



TOWN OF KILMARNOCK

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Industrial District M-1

Sec. 54-421. Statement of Intent.

The primary purpose of the M-1 district is to permit certain industries that do not in any way detract from residential desirability to locate in any area adjacent to residential uses. The limitations on or provisions relating to height of building, horsepower, heating, flammable liquids or explosives, controlling emissions of fumes, landscaping, and the number of persons employed are imposed and foster adjacent residential desirability while permitting industries to locate near a labor supply.

(Ord. of 6-6-69, art. 2-7)

Sec. 54-422. Use regulations.

In industrial districts M-1 any structures to be erected or land to be used shall be for one or more of the following uses:

- (1) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs. Also the manufacture of small parts such as coils, condensers, transformers, and crystal holders.
- (2) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling.
- (3) Blacksmith shop, welding or machine shop.
- (4) Laboratories, pharmaceutical and/or medical, with a conditional use permit.
- (5) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, daily products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and seafood products with a conditional use permit.
- (6) Manufacturing, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yard and paint.
- (7) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
- (8) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
- (9) Building material sales yards, plumbing supplies.
- (10) Coal and wood yards, lumberyards, feed and seed stores.
- (11) Contractors' equipment storage yards or plants, or rental of equipment commonly used by contractors.
- (12) Cabinet, furniture and upholstery shops.
- (13) Boat building and repair.
- (14) Boat and accessory sales, boat storage, engine and boat repairs.
- (15) Monumental stone works.
- (16) Veterinary or dog or cat hospital and/or kennels, with a conditional use permit.
- (17) Truck terminals.
- (18) Airports and airstrips, with a conditional use permit.
- (19) Wholesale businesses, storage warehouses.
- (20) Off-street parking as defined in section 54-2.
- (21) Public utility generating, booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including railroads and facilities, and water and sewer lines.
- (22) Petroleum storage, with a conditional use permit.
- (23) Finfish and shellfish processing with a conditional use permit.
- (24) Computer hardware, software, or telecommunications manufacture, sales, application, licensing or services.
- (25) Retail sale, wholesale, lease or licensing of goods or services directly to a user, manufacturer, distributor, retailer or customer using computers or telecommunications.
- (26) Manufacture or processing of goods using technology transferred from a state or private university, government, or government contractor.
- (27) Call centers.
- (28) Yard sales with an administrative permit, not to exceed one yard sale every 90 days per location.

(Ord. of 6-6-69, § 2-7-1; Ord. of 10-25-99; Ord of 7-17-00)

Sec. 54-423. Requirements for permitting uses.

- (a) Before a building permit shall be issued or construction commenced on any permitting use in the M-1 district, or a permit issued for a new use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator shall refer these plans to the planning commission for a recommendation to the governing body. The planning commission and the governing body, or either of them, shall make recommendations within 60 days after the application is filed. If formal notice in writing is given to the applicant, the time for action may be extended for a 60-day period. Failure on the part of the administrator to act on the application within the established time limit shall be deemed to constitute approval of the application. Modifications of the plans may be required by the planning commission or administrator.
 - (b) Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, uniformly painted solid fence or evergreen hedge six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any material.
 - (c) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards. Landscaping may be permitted up to a height of three feet and to within 50 feet from the corner of any intersecting streets.
 - (d) Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts and for off-street parking of vehicles incidental to the industry, its employees and clients.
- (Ord. of 6-6-9, § 2-7-2)

Sec. 54-424. Area regulations.

For permitted uses in the M-1 district utilizing individual sewage disposal system, the required area for any such use shall be approved by the health official.

(Ord. of 6-6-69, § 2-7-3)

Sec. 54-425. Setback regulations.

Buildings in the M-1 district shall be located 100 feet or more from the centerline of any street or road right-of-way but in no event less than 75 feet from the edge of the right-of-way. This shall be known as the setback line. Signs advertising sale or rent of premises may be erected up to the property line.

(Ord. of 6-6-69, § 2-7-4)

Sec. 54-426. Frontage and yard regulations.

For permitted uses in the M-1 district, the minimum side and rear yards adjoining or adjacent to a residential district shall be 100 feet. The minimum side and rear yards abutting all other districts shall be 25 feet. Off-street parking shall be in accordance with the provisions of section 454-448.

(Ord. of 6-6-69, § 2-7-5)

Sec. 54-427. Height regulations.

Buildings in the M-1 district may be erected up to a height of 35 feet. For buildings over 35 feet in height, approval shall be obtained from the zoning administrator and the governing body. Chimneys, flues, cooling towers, flag poles, radio or communication towers or their accessory facilities not normally occupied by workmen are excluded from this limitation. Parapet walls are permitted up to four feet above the limited height of the building on which the roof rests.

(Ord. of 6-6-69, § 2-7-6)

Sec. 54-428. Coverage regulations.

Buildings or groups of buildings, with their accessory buildings, may cover up to 70 percent of the area of the lot.

(Ord. of 6-6-69, § 2-7-7)

Sec. 54-429. Sign regulations.

All signs permitted in any other district of the town shall be permitted in the industrial district M-1.

(Ord. of 6-6-69, § 2-7-8)