

ORDINANCE 13-05 PROMOTIONAL EVENTS

Ordinance Amendment Report
PC Meeting Date: June 19, 2014



Executive Summary

AN ORDINANCE to amend the Hanover County Code, Zoning Ordinance, Sections 26-6, 26-99, 26-109, 26-119, 26-129, 26-139, 26-164, 26-173 and 26-182, to amend the definition of “Promotional Event” and to provide that Promotional Events are a permitted accessory use in the B-O, Business Office District, B-1, Neighborhood Business District, B-2, Community Business District, B-3, General Business District, OS, Office/Service District, M-1, Limited Industrial District, M-2, Light Industrial District, and M-3, Heavy Industrial District under certain listed criteria.

Planning Analysis

The comprehensive update to the Business Districts (Ordinance 11-12, Comprehensive Business Districts Updated, adopted February 8, 2012) included provisions for relaxing the promotional event regulatory requirements by making them a use permitted with a Special Exception, subject to a public hearing by the Board of Supervisors, to an event requiring an administrative application (no fee), review, and approval in accordance with specific processes and limitations set forth by the Ordinance.

The current Ordinance defines a Promotional Event as follows:

An event held by a single retail or service establishment in connection with a specific occasion (such as the opening of a business, the anniversary of the opening of a business, or the closing of a business) or in connection with a community or charitable event or national or local holiday or celebration.

Within the various business districts the administrative event permit may be issued for a period not to exceed three days, and such events may not be issued to the same applicant or property more than four times in any calendar year. These are but two among several regulatory requirements and limitations. The intent of the ordinance amendment was to liberalize the ability of businesses to undertake promotional activities without the requirement of obtaining a Special Exception Permit. During the course of implementing the relaxed provisions, the Planning Department staff has noted that the current regulations remain more restrictive than initially intended.

The following changes to the definition and regulation of promotional events have been included in Draft Ordinance:

- The definition has been amended to clarify the event is to promote the sale of goods and merchandise or services offered by the business;
- The limit of four events per year has been eliminated;

- The requirement that the event may not utilize required parking spaces or restrict ingress and egress to the site has been clarified; and,
- A provision has been added that requires the event to occur only within normally advertised business hours

The attached Draft Ordinance amendment incorporates the comments made by the Community Development Committee which reviewed the Draft Ordinance on June 24, 2013.

Staff's Recommendation

A Draft Ordinance is attached for the Planning Commission's consideration of the requested amendment. Staff recommends **APPROVAL** of Draft Ordinance Amendment 13-05, Promotional Events.

DPM/sm/pn:ordinances

Attachments

- Blackline of Existing Ordinance

ORDINANCE 13 - 05

AN ORDINANCE TO AMEND THE HANOVER COUNTY CODE, ZONING ORDINANCE, SECTIONS 26-6, 26-99, 26-109, 26-119, 26-129, 26-139, 26-164, 26-173 AND 26-182, TO AMEND THE DEFINITION OF “PROMOTIONAL EVENT” AND TO PROVIDE THAT PROMOTIONAL EVENTS ARE A PERMITTED ACCESSORY USE IN THE B-O BUSINESS OFFICE DISTRICT, B-1 NEIGHBORHOOD BUSINESS DISTRICT, B-2 COMMUNITY BUSINESS DISTRICT, B-3 GENERAL BUSINESS DISTRICT, OS OFFICE/SERVICE DISTRICT, M-1 LIMITED INDUSTRIAL DISTRICT, M-2 LIGHT INDUSTRIAL DISTRICT, AND M-3 HEAVY INDUSTRIAL DISTRICT UNDER CERTAIN LISTED CRITERIA.

WHEREAS in February 2012, the Board of Supervisors completed a comprehensive review of the business zoning districts and included provisions permitting “promotional events” as a permitted accessory use under certain conditions; and

WHEREAS these provisions have provided for greater opportunities for business owners in the County to market their business in a way that is consistent with the public good; and

WHEREAS modifications can be made to clarify the regulations applicable to promotional events for business owners and members of the public; and

WHEREAS the regulations applicable to promotional events should also be included in the County’s industrial zoning districts, to give the owners of companies operating in those districts a similar opportunity to hold promotional events; and

WHEREAS the Board of Supervisors finds that the public necessity, convenience, general welfare and good zoning practice require that the Zoning Ordinance be amended to provide for such regulations;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Hanover County:

1. That the Hanover County Code, Sections 26-6, Definitions, shall be amended to read in its entirety as follows:

Section 26-6. Definitions.

For the purpose of this Ordinance, certain terms and words are hereby defined:

Promotional event: An event held by a single retail or service establishment in connection with a specific occasion (such as the opening of a business, the anniversary of an opening of the business, or the closing of the business) for the purpose of marketing and promoting the sale of goods and merchandise or the provision of services offered by the establishment or in connection with a community or charitable event or national or local holiday or celebration.

2. That the Hanover County Code, Sections 26-99, Permitted Accessory Uses in the B-O Business Office District, shall be amended to read in its entirety as follows:

Section 26-99. Permitted accessory uses.

1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.
2. Parking lot, garage, or deck, accessory to permitted uses.
3. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. ~~A promotional event permit shall not be issued to the same applicant or address more than four (4) times in any calendar year; each promotional event permit shall be separated by a period of not less than 30 days.~~
 - d. ~~Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.~~
 - ed. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - fe. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

4. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.

- b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
5. Wetland banks, facilities used for stormwater management, and conservation projects.
3. That the Hanover County Code, Sections 26-109, Permitted Accessory Uses in the B-1 Neighborhood Business District, shall be amended to read in its entirety as follows:

Section 26-109. Permitted accessory uses.

- 1. The location of office and construction trailers, which shall be removed within thirty (30) days of completion of construction.
- 2. Parking lot, garage, or deck, accessory to permitted uses.
- 3. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. ~~A promotional event permits shall not be issued to the same applicant or address more than four (4) times in any calendar year; each promotional event permit shall be separated by a period of not less than 30 days.~~
 - d. ~~Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.~~
 - ed. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - fe. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.

- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

- 4. Wetland banks, facilities used for stormwater management, and conservation projects.
- 5. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
- 4. That the Hanover County Code, Sections 26-119, Permitted Accessory Uses in the B-2 Community Business District, shall be amended to read in its entirety as follows:

Section 26-119. Permitted accessory uses.

- 1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.
- 2. Material storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are in completely enclosed buildings or otherwise screened in accordance with the requirements of section 26-263. Storage of all materials and equipment shall not exceed the height of the screen. Storage of cars and trucks used in connection with the permitted trade or business is permitted behind the screen. Storage of heavy equipment, such as road-building or excavating equipment, is not permitted.
- 3. Parking lot, garage, or deck, accessory to permitted uses.
- 4. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall

describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.

- b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
- c. ~~A promotional event permits shall not be issued to the same applicant or address more than four (4) times in any calendar year; each promotional event permit shall be separated by a period of not less than 30 days.~~
- d. ~~Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.~~
- ed. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
- fe. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

- 5. Storage of office supplies and goods used in conjunction with a permitted business use. When stored outside, these supplies and goods shall be screened in accordance with the requirements of section 26-263.
- 6. Wetland banks, facilities used for stormwater management, and conservation projects.
- 7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.

- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

5. That the Hanover County Code, Sections 26-129, Permitted Accessory Uses in the B-3 General Business District, shall be amended to read in its entirety as follows:

Section 26-129. Permitted accessory uses.

- 1. The location of office or construction trailers, which shall be removed within thirty (30) days of completion of construction.
- 2. Material storage yards, in connection with a permitted use where storage is incidental to the approved occupancy of the building, provided all products and materials used or stored are in completely enclosed buildings or otherwise screened in accordance with the requirements of section 26-263. Storage of all materials and equipment shall not exceed the height of the screen. Storage of cars and trucks used in connection with the permitted trade or business is permitted within the screen, but not including storage of heavy equipment, such as road-building or excavating equipment.
- 3. Parking lot, garage, or deck, accessory to permitted uses.
- 4. Promotional events that meet the following criteria:
 - a. A permit must be issued by the Director before the promotional event occurs. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. ~~A promotional event permits shall not be issued to the same applicant or address more than four (4) times in any calendar year; each promotional event permit shall be separated by a period of not less than 30 days.~~
 - d. ~~Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.~~
 - ed. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - fe. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”

5. Storage of office supplies and goods used in conjunction with a permitted business use.
6. Wetland banks, facilities used for stormwater management, and conservation projects.
7. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-262, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
6. That the Hanover County Code, Sections 26-139, Permitted Accessory Uses in the OS Office/Service District, shall be amended to read in its entirety as follows:

Section 26-139. Permitted accessory uses.

1. For those B-1 Neighborhood Business District uses permitted above, any permitted accessory use that is permitted under the B-1 Neighborhood Business District regulations is allowed.
2. The location of office or construction trailers for a period not to exceed one (1) year.
3. Residence, when located within a permitted principal structure, for a person employed on the premises as a resident manager, caretaker, or security guard. There shall be only one (1) such residence per structure.
4. Parking garages, accessory to permitted uses.
5. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.

- c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
- d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
- e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

6. Telecommunications arrays, located on an existing structure, provided the following requirements are met:

- a. The existing structure shall be in compliance with all currently applicable regulations.
- b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
- c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
- d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency..

7. That the Hanover County Code, Sections 26-164, Permitted Accessory Uses in the M-1 Limited Industrial District, shall be amended to read in its entirety as follows:

Section 26-164. Permitted accessory uses.

- 1. For those B-1 Neighborhood Business District uses permitted above, any permitted accessory use that is permitted under the B-1 Neighborhood Business District regulations is allowed.
- 2. Accessory uses as follows, on a farm of ten (10) acres or more:
 - (a) Accessory structures for sale or processing of farm products raised on the premises.
 - (b) Accessory open or enclosed storage of farm materials, products, or equipment.

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- (c) Accessory farm buildings, including barns, stables, sheds, tool rooms, shops, bins, tanks, and silos.
 - (d) Dwellings for persons permanently employed on the premises.
3. The location of office or construction trailers for a period not to exceed one (1) year.
 4. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

5. Parking garages, accessory to permitted uses.
56. Storage of goods used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
67. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.

- d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.
8. That the Hanover County Code, Sections 26-173, Permitted Accessory Uses in the M-2 Light Industrial District, shall be amended to read in its entirety as follows:

Section 26-173. Permitted accessory uses.

- 1. For those B-O Business Office District, B-1 Neighborhood Business District and M-1 Limited Industrial District uses permitted above, any permitted accessory use that is permitted under the corresponding district regulations is allowed.
- 2. The location of office or construction trailers for a period not to exceed one (1) year.
- 3. Parking garages, accessory to permitted uses.
- 4. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.
 - f. Promotional events may only occur during the normal business hours of operation on the property.
 - g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered “promotional activities.”
- 5. Storage of goods or materials used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
- 56. Telecommunications arrays, located on an existing structure provided the following requirements are met:

- a. The existing structure shall be in compliance with all currently applicable regulations.
- b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
- c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
- d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
- e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.,

9. That the Hanover County Code, Sections 26-182, Permitted Accessory Uses in the M-3 Heavy Industrial District, shall be amended to read in its entirety as follows:

Section 26-182. Permitted accessory uses.

- 1. For those M-2 light industrial district uses permitted above (which includes, by reference, certain uses permitted in the B-O business office district, B-1 neighborhood district and M-1 limited industrial districts), any permitted accessory use that is permitted under the corresponding district regulations is allowed.
- 2. The location of office or construction trailers for a period not to exceed one (1) year.
- 3. Parking garages, accessory to permitted uses.
- 4. Promotional events, in accordance with the following:
 - a. A permit is issued by the Director. All requests for promotional event permits shall be submitted at least five (5) business days before the promotional event. The application for a promotional event permit shall describe the activities planned and shall contain a sketch plan showing the location of existing structures, parking areas, vehicle entrances and exits, and pedestrian walkways, and the proposed location of the promotional event activities.
 - b. A promotional event permit may be issued for a period not to exceed three (3) consecutive days.
 - c. Promotional events involving the outdoor display of goods and merchandise shall be conducted within an area immediately adjacent to the place where such items are customarily sold.
 - d. No required off-street parking space, area used for vehicular ingress or egress, access drive or loading area shall be utilized for such display or activity.
 - e. A promotional event permit shall not authorize yard sales, flea markets, or other display or sale of used merchandise other than that normally sold by the business holding the promotional event.

- f. Promotional events may only occur during the normal business hours of operation on the property.
- g. If a private sidewalk or pedestrian way in front of the building is used for the display of merchandise or for any activity related to the promotional event, a minimum width of four feet must remain unobstructed for pedestrian use.

All other promotional events shall be considered "promotional activities."

- 5. Sale, display, and storage of used automobiles which have been repaired or assembled on the same zoning lot. All such display or storage shall be within a completely enclosed building.
- 56. Storage of goods or material used in or produced by permitted commercial and industrial uses or related activities, subject to applicable district regulations.
- 67. Telecommunications arrays, located on an existing structure, provided the following requirements are met:
 - a. The existing structure shall be in compliance with all currently applicable regulations.
 - b. The height of the existing structure shall not be increased by more than ten (10) percent or ten (10) feet, whichever is less; provided, for properties located within the Hanover County Airspace Map area, no such increase may be permitted if the increase in height creates a hazard for the Hanover County Airport for existing, future or planned airspaces. In determining whether a proposed structure or addition to an existing structure creates such a hazard, the Director may consult with the Federal Aviation Administration and the Virginia Department of Aviation.
 - c. The arrays shall not cause any interference with, or adverse impact on, the county's communications system.
 - d. Any equipment cabinets or structures placed on the ground to serve the array(s) shall be screened in accordance with section 26-263, unless visually obstructed by existing vegetation or other structures on site.
 - e. The arrays shall not be permitted if lighting, beacons, or other safety devices are required by the Federal Communications Commission, the Federal Aviation Administration, or any other governing agency.

10. This ordinance shall be effective on the date of adoption.