by means which are voluntary, rather than regulatory.
Real Estate Disclosures	Any person marketing property for sale, rental or lease within any noise zone or accident potential zone must provide written disclosure that property is within an aircraft accident zone or an area affected by aircraft noise; written notification must also be placed in all sales contracts and leases.	To disclose to potential purchasers, renters or lessees the existence of aircraft noise and the potential for aircraft accidents associated with proximity to airport operations.

Table 4.3 (cont.) Existing Noise / Land Use Policies : City of Virginia Beach

Existing Tools	Definition	Purpose/Intent
Comprehensive Plan	Stated Goal: "It has been and will continue to be the policy of the City to work in a close, positive and collaborative manner to achieve our respective goals and objectives. This means achieving a reasonable balance between the Navy's need to maintain effective military readiness, both operationally and strategically, and the City's need to maintain effective implementation of its growth management and land use planning policies."	To promote general policy goals City-wide.
Comprehensive Plan Strategic Areas	North London Bridge Area	Area is planned to provide a range of commercial retail activities and services to meet the needs of all its citizens in an attractive and well-maintained environment. AICUZ restricts some areas in the eastern portion. Plan proposes low-rise, low-intensity industrial and some limited office use for London Bridge Road, north of International Parkway, and the intersection of London Bridge/ Potter's Road because it is in a high AICUZ zone.
Comprehensive Plan Strategic Areas	Hilltop/North Oceana Area	Because of the influence of AICUZ high noise in this area, non-residential uses are recommended for this area including office, retail, institutional and hotel.
Comprehensive Plan Strategic Areas	East Oceana Area	Much of this area is constrained by floodplain, high noise and accident potential zones. Planned for low rise, light industrial uses and limited retail to the east and low intensity industrial and other utilitarian activities to the west.
Comprehensive Plan Strategic Areas	West Oceana Area	All of this area is inside the AICUZ high noise zone. Low intensity industrial uses are planned for the southern and eastern part. The developable land west of Lynnhaven Parkway is planned for corporate office, retail and other comparable commercial use.
Comprehensive Plan Strategic Areas	South Oceana Area	A significant portion of this area is located inside the APZ for the approach to NAS Oceana runways 5L and 5R. Developable land located in the western region is planned for non-residential uses to include a mix of light industrial, low- rise office and limited retail use. No additional residential uses are recommended for any part of this Strategic Growth Area.

Table 4.3 (cont.) Existing Noise / Land Use Policies : City of Virginia Beach

Existing Tools	Definition	Purpose/Intent
Comprehensive Plan Strategic Areas	West Holland Area	An AICUZ Accident Potential Zone corridor covers the southern portion of this Strategic Growth Area. On the south side of Dam Neck Road, the undeveloped parcels of land between this road and Landstown Meadows neighborhood are located in the APZ and are suitable for low intensity retail and service uses.
Comprehensive Plan Special Areas	Transition Area/Princess Anne	Plan recommends a mixture of open space, recreational areas, environmental conservation areas and quality housing, predominately low intensity development. Cluster housing and other creative planning and development techniques are encouraged to preserve open space, agric. land and environmentally sensitive areas.
Comprehensive Plan Special Areas	Resort Area	Plan includes a series of initiatives to increase economic development opportunities, create Resort Area Gateways and enhance the physical environment, including the area around the Convention Center.