

412 M-1 INDUSTRIAL DISTRICT

This district is intended for general manufacturing uses which (1) do not generally require large amounts of land; (2) do not generate excessive amounts of traffic; (3) are consistent with the capacity and availability of public and private services; (4) limit the intermixing of residences; and (5) have the potential of generating limited environmental impact, including but not specifically limited to the creation of odor, smoke, dust, glare, vibration, noise and the use of dangerous and/or hazardous materials. This district is not intended for basic industry uses or residential uses.

A. Permitted Uses.

1. Agricultural, Construction and Oil Field Equipment Assembly, Repairs, Storage and Sales.
2. Agricultural Feed, Grain and Fertilizer Mixing, Storage and Sales.
3. Aircraft Sub-assembly and Parts Manufacturing, including incidental sales.
4. Animal Hospitals, which may include accessory Incineration Facilities for disposal of dead animals. Animal Hospitals may provide accessory Dog Kennel facilities, provided all such activities are conducted within a completely enclosed building. The Animal Hospital may include the incidental sales of pet supplies and accessories.
5. Assembly, Manufacture or Repair of electrical and mechanical appliances, instruments and the like.
6. Automobile, Truck, Trailer, Motorcycle and Recreational Vehicle, Repair, Storage and Sales, including Body and Fender Repair. [See 412.G.3].
7. Automobile Service Stations and Car Washes. [See 412.G.5].
8. Boat Building, Repair and Sales.
9. Building Material Production (no extraction operation), Storage and Sales including manufactured housing, lumber, mixed concrete, asphalt, sand and gravel. [See 412.G.3].
10. Burial Monument Sales.
11. Business and Professional Offices.
12. Clothing and Textile Manufacture, including incidental sales.
13. Construction Contractor's Office, Equipment and Storage area. [See 412.G.3].
14. Equipment Rental and Sales Businesses. [See 412.G.3].
15. Food Manufacture, Distribution, Storage and Sales. [See 412.B.22].
16. Furniture Manufacture, Repair and Sales.

17. Garden Centers.
18. Greenhouses, including incidental sales.
19. Home Improvement Centers.
20. Laundry, Dry Cleaning and Dyeing Works.
21. Lumberyards.
22. Machine Shops.
23. Mail Receiving and Packaging Services.
24. Manufactured Products such as: bags, bicycles, brooms, brushes, ceramics, cosmetics, drugs, jewelry, paint, paper goods, shoes, sporting and office equipment, toys and the like.
25. Metal Fabrication and Assembly, including incidental sales.
26. Microbreweries and Microdistilleries.
27. Motor Freight Terminals.
28. Pet Cemeteries, including accessory Incineration Facilities for disposal of dead animals.
29. Plant Nurseries, including incidental sales.
30. Printing Firms.
31. Private Clubs and Drinking Establishments, if located outside of APZ II.
32. Private, operated for profit, Outdoor Recreational uses.
33. Publishing Companies.
34. Public Utility Uses including water towers and standpipes not exceeding the Bulk Regulations set forth in Section 412.F.
35. Research Laboratories.
36. Restaurants, including drive-in and drive-through establishments, provided such uses are located outside of APZ II.
37. Security Device Shops.
38. Sign Shops; Manufacture, Construction, Service and Sales.
39. Stone Monument Works.

40. Swimming Pool Equipment Businesses.
41. Truck Service Stations and Truck Washes. [See 412.G.5].
42. Welding Shops.
43. Wholesale Businesses and Storage and Mini-Storage Facilities; except those, which handle products of an explosive, combustible or volatile nature such as anhydrous ammonia, petroleum products, dynamite including fireworks or similar products, which may be determined by the Zoning Administrator to be potentially dangerous to life and/or property.
44. Communication structures, television and radio antennas and broadcasting and microwave transmitting and relay towers which are mounted on the roof or directly secured to a wall of a principal building when the height of the communication equipment is 60 feet or less;
45. Mobile food vending as permitted by the Derby Municipal Code.
46. Other uses not specifically listed above as permitted uses, but which in the opinion of the Zoning Administrator are in keeping with the intent of Section 412 and compatible with the uses listed in Section 412.A.

B. Uses Prohibited.

Nothing in the proceeding subsections shall be construed to permit the following uses in the "M-1 District:

1. Acid Manufacture.
2. Adult or Child Day Care, except as permitted by Section 600(B), provided such accessory use is located outside of APZ II.
3. Automobile Race Tracks.
4. Cement, Lime, Gypsum or Plaster of Paris Manufacture.
5. Churches, Chapels, Temples, and Synagogues.
6. Creosote or Tar Treatment.
7. Distillation of Bones.
8. Explosives Manufacture or Storage, including Fireworks.
9. Fat Rendering.
10. Fertilizer Manufacture.

11. Garbage, Offal or Dead Animal Incineration or Reduction, unless the incineration facility is accessory to an Animal Hospital or a Pet Cemetery.
12. Glue or Soap Manufacture.
13. Hospitals.
14. Medical and Dental Offices.
15. Minor Medical Emergency Centers when located within APZ II.
16. Motorcycle Motorcross.
17. Petroleum Processing and Refining.
18. Primary Smelting of Base Metals from Ore.
19. Those Public Assembly Uses which are otherwise permitted in the M-1 District, e.g., Restaurants, Private Clubs and Drinking Establishments when located within APZ II.
20. Residential uses except for a night watchman permitted as part of an exception granted in accordance with Section 1004 of these regulations for a Building Materials Storage Yard or an Outdoor Storage yard which leases space for the temporary storage of operable commercial trucks or trailers, recreational vehicles or equipment, boats, campers, automobiles and/or trucks.
21. Retail Food Stores which have an enclosed floor area exceeding 3,000 square feet when located within APZ II.
22. Stockyards, Livestock Sales Barns and the Slaughter of animals and poultry.
23. Tanning, Curing or Storage of Rawhides or Skins.

C. Special Uses.

1. See Section 1101 of these regulations.

D. Exceptions.

1. See Section 1004 of these regulations.

E. Lot Size Requirements.

1. Minimum lot area: 10,000 square feet.
2. Minimum lot width: 100 feet.
3. Minimum lot depth: 100 feet.

F. Bulk Regulations.

1. Maximum structure height: Three stories or 50 feet, exclusive of grain elevators, except that television and radio antennas, broadcasting and microwave transmitting and relay towers and water towers and standpipes may be a maximum height of 60 feet.
2. Yard requirements:
 - a. Minimum front yard: 35 feet when adjacent to an arterial street, 25 feet when adjacent to other types of street rights-of-way. No portion of a communication structure, television and radio antenna or broadcasting and microwave transmitting and relay tower, aerial or any anchor or guy may encroach upon the land or airspace of a required front yard setback.
 - b. Minimum side yard: When adjacent to a non-residential district, none, but if a side yard is provided, it shall be not less than 10 feet. When adjacent to a residential district, it shall not be less than 20 feet.
 - c. Minimum rear yard: When adjacent to a non-residential district, none, but if a rear yard is provided, it shall be not less than 10 feet. When adjacent to a residential district, it shall not be less than 25 feet.
3. Maximum lot coverage: 75%

G. Use Limitations.

1. Outdoor operations, display and storage is prohibited within a FRONT YARD SETBACK, except as provided for below:
 - a. Required and accessory customer and employee vehicle parking and parking for vehicles used in conjunction with the business occupying the zoning lot is permitted in the FRONT YARD SETBACK;
 - b. If the principal business use is the sales or rental of automobiles, trucks, boats, trailers, recreational vehicles or motorcycles, the display of such vehicles or equipment for sale or rent may be located on paved areas within the FRONT YARD SETBACK;
2. Development of any part of a site which is located within APZ II, as established by the 1994 AICUZ Study prepared by the United States Air Force and any amendments thereto, shall observe maximum lot coverage restrictions established in 411.E [Bulk Regulations - B-5 District] of these regulations.
3. Businesses devoted to the temporary OUTDOOR STORAGE OF OPERABLE VEHICLES, BOATS, RECREATIONAL VEHICLES OR EQUIPMENT, TRAILERS and such, EQUIPMENT SALES AND RENTAL BUSINESSES which involve outside storage yards for equipment or vehicles that are for rent or sale and BUILDING CONTRACTOR or BUILDING MATERIAL PRODUCTION OR STORAGE BUSINESSES which involves the outside storage of excavation and/or earth moving equipment and/or building materials and supplies, shall provide fenced storage yards

- for such items that are paved with concrete, asphalt or asphaltic concrete or which are surfaced with minimum three-quarter inch diameter crushed rock or approved alternate material, such as asphalt millings, to a depth of at least four inches. If a crushed rock or alternate material surface is selected, the subgrade of such areas shall be treated to the specifications of the City Engineer. Areas surfaced with crushed rock shall be treated with dust retardants, as needed, and stored equipment and vehicles shall be kept free of weeds. Appropriate fire-lane aisles and, if required, fire hydrants shall be provided. All vehicular parking areas for customers, employees and for vehicles associated with the business, except as provided above, shall be paved with concrete, asphalt or asphaltic concrete.
4. Areas used for the temporary outdoor storage of vehicles undergoing active repair shall be paved with asphalt, concrete or asphaltic concrete. Such temporary outdoor storage areas shall not be located within any FRONT YARD SETBACK. Storage, outside of a completely enclosed building, of inoperable vehicles and equipment that are not undergoing active repair or which is being salvaged or "parted out" is not permitted in the M-1 District, unless an exception for a salvage yard has been granted in accordance with Section 1004 of these regulations.
 5. Outdoor merchandise display areas shall be paved with concrete, asphalt or asphaltic concrete and, except as provided above by use limitation number 1, shall not be located within any FRONT YARD SETBACK. The arrangement of display items shall not obstruct handicapped accessibility or impede pedestrian movement.
 6. Outdoor signs as permitted by Article 7 of these regulations. The attaching or painting of advertisement on any wall or fence erected to provide screening from adjacent properties is prohibited.
 7. Screening and landscaping as required by Section 304 of these regulations, unless specified otherwise by this District's provisions. For purposes of the M-1 District, the term SOLID VISUAL SCREENING means an opaque wall or fence with a height of at least six feet which is required to prevent the passage of debris and light and to mitigate adverse visual impacts. The wall or fence shall be constructed of brick, stone, masonry, architectural tile, concrete, wood or a combination of those materials, but may not include the use of woven wire, welded wire or metal panels. When the wall or fence is located within 20 feet of a street right-of-way, the height of the wall or fence shall be reduced to three feet.
 8. Off-street parking and loading as required by Article 5 of these regulations.