

**Section 408.00**  
**COMMERCIAL DEVELOPMENT, CONSERVATION**  
**DISTRICT (CDCD)**

**Section 408.01 Definition**

“Commercial Development - Conservation District (CDCD)”: means a contiguous area of real property under the same ownership of record in which commercial uses may be constructed under more flexible regulations than those that would apply under the commercial regulations set forth in Section 409.00 of this resolution, in order to preserve open space and to advance the purposes set forth herein in Section 408.02

**Section 408.02 Purpose**

It shall be the purpose of a CDCD to:

1. Permit unified, yet flexible, development.
2. Encourage development in a “campus style” atmosphere with a reasonable amount of open space and compatible architectural styles within the development.
3. Allow development that is in harmony with the capability and suitability of the land.
4. Protect environmentally sensitive areas such as wetlands, floodplains, riparian corridors, ground water recharge aquifers, steep slopes, prime agricultural land and substantial wooded areas.
5. Promote the efficient use of land as well as the installation of utilities and infrastructure to reduce the amount of impervious surfaces such as roads, driveways, and parking areas that increase the volume and velocity of storm water runoff.
6. Enhance the use of native and appropriate landscaping and ground cover that advance functional qualities related to best management practices for storm water runoff.
7. Minimize the impact of development on existing roads by reducing points of ingress and egress through careful traffic circulation planning within the development to reduce congestion and to enhance access by law enforcement, firefighting apparatus, and emergency vehicles.
8. Coordinate the planning of the density of development, setbacks, building size, spacing between buildings and structures, lot coverage, building and structure height, vehicular and pedestrian circulation, signage, lighting, utilities, water supply and sewage treatment facilities.
9. Promote the general welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services, and encouraging innovation in the planning and building of commercial uses as permitted by these regulations. Within a CDCD, the regulations need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety, morals, and the other purposes expressed in this section.

**Section 408.03 Application Process**

1. Pre-application meeting. The applicant should meet jointly with the zoning inspector and the zoning commission prior to submitting an application for development plan review and the establishment of a CDCD under these

regulations. A concept plan of the overall development site should be provided by the applicant. The purpose of this meeting is to discuss early and informally with the applicant the purpose of these regulations and the criteria contained within them. However, no formal action shall be taken to approve or disapprove a concept plan at said meeting and no discussions, opinions, suggestions or recommendations of the zoning inspector and/or the zoning commission shall be assumed by the applicant to indicate subsequent development plan approval or disapproval by the zoning commission.

2. **Application.** An application and the requisite review fee for development plan review and the establishment of a CDCD shall be filed by the owner at a meeting of the zoning commission. The application shall include a development plan as required by these regulations.
3. **Transmittal.** The zoning commission shall, within 15 (fifteen) days after receipt of the application and plan, refer a copy thereof to the zoning inspector, the board of township trustees, the fire department, the police department, the road superintendent, the county engineer, the county soil and water conservation district, the county water resources department and to the county planning commission.
4. **Development plan review.** Within 10 (ten) days from the receipt of the application, the zoning commission shall determine at a meeting whether the content of the application and accompanying development plan comply with the provisions of these regulations, Section 408.02 and Section 408.03. Upon a determination by the zoning commission that the application and development plan are complete, then the zoning commission shall notify the applicant accordingly in writing and within 10 (ten) days after said finding, the zoning commission shall determine if the application and development plan are in compliance with Sections 408.04, 408.05 and 408.06 of these regulations and shall approve it or approve it with conditions at a meeting of the commission. The zoning commission shall consider any comments regarding the application and development plan from the officials and agencies specified in paragraph 3 above. The zoning commission's determination of compliance with these regulations shall not be considered to be an amendment to the zoning resolution pursuant to O.R.C. Section 519.12, but may be appealed pursuant to O.R.C. Chapter 2506.
5. **Denial.** If the zoning commission's final determination regarding the application and development plan is one of noncompliance, it shall cite the applicable regulation(s) violated and advise the applicant accordingly in writing. If a court of competent jurisdiction makes a final non-appealable order finding compliance, the commission shall approve the application and plan and upon approval shall cause the zoning map to be changed.

#### **Section 408.04 Development Plan Content Submission Requirements**

- A. **Development Plan:** The applicant shall submit a proposal/site plan, including drawings and maps for a conservation development, prepared in accordance with these regulations, illustrating the proposed design, layout, and other features for the development, including all elements set forth in this Section.
- B. The development plan shall, at a minimum, include the following items. It shall be drawn at a scale of 1"=100' or larger on a sheet size of 24"x 36".
  1. Name, address, and phone number of the owner and the person(s) who prepared the plan. Owner's certification that the development plan represents a proposed development of his/her real property.
  2. Proposed name of development, road name(s), scale, north arrow, and date.
  3. Volume and page number(s) for deed of record and permanent parcel number(s) for the overall site and all contiguous lots. Tract, lot, and section number for the overall development site.

4. If prepared by a Registered surveyor or registered engineer, it shall include the certification that the plan has been prepared by him/her based upon a field survey of the premises. Signature, date and seal on each page by the professional surveyor or engineer who prepared the plan and that it is based on a field survey of the boundary of the overall development site.
  5. Tabulation (in acres) of the area in lots, area in open space, area in road right-of-way(s), area in other blocks or parcels, and the total length of each road (lineal feet).
  6. Dimensions and acreage of the boundaries of the overall site and each of the lots, blocks for open space and any other parcels, including outlots, to be created. Each lot shall be numbered and blocks given a letter designation. Outlots shall be identified as such and given a letter designation.
  7. Dimensions and acreage in existing and proposed road right(s)-of-way and easements.
  8. Building and riparian setback lines, per Mantua Township Zoning Code Section 401 and Section 606, with dimensions and spacing between existing and proposed buildings.
  9. Topography, at an interval of two feet, with elevations labeled.
  10. Identification of drainage ways, watercourses, wetlands (including Ohio EPA Category based on the Ohio Rapid Assessment Method), floodplains, and soil types.
  11. Identification of natural land cover features such as wooded areas.
  12. Distance from lot lines and identification of any existing buildings (footprints), driveways, ponds, oil and natural gas wells, storage tanks, and other structures.
  13. Location of proposed signage, parking, driveways, trails, pedestrian paths, recreational facilities, storm water basins, dams, fire protection ponds, water wells, water treatment plants, sewage treatment systems, and other buildings or structures.
  14. Proposed entrance features and landscaping treatments.
  15. The development plan shall be submitted for the entire development site. If the development site is to be phased, the boundaries of each phase shall be shown.
  16. Signature block and date for the chairman of the zoning commission, evidencing the approval of the development plan.
- C. Other Submission Requirements

The following additional information shall be included with the application:

1. A copy of the recorded deed of record for the overall development site.
2. A copy of a current title examination for the overall development site.
3. If the site is to be served by central sanitary sewer and/or water supply facilities, evidence that it is within an approved Health Department plan, Ohio EPA, and 208 Plan of the Federal Clean Water Act.

4. If the site is to be served by on-site waste water treatment systems, evidence from a qualified soils scientist that an on-site soils evaluation has been conducted.
5. A copy of the declaration of covenants and restrictions, including provisions for the ownership and maintenance of the open space in perpetuity. Such open space shall be held by an association and shall be covered by a permanent conservation easement held by a bona fide land trust or such other entity to ensure that it remains in open space as shown on the development plan in perpetuity and that it is properly monitored. A copy of the documentation pertaining to the formation of the association and the proposed instrument conveying the conservation easement.
6. A traffic impact analysis conducted by a qualified professional engineer may be required at the discretion of the zoning commission, showing anticipated traffic counts to be generated by the development, traffic flow, signalization, and impacts on the level of service upon adjacent roads.
7. A copy of the ODOT entrance permit if any proposed roads will intersect a designated state route.
8. Typical architectural designs, building facades, and elevations for the proposed buildings and structures.
9. A report, prepared by a professional hydrologist, with respect to the expected availability of ground water to serve the overall development site may be required by the zoning commission.
10. Such other information as may be required by the zoning commission in order to ensure compliance with these regulations.

#### **Section 408.05 Development Regulations**

- A. **Principal permitted uses:** All of the permitted principal buildings, structures, and uses permitted in the Commercial District(s) in accordance with Section 409.00, may be allowed in the CDCD.
- B. **Accessory buildings, structures and uses:** All of the permitted accessory buildings, structures, and uses permitted in the Commercial District(s) in accordance with Section 610.03 may be allowed in the CDCD.
- C. **Minimum overall development site area:** 25 (twenty -five) acres.
- D. **Minimum lot area:**
  1. In order to foster a "campus style" atmosphere, the development site need not be divided into individual building lots. The individual building sites may be held in Business ownership or a leasehold arrangement.
  2. If the development area is to be subdivided into individual building lots, then the minimum lot area shall be 2.5 (two and one half) acres.
  3. The zoning commission may require lots of record within the overall development site to be consolidated in order to avoid, for example, an existing or proposed building or structure straddling or encroaching a lot line or creating a non-conformity with respect to minimum yards (setbacks) required by these regulations.
- E. **Minimum lot frontage:** 150 (one hundred fifty) feet. For any lot located upon the arc of a permanent cul-de-sac, the minimum lot frontage shall be 75 (seventy five) feet. The minimum lot frontage for a corner lot shall be 150 (One hundred fifty) feet along each road.

- F. Minimum lot width: The minimum lot width, measured at the building setback line, shall be 150 (one hundred fifty) feet.
- G. Minimum perimeter setback:
1. 50 (fifty) feet measured from all external boundaries of the overall development site.
  2. Where the CDCD boundary is contiguous with a residential district boundary as shown on the official township zoning map, the minimum perimeter setback shall be 100 (one hundred) feet.
- I. Minimum yards (setbacks):
- A. Front yard: 100 (one hundred) feet.
  - B. Each side yard: 50 (fifty) feet.
  - C. Side yard for corner lot: shall be the same as the front yard
  - D. Rear yard: 75 (seventy five) feet.
- J. Minimum riparian setback: Same as required in Section 401.07 F.3.
- K. Minimum spacing between buildings: The minimum distance between buildings, measured in a straight line from the nearest exterior wall or foundation of a building to the next, shall be 30 (thirty) feet.
- L. Maximum height: 30 (thirty) feet.
- M. Maximum overall development site coverage by impervious surfaces: The total area included in the development plan shall have no more than 20 (twenty) % coverage by impervious surfaces.
- N. Maximum lot coverage and maximum floor area: Same as required in Section 409.04
- O. Minimum floor area: 3000 (three thousand) square feet
- P. Maximum floor area: Same as required in Section 409.04.
- Q. Exterior lighting: Same as required in Section 409.08.
- R. Dry hydrants shall be installed in Round-up Lake, as per the Mantua- Shalersville Fire Department, , unless central water lines with hydrants are in place
- S. Sewage treatment facilities: The applicant shall demonstrate that the appropriate governmental authority has approved the sewage treatment disposal facility or on-site sewage treatment systems for all of the lots or sites included in the overall development plan prior to the approval and issuance of a zoning certificate by the zoning inspector. See Section 401.07I.
- T. Water supply and treatment facilities: The applicant shall demonstrate that the appropriate governmental authority has approved the central water supply and treatment facilities, if any, for all of the lots or sites included in the overall development plan prior to the approval and issuance of a zoning certificate by the zoning inspector

- U. Refuse containers: Dumpsters or other refuse containers shall be fully screened from view by an opaque wall or fence, shall be located completely behind the principal building, and shall not be within any off-street parking or loading/unloading spaces, and shall be placed on a concrete pad.
- V. Parking spaces and driveways: See Sections 900.00 (parking spaces) , and 610.06 (driveways).
- W. Signs: See Section 1000.00
- X. Landscaping plan: See Section 700.00.
- Y. Water management and sediment control: Shall be provided in accordance with Sections 401.07F, 800.06, 900.05, 900.07 and as specified by the Portage County Soil and Water Department.
- Z. Utility easements: Shall be twelve (12) feet in width parallel and contiguous with all roads. Otherwise, such easements shall be twenty (20) feet in width. All utility lines and cable shall be underground.

### **Section 408.06 Site Design Requirements**

- A. Buildings shall front along the internal roads within the development site.
- B. The number and size of off-street parking and loading/unloading spaces shall be in accordance with Section 900.00 of this resolution. In addition, the following provisions shall apply:
  1. Joint off-street parking areas and driveways for ingress/egress serving multiple buildings, structures, and uses are encouraged in a CDCD so as to limit impervious cover and to lessen storm water runoff.
  2. The zoning commission may consider "banking" off-street parking spaces in a CDCD, particularly if the development area is phased. Such spaces shall be so identified on the development plan and shall be temporarily placed in open space for future conversion to off-street parking spaces.
  3. Loading/unloading spaces shall be to the side or rear of the building.
  4. Off-street parking and loading/unloading spaces, driveways, and aisles shall be paved with asphalt, concrete, or approved permeable pavement, and the spaces shall be striped. Aisles and driveways shall have appropriate directional pavement arrows to assist in traffic flow as well as traffic control signage.
  5. Direct driveway ingress/egress to adjacent roads shall be prohibited. Direct driveway ingress/egress to buildings, off-street parking and loading/unloading areas shall be from the internal roads in the CDCD development.
  6. All off-street parking and loading unloading areas shall be properly lighted in accordance with these regulations.
  7. Off-street parking areas shall contain landscaping islands that may serve the dual purpose of storm water and traffic control. Such landscaping islands shall be a part of the landscape plan submitted in accordance with these regulations. See Section 700.12B.
  8. Culvert pipe, driveway and road entrance permits shall be secured from the appropriate governmental regulatory agency.
- C. Trails or walking paths may be provided and linked with other existing or planned trails or paths to provide a viable circulation system. Such trails or paths shall be a minimum of 10 (ten) feet in width, and shall be constructed with pervious materials.

D. Signage: Signs shall be in accordance with the regulations set forth in Section 1000.00 of this resolution.

E. Open space: see Section 408.07

F. Road Design Specifications and Plans

a. General Design Criteria per Section 401.08 of the Mantua Township Zoning Code and per approval of the Portage County Engineer.

- i. Road design shall reflect the minimum right-of-way needed to provide adequate and safe vehicular movement throughout the development area.
- ii. Road alignments should follow existing contours and be designed to conserve natural features.
- iii. Roads shall be designed to ensure safe ingress/egress by law enforcement, firefighting apparatus, and emergency vehicles.
- iv. Roads may be required to interconnect with existing roads in order to promote public safety and access by firefighting and emergency vehicles.

b. Design Criteria if the CDCD is to be held in a Business Ownership or a Leasehold Arrangement

If the CDCD is classified as a business ownership development pursuant to O.R.C. Section 5311.02 or is in a leasehold arrangement, then the roads in a CDCD shall be entirely private (non-dedicated) and such roads shall be designed and constructed in accordance with the Portage County Roads Construction Standards and of the Subdivisions Standards.

**Section 408.07 Open Space**

A. Definition: "Open space" means any lot, block or parcel of land within the overall development site and as shown on the development plan for the common use of the owners or lessees of the land within the affected development. Open space uses shall include preservation of natural areas such as floodplains, wetlands, scenic vistas, steep slopes, and woodlands. Open space may also include and be used for walkways, trails (no motorized vehicles), storm water management facilities, excluding storm water ponds. Open space shall not include any area within individual building lots nor shall it be used for water treatment facilities, sewage treatment systems or replacement areas for such systems. Open space shall not be designed so as to preclude road connectivity where required pursuant to the Portage County Subdivision Regulations.

B. A minimum of 40 (forty) % of the overall development site shall be in open space. If the development is phased, each phase shall include the requisite percentage of open space. The open space shall remain undivided and shall be permanently protected, monitored and held by an association. In addition, the open space shall be covered by a permanent conservation easement, recorded with the county recorder, held by a bona fide land trust or such other entity to ensure that it remains in open space in perpetuity. Open space blocks shall have a minimum of 100 (one hundred) feet of road frontage.

C. The applicant shall provide a copy of the articles of incorporation pertaining to the association, its bylaws, and methods for maintaining the open space. The following provisions shall be included:

1. Membership in the association shall be mandatory for all of the lot owners, business owners or leaseholders. The conditions and timing of transferring control of the association from the developer to the association shall be identified.
2. The association shall be responsible for payment of all taxes, insurance, maintenance and monitoring costs.
3. The association shall be responsible for the development and implementation of an operation and maintenance plan for all of the permanent storm water facilities.
4. The association shall be responsible for all fees related to the conservation easement.

#### **Section 408.08 County Subdivision Regulations**

The approval of a development plan by the township zoning commission does not preclude the necessity of the applicant to obtain all requisite major subdivision approvals as set forth in the Portage County Subdivision Regulations administered by the Portage County Regional Planning Commission. The applicant is encouraged to take into consideration comments made by the planning commission concerning the development plan. In addition, the applicant shall secure all requisite approvals relating to the construction of the improvements from the board of county commissioners, county engineer, county water resources department, and the Portage County Soil and Water Conservation District.

#### **Section 408.09 Issuance of Zoning Certificates**

A. No building, structure or use within the approved development plan shall be erected, constructed, reconstructed, structurally altered or changed in use without first obtaining a zoning certificate in accordance with the provisions of this resolution. No zoning certificates shall be issued by the zoning inspector until all of the improvements (roads, sanitary sewer main lines and/or water main lines) have been completely installed and approved by the applicable governmental authority within the development area, or any applicable phase thereof, pursuant to the approved construction plans. If the development area has been classified as a "major subdivision" pursuant to the most current adopted version of the "Portage County Subdivision Regulations," then no zoning certificates shall be issued until the final plat has been recorded with the county recorder.

B. The township may retain the services of a professional engineer to review the development plan, traffic impact analysis, groundwater study or such other information related to the development plan review and to conduct periodic on-site inspections to ensure compliance with these regulations.

#### **Section 408.10 Approval Time Limit**









The applicant shall have a maximum of two (2) years from the date of the development plan approval by the township zoning commission to initiate construction of the improvements within the development plan area. If construction activity has not been initiated, or an extension of time for plan approval requested of the zoning commission, then the development plan shall be deemed null and void and must be resubmitted for review and approval in accordance with these regulations. If no plan is resubmitted, the township may initiate the process to rezone the affected real property to its original zoning classification.



***Section 408.11 Modification of Approved Development Plan***

- A. Minor changes that do not represent a substantial departure from the approved development plan may be reviewed and approved by the zoning commission without being subject to the full development plan review procedure as provided in these regulations.
- B. Major changes that represent a substantial departure from the approved development plan shall be subject to the full development plan review procedure as provided in these regulations. A substantial departure may consist of, for example:
  - 1. An addition or reduction in the number of lots.
  - 2. A redesign of the road right(s)-of-way.
  - 3. A decrease in the open space area(s).
  - 4. An overall increase or decrease in the development plan area.
  - 5. A change in the entity holding the conservation easement.
- C. The zoning commission shall make the final determination as to whether a proposed modification represents a minor or major change to an approved development plan.

## Mantua Township Zoning Districts

-  R-1 Residential
-  R-2 Residential
-  R-3 Residential
-  N-C Neighborhood Commercial
-  CD-CD Commercial Development/Conservation District
-  C Commercial (Areas 2-7)
-  LRM Light Restricted Manufacturing
-  I Industrial (Areas A, B, C)

Amended September 2001  
Light Restricted Manufacturing

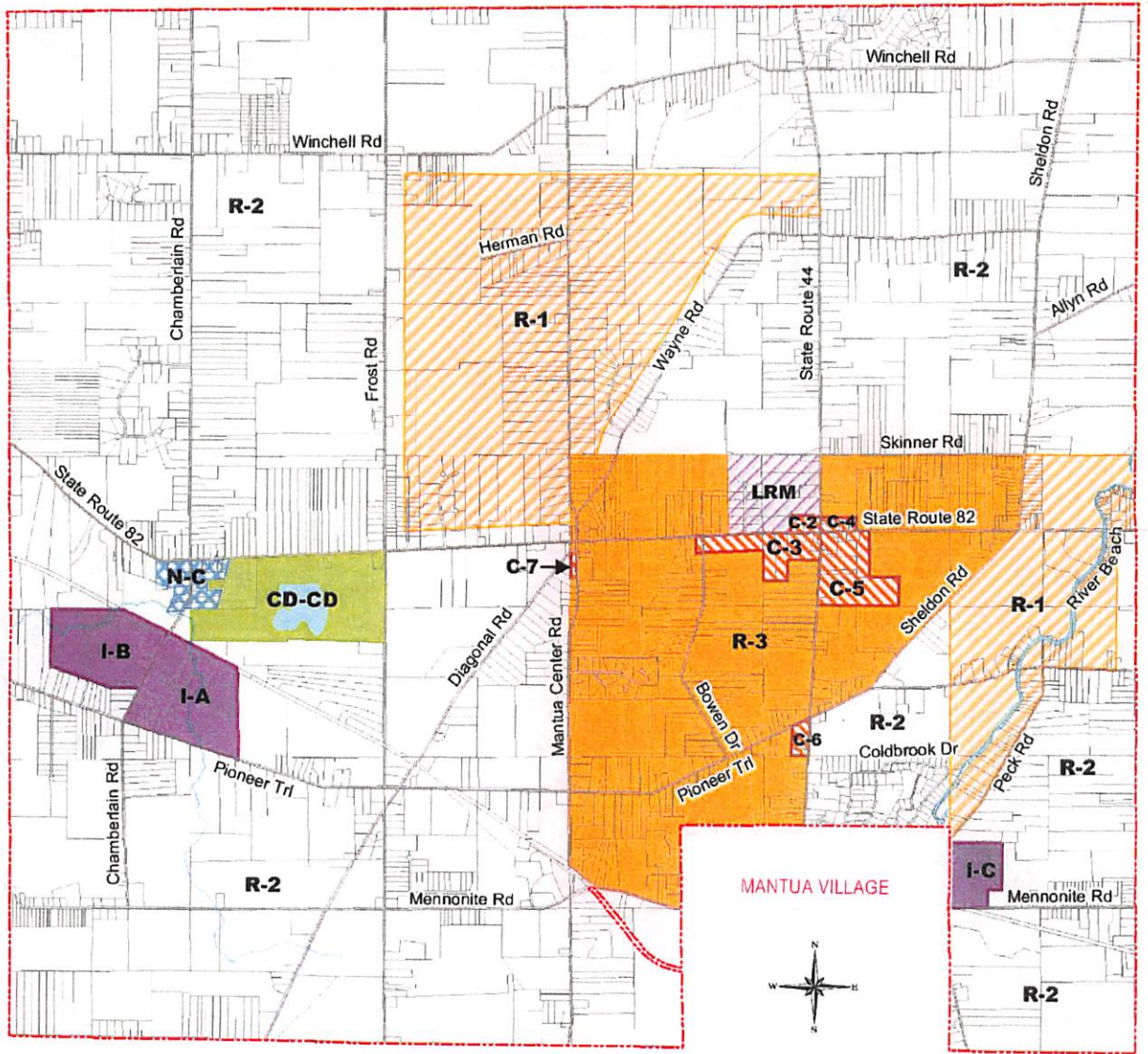
Amended April 2008  
Light Restricted Manufacturing west boundary

October 2011  
B Business District designation changed to C Commercial (no district boundary changes)

Amended December 2015  
Commercial District C1 partially changed to CD-CD district

Amended January 2017  
Commercial District C1 partially changed to N-C district

Source:  
Zoning - Mantua Township Zoning Commission, 2017.  
Parcels, roads, Portage County GIS, January 2017.



Prepared by portage County Regional Planning Commission, April 2017

