

## ARTICLE 24

### “I-2 GENERAL INDUSTRIAL DISTRICT”

#### PREAMBLE

This district has been established to accommodate a broad range of industrial activities, diverse in products, operational techniques and size, which have a greater impact upon their environment than those permitted in an "I-1" district.

#### SECTION 2401 PRINCIPAL PERMITTED USES

- A. Any use permitted in Section 2301. The Required Conditions of Section 2404 shall be applicable.
- B. The manufacturing, compounding, assembling or treatment ( or any combination of such processes) of articles or products from the following previously prepared materials:
  - 1. Light metal products, excluding structural steel and foundry products.
  - 2. Pharmaceutical products, including cosmetics, toiletries and the compounding of perfumes, but excluding the manufacture of soap from raw materials.
- C. Any industrial activity, such as those enumerated below as examples, which fulfills all the requirements of the other sections of this Article, and is not listed initially as a permitted use in Article 25.
  - 1. Bus garages, repair and storage.
  - 2. Cement block and formed products manufacturing.
  - 3. Building material sales and storage facilities.
  - 4. Cold storage plants.
  - 5. Concrete mixing plants.
  - 6. Contractor sales, storage and equipment yards, but excluding salvage

material or debris.

7. Motor vehicle repair and storage facilities.

8. Sawing and planing mills.

9. Trucking and motor freight terminals.

D. Small Solar Facility, defined as “a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designated for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts,” shall be a permitted use only in the I-2 General industrial District. Any such solar energy installation shall meet the specific requirements for accessory structures in the General Industrial District, as well as the following requirements for a small solar Facility:

1. Application Process: A small Solar Facility to be located in the General Industrial District is subject to and shall comply with the application process and requirements provided under this Zoning Resolution.
2. Coverage: A Small Solar Facility shall be included as part of any lot/tract/ground coverage calculation applicable to the General Industrial District and shall not exceed in the aggregate 50% of the total area of the lot or tract. The removal of prime agricultural soil shall be limited to 2 acres in total for the purpose of installing any building, components, or facility not intended for an agricultural purpose. In addition, no Ground Mounted Solar Energy System shall disturb more than 4,356 square feet of hydric soil. Hydric soils in Montgomery County can be viewed at the Natural Resources Conservation Service (NRCS) website: <https://www.usda.gov>.
3. Location: Any Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard. No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way. No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
4. Height: The maximum height of any Integrated or Rooftop Solar Energy

System shall not exceed the maximum height applicable to principal structures located in the General Industrial District. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached. The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed 12 feet.

5. Buffers and Setbacks: Where a Small Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Small Solar Facility (other than components located entirely underground) shall be located within 150 feet of an existing residential dwelling. No Small Solar Facility (other than components located entirely underground) shall be located within 150 feet of another property line. No Small Solar Facility (other than components located entirely underground) shall be located within 150 feet of a public right-of-way or shared-use driveway. Any Small Solar Facility must comply with the setback requirements applicable to the zoning district where located.
6. Visual Buffer: A Small Solar Facility shall have a visual buffer of natural vegetation, plantings, and/or fencing that does all of the following: enhances the view from any existing residential dwelling and from any Public right-of-way; is in harmony with the existing vegetation and viewshed in the area; and provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities to adjacent lots and from any public right-of-way. Ground Mounted Solar Energy Systems located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the General Industrial District. All visual buffers shall meet specified height and setback requirements at the time of installation and be maintained over the life of the facility.
7. Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times. If fencing includes barbed wire to meet NEC requirements for high voltage installations (e.g., NEC 110.31), a visual buffer of natural vegetation and plantings equal to the height of the fencing, at a minimum, must be maintained. No fencing shall be greater than 8 feet in height.

8. Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township, County, and State maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
  
9. Maintenance: Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.
  
10. Decommissioning Plan: Any Small Solar Facility shall submit a decommissioning plan, which shall be prepared by a professional engineer registered with the state board of registration for professional engineers and surveyors. The Board of Zoning Appeals may reject the engineer chosen by the applicant and require the applicant to choose another qualified engineer. The plan shall contain the following:
  - A list of all parties responsible for decommissioning
  - A schedule of decommissioning activities, not to extend beyond twelve months from the date the utility facility ceases operation
  - An estimate of the full costs of decommissioning the facility, including the proper disposal of all facility components and restoration of the land on which the facility is located to its pre-construction state

- A recalculation of decommissioning costs every five years from the date of the original decommissioning plan, or from the date of the latest updated decommissioning calculation, by a professional engineer as detailed above.

11. Performance Bond: Prior to beginning construction, the applicant shall post a performance bond to ensure that funds are available for the decommissioning of the facility. The performance bond shall be equal to the estimate of the costs of decommissioning included in the decommissioning plan and shall be held in escrow in a financial institution until the Board of Zoning Appeals has determined that the facility has been decommissioned according to the requirements of the decommissioning plan.
12. Drainage: A survey shall be required by the German Township Board of Zoning Appeals as part of the approval process to ensure that no facility will be constructed that changes the flow of current streams or channels or the functioning of drainage systems, which may negatively impact any upstream and downstream properties.
13. Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the Township fire marshal, verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
14. Lighting: Any lighting for a Small Solar Facility shall meet any lighting restrictions applicable to the General Industrial District. In addition, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
15. Noise: Any Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to the General Industrial District.
16. Advertising: Small Solar Facilities and the property where located shall not

be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

17. Building Permits: All Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and Montgomery County or other local building jurisdiction.
18. Other Restrictions: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations. In addition, it shall be a violation of these zoning ordinances for a Small Solar Facility, or the energy derived from such a facility, to be aggregated, consolidated, or linked in any form with any other facility when the result may exceed the 50 megawatt maximum limit of a Small Solar Facility.
19. Certificate of Zoning Compliance: A certificate of zoning compliance shall be required before any construction is commenced on a Small Solar Facility. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a certificate of zoning Compliance:
  - An engineering report that shows:
    - The total size and height of the proposed Small Solar Facility.
    - Data specifying the megawatt size and generating capacity in megawatts of the particular Small Solar Facility.
    - Hazardous materials (e.g., batteries, transformers) containment and disposal plan.
    - A site drawing showing the location of the Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
    - Evidence of compliance with applicable setback and all other applicable zoning restrictions.
    - A maintenance schedule as well as a dismantling plan that outlines how the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.

- Approval by Township fire marshal, as detailed above under Safety Services.
- Any other information or materials reasonably requested by the Zoning Inspector.

## SECTION 2402 ACCESSORY USES

- A. Accessory uses, building or other structures customarily incidental to any aforesaid permitted use.
- B. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

## SECTION 2403 CONDITIONAL USES

The following Conditional Uses subject to approval in accordance with Article 4, Section 406:

- A. Bulk storage of corrosive acids and acid derivatives and bulk storage stations for liquid fuels, petroleum products, petroleum and volatile oils, in accordance with Section 2405 hereof.
- B. Extraction of sand and gravel and other raw materials subject to the provisions of Chapter IX, Article 45.

## SECTION 2404 REQUIRED CONDITIONS

No zoning certificate shall be issued for an "I-2" use, until the applicant shall have certified to the Zoning Inspector that:

- A. Where the property lines separate an Industrial District from a Residential District, a visual and mechanical barrier, a minimum of six (6) feet in height, shall be provided along the common lot line, which may consist of any of the following:
  - 1. An evergreen hedge used with a chain link fence. Such hedge shall not be less than three (3) feet in height.
  - 2. A solid fence of a non-deteriorating material.
  - 3. Masonry wall.

- B. No noise from any operation conducted on the premises, either continuous or intermittent, shall violate the provisions of Article 44.
- C. No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animals or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken.
- D. The emission of smoke or other air pollutants shall not violate the standards and regulations of the Montgomery County Combined General Health District. Dust and other types of air pollution borne by the wind shall be kept to a minimum by appropriate landscaping, paving, effective 6/14/12 oiling, or other acceptable means.
- E. The emission of odors or odor-causing substances shall not violate the standards and regulations of the Montgomery County Combined General Health District.
- F. There will be no vibrations which can be detected without the use of instruments at or beyond the lot lines.
- G. Any operation that produces intense glare or heat shall be performed within a completed enclosed building or structure and exposed sources of light shall be screened so as not to be detectable at the lot line.
- H. Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon property located in any Residential District or upon any public street.
- I. No building or structure shall be used for residential purposes except that a watchman or custodian may reside on the premises.
- J. All premises shall be furnished with all weather hard surface walks of a material such as bituminous or portland cement concrete, asphalt, wood, tile, terrazzo, or similar material and, except for parking areas, the grounds shall be planted and landscaped.
- K. The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - 1. The storage, utilization or manufacture of solid materials or products



ranging from free or active burning to intense burning is permitted, but only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gasses shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved.
  3. The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation is prohibited.
  4. The manufacture of flammable liquids or materials which produce flammable or explosive vapors or gasses is prohibited.
  5. The storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gasses shall be permitted on any lot in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshal for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids."
- L. The handling of radioactive materials, the discharge of such materials into air and water and the disposal of radioactive wastes shall be in strict conformance with:
1. The applicable regulations of the governing Federal agency.
  2. The applicable regulations of any instrumentality of the State of Ohio.
- M. Material or merchandise stored or stockpiled in unsheltered storage bins or outside storage piles or pits shall not exceed a height limit of twenty (20) feet above normal ground level at that point and said storage area shall not be located closer than fifty (50) feet from any property zoned for residential purposes.

Failure to comply with any of the Required Conditions by property owners or users will be considered a zoning violation appropriate for prosecution under the terms of this Resolution.

## SECTION 2405 DEVELOPMENT STANDARDS

In addition to provisions of Chapters VIII and IX, General Regulations and Special Regulations, the following standards for arrangement and development of land and buildings are required in the "I-2" General Industrial District.

2405.01 HEIGHT REGULATIONS No structure shall exceed forty (40) feet in height.

### 2405.02 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

A. The following minimum requirements shall be observed:

1. Lot Area None
2. Lot Frontage Minimum 100 ft\*
3. Yards (minimum)
  - Front Yard Depth\*\* 50 ft
  - Side Yard A side yard shall be required adjacent to a Residential or a Planned Residential District. Such side yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of forty (40) feet.
  - Rear Yard A rear yard shall be required adjacent to a Residential or a Planned Residential District. Such rear yard shall be equal to twice the height of the structure with a minimum requirement of twenty (20) feet and a maximum requirement of fifty (50) feet. If a use is to be serviced from the rear, the yard shall be at least fifty (50) feet deep.

### 2405.03 MAXIMUM LOT COVERAGE

Fifty (50) percent of lot area.

2405.04      MAXIMUM FLOOR AREA RATIO

0.5 - Calculated as total covered area on all floors of all buildings / area of the plot

\*Or such lesser frontage as will permit compliance with the Side Yard and Off-Street Parking Requirements.

\*\*The front yard depth shall be measured from the established right-of-way lines as shown on the Official Thoroughfare Plan for Montgomery County.