

CHAPTER 22

Rural Open Space Community Developments

Section 22.1 Description and Purpose

The intent of this Chapter is to offer property owners an alternative to traditional zoning requirements for rural developments. The development option described in these regulations is different because its most important design feature is permanent common open space. Homes are clustered on lots smaller than would be permitted under traditional zoning so property owners can develop their property at the same density they would be able to do in a traditional development while permanently preserving significant amounts of common open space. Gaines Charter Township encourages property owners to utilize this development option where the standards of this Chapter can be met because such a development option can provide the following benefits:

- A. Assure the permanent preservation of open space, agricultural lands, and other natural resources.
- B. Provide recreational facilities within a reasonable distance of all residents of a rural open space community development.
- C. Allow innovation and greater flexibility in the design of residential developments.
- D. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.
- E. Ensure compatibility of design and use between neighboring properties.
- F. Preserve the rural character of the southern portion of the Township.
- G. In recognition of the benefits of this option over traditional subdivisions and developments in certain situations, the regulations in this Chapter offer density bonuses to developments that meet its standards.

Section 22.2 Eligibility Criteria

Land may be developed under the provisions of this Chapter only if each of the following conditions is satisfied:

- A. The property is located in the A-B or A-R zoning district.
- B. The open space community development options pursuant to this Chapter or the clustering or open space provisions of any other chapter shall not have previously been exercised with respect to the same land.
- C. A rural open space community development must result in recognizable and substantial benefits to both the residents of the project and to the overall quality of life in the Township. The benefits can be provided through site design elements in compliance with the requirements of this Chapter, such as high quality architectural design, extensive landscaping, providing transition areas from adjacent residential land uses, unique site

design features, unified access, preservation of woodlands and open space, and buffering development from lakes rivers, streams, and wetlands.

- D. The proposed development shall provide at least one of the following open space benefits:
1. **Significant Natural Assets:** The site contains significant natural assets, such as woodlands, significant views, natural drainage ways, water bodies, wetlands, or wildlife habitats, which are preserved as permanent open space. A site analysis map must inventory these assets.
 2. **Recreational Facilities:** If the site lacks natural assets, it can qualify if the development will preserve an existing recreation facility or provide new recreation facilities to which all residents of the development will have reasonable access. Such recreation facilities include areas such as neighborhood parks, a golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities that enhance residential development.
 3. **Creation of Natural Assets:** If the site lacks existing natural assets, it can also qualify if the development will create significant woodland features. Created natural areas shall be designed to revert to vegetation in order to restore biological diversity and preserve rural appearances.
- E. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for and control of the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as approved by the Township.
- F. The development will result in 6 or more parcels, lots, or site condominium units.

Section 22.3 Design Process

When designing a rural open space community development, applicants shall generally follow the four step design process described below. Applicants may be required to provide documentation that they have followed the design process.

A. Step 1: Delineate the Open Space and Development Areas.

The first step in the designing of a rural open space community development is to identify the areas to be preserved as open space. There are two types of open space: Primary Conservation Areas and Secondary Conservation Areas. Primary Conservation Areas are those areas that normally cannot be developed because of site characteristics, such as wetlands or steep slopes. All primary conservation areas must be permanently preserved as dedicated open space. Secondary Conservation Areas are those areas that normally could be developed but because of significant natural, historical, archaeological, or cultural features are found to be worthy of preservation. Definitions for both are given

in Section 22.12 of this chapter. If no Primary or Secondary Conservation Areas exist on the site, recreational facilities or natural features must be created on the site.

The applicant must submit a site analysis map as a part of their application. The site analysis map must identify primary conservation areas, secondary conservation areas, secondary conservation areas to be preserved as open space, recreational facilities or natural features to be created, and developable areas.

B. Step 2: Locate Housing Sites.

The second step is to identify house site locations within the property’s designated development area. House sites should be located so that they fit the property’s natural topography, are served by adequate water and sewage facilities, and provide views of and access to adjoining open space areas.

C. Step 3: Align Streets and Trails.

With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the property’s natural topography and providing for a safe pattern of circulation and ingress and egress to and from the development.

D. Step 4: Lay out lot lines.

Lot lines for the development should be drawn as the last step in the design process. They should follow the configuration of house sites and streets in a logical and flexible manner.

Section 22.4 Open Space Standards

A rural open space community shall maintain at least 35% of the gross area of the site as dedicated open space. All undeveloped areas shall be permanently set aside as common land for recreation, conservation, agricultural uses, or preserved in an undeveloped state. The dedicated open space shall meet the following requirements:

A. General Open Space Requirements

1. **Grading:** Grading in the open space shall be minimal, in order to preserve the existing topography.
2. **Primary Conservation Areas:** All Primary Conservation Areas must be preserved as open space.
3. **Minimum Percentage of Secondary Conservation Areas:** At least 25% of the required dedicated open space must consist of Secondary Conservation Areas that are accessible to all residents of the rural open space community.
4. **Areas Not Considered Dedicated Open Space:** The following land areas are not included as dedicated open space for the purposes of this Chapter:
 - a. Residential lots or the required setbacks surrounding a residential structure that is not located on an individual lot or condominium site.

- b. The area of any public or private street or road right-of-way or access easement.
- c. Any portion of the project used for institutional or commercial purposes.
- d. Parking areas, with the exception of small parking areas and drives associated with recreational uses occurring in the dedicated open space. Such parking areas must be specifically approved by the Planning Commission on the approved site plan.

B. Use of Open Space

The following standards apply to the use of the dedicated open space:

- 1. **Permitted Uses and Buildings:** Uses and buildings allowed in the dedicated open space are limited to those shown on the approved open space community plan.
- 2. **Permitted Recreational Uses:** The dedicated open space may include non-commercial recreational uses, such as soccer fields, tennis courts, swimming pools and similar facilities, as well as the buildings accessory to them. Recreational uses shall not use more than 50% percent of the dedicated open space unless specifically approved by the Planning Commission.
- 3. **Public Use:** The open space may be, but is not required to be, dedicated to the use by the public.
- 4. **Allowable Structures:** Structure(s) or building(s) accessory to a recreation, conservation, or agriculture use may be erected within the dedicated open space. The footprint or ground space of the accessory structure(s) or building(s) shall not exceed, in aggregate, one percent (1%) of the dedicated open space. The proposed location of accessory structures or uses that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, solid waste pick-up points, swimming pools, tennis courts, and facilities of a similar nature shall not be located near the boundary of the development or so as to negatively impact the use of adjacent lands.

C. Location of Open Space

The following standards apply to the location of the dedicated open space:

- 1. **Location of Open Space:** The dedicated open space may be located centrally, along the road frontage of the development, to preserve significant natural features, or to connect open spaces through out and adjacent to the development.
- 2. **Priorities in Selecting Open Space to be Preserved:** In deciding what open space is to be preserved, woodlands should be given priority over open fields. Significant wildlife habitats and historical, archaeological and cultural features should also be given priority.
- 3. **Views from Public Roadways:** Special emphasis in the designing of the open space should be given to preserving views along the public roadway. The open

space along the exterior public roads shall generally have a depth of at least 100 feet, either landscaped or preserved in a natural wooded condition. The Township may require a greater depth if it is needed to preserve the view from the roadway.

4. **Significant Natural Features:** The Planning Commission, as a condition of approval, may require that the open space community plan preserve animal or plant habitats or other natural features of significant value in a natural state as a part of the dedicated open space. The Planning Commission may also require a minimum of a 50-foot wide undisturbed open space setback from the edge of any lake, pond, river, stream, or wetland; provided the Planning Commission may permit trails, boardwalks, observation platforms, or other similar structures that enhance the passive enjoyment of the site’s natural amenities within the setback.
5. **Connection of Open Space with Adjacent Open Space:** The Planning Commission may require that dedicated open space be connected with adjacent open space or public land. They may also require connections to non-motorized trails and links in the non-motorized transportation network to adjacent properties.

D. **Continuing Obligation**

The dedicated open space shall forever remain open space. Further development, dividing, or subdivision of dedicated open space land or its use for other than approved recreation, conservation, or agricultural purposes shall be strictly prohibited, with the exception that easements for utilities and septic systems are permitted.

The dedicated open space shall be permanently set aside by the developer through an irrevocable conveyance. The irrevocable conveyance must meet the following standards:

1. **Permitted Types of Irrevocable Conveyances:** The irrevocable conveyance must be in a form that the Planning Commission finds acceptable, such as:
 - a. Recorded deed restrictions.
 - b. Covenants that run perpetually with the land.
 - c. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
2. **Restrictions Required in Irrevocable Conveyance:** The approved irrevocable conveyance shall assure that the open space will be permanently protected from all forms of development, except as shown on the approved open space community plan. In addition, such restrictions shall:
 - a. Indicate the proposed allowable use(s) of the dedicated open space. The Planning Commission may require the inclusion of open space restrictions that prohibit or require the following:
 - i. Dumping or storing of any material or refuse.
 - ii. Activity that may cause risk of soil erosion or threaten any living plant material.

- iii. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
- iv. Use of motorized off road vehicles.
- v. Cutting, filling or removal of vegetation from wetland areas.
- vi. Use of pesticides, herbicides, or fertilizers within or adjacent to wetlands.
- b. Require that the dedicated open space be maintained by parties who have an ownership interest in that open space.
- c. Provide standards for scheduled maintenance of the open space.
- d. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.

Section 22.5 Developed Area Design Standards

A. Permitted Uses

Land and buildings in a rural open space community development can only be used for the following uses or combination of such uses:

- 1. Single family detached dwelling units.
- 2. Other uses that are permitted uses within the underlying zoning district.

B. Dwelling Density

The number of dwelling units permitted within a rural open space community development project shall be determined through the preparation of a parallel plan. The parallel plan establishes the maximum feasible density under “conventional” development and is only used to determine allowable density for a rural open space community project. The number of permitted units in a rural open space community development equals the number of units in the approved parallel plan plus any density bonuses permitted by this Chapter.

- 1. **Contents of Parallel Plan:** The applicant shall prepare, and present to the Planning Commission for review, a parallel design for the project that is consistent with State, County, and Township requirements and design criteria for a tentative preliminary plat. The parallel plan shall meet all standards for lot size (as shown in subsection 2 below), lot width and setbacks as normally required in the underlying zoning district, road improvements, and contain an area that conceptually would provide sufficient area for storm water detention. Lots in the parallel plan shall provide sufficient building envelope size without impacting wetlands regulated by the Michigan Department of Environmental Quality (or its successor agency).

2. **Minimum Lot Areas for Parallel Plan:** The parallel plan shall be prepared with the following minimum lot areas:

Underlying Zoning District	Minimum Lot Size
A-B	150,000 square feet
A-R	80,000 square feet

C. Density Bonuses

The following density bonuses will apply to developments that meet the goals, standards, and intent of this Chapter:

1. **If 40% of Site is Preserved as Open Space:** If at least 40% of the overall site is preserved as permanent dedicated open space, then the number of permitted dwelling units can be increased by 25% from the number on the approved parallel plan.
2. **If 60% of Site is Preserved as Open Space:** If at least 60% of the overall site is preserved as permanent dedicated open space, then the number of permitted dwelling units can be increased by 30% from the number on the approved parallel plan.

D. Lot Standards

The following table shall be used as a guide for lot standards in a rural open space community development:

Zoning District	Percent Open Space	Minimum Lot Size	Minimum Lot Width	Front Setback	Side Setback	Rear Setback
A-B	35 to 59	30,000 square feet	120'	40'	15'	50'
A-B	60 and over	30,000 square feet	100'	40'	15'	50'
A-R	35 to 59	20,000 square feet	100'	35'	15'	50'
A-R	60 and over	15,000 square feet	80'	35'	10'	50'

To encourage flexibility and creativity consistent with the open space community concept, the Planning Commission may grant variations from the standards in this table as a part of the approval process. In order to grant such variations, the Planning Commission must find that a variation from the table would result in a higher quality development before granting the variation.

The applicant must include a table on the open space plan specifically detailing all proposed deviations from the above table, or any other regulations that would otherwise be applicable to the development.

E. Transition Areas

Where the open space community abuts a residential area, the Planning Commission may require a transition area. Grading within the transition area shall be minimal unless needed to provide effective buffering or accommodate drainage. If the grade change adjacent to single family residential development is to be varied by more than three (3) feet, the site plan shall include cross sections illustrating existing and proposed grades in

relation to existing and proposed building heights. Perspective renderings from adjacent residential units are encouraged. The Planning Commission may review the proposed transition area to ensure compatibility. They may require that the transition area consist of one or more of the following:

1. A row of single-family lots or condominium sites similar to adjacent single family development in terms of density, lot area, lot width, setbacks, and building spacing.
2. Woodlands, natural features, or a landscaped greenbelt sufficient to provide an obscuring effect.
3. Open or recreation space.
4. Significant changes in topography, which provide an effective buffer.

Section 22.6 Transportation and Circulation Standards

A. Required Standards for Internal Roads

Internal roads within a rural open space community may be public or private. Private streets within a rural open space community development shall conform to the private street requirements (and approval process) of this Ordinance or any other applicable Township ordinance. The Planning Commission may, however, modify the requirements for private streets and in doing so, shall consider the following criteria:

1. The number and type of dwelling units served by the private street;
2. Traffic generation;
3. Existing topography and vegetation;
4. Security provisions;
5. Inter-relationship with the public street network;
6. Future installation of public utilities; and
7. Likelihood of public dedication of the roadway.

B. Required Standards for Pedestrian Circulation

A rural open space community shall provide pedestrian access to all open space areas from all residential areas, connections between open space areas, and connections between appropriate on and off site uses. Trails within the rural open space community may be constructed of asphalt, gravel, woodchip or other similar material, but the Planning Commission may require the construction of an asphalt bike path to connect to the Township's non-motorized transportation network. Sidewalks shall be constructed per the requirements of the Township's Sidewalk Ordinance.

C. Circulation Design Objectives

The transportation network in rural open space communities should be designed to meet the following objectives to the greatest extent possible:

1. Streets should be laid out and designed to minimize the area devoted to vehicle travel. The use of shared drives is encouraged.
2. Streets should be designed to preserve existing tree lines and hedgerows.
3. Long street segments that encourage speeding should be avoided.
4. Streets shall be designed to avoid crossing wetlands, wildlife habitat, or other sensitive natural areas except if no alternative route exists. Travel lanes may be split into a boulevard-style street with natural areas between the travel lanes.
5. Whenever possible, the street system should be designed to provide terminal vistas (views) of open spaces, village greens, water features, meadows, or playing fields.
6. Streets should be made to connect with one another so that dead ends are minimized, to provide safe and efficient access for emergency vehicles, and to avoid situations where certain residential streets become collectors that carry the majority of neighborhood traffic.
7. Mid-block walkways should be provided where a block is at least 800 feet long on at least one side of the street. The Planning Commission shall determine the feasibility of such walkways based upon the practicality of connections within and outside of the open space community development.
8. Wherever possible, streets serving new developments should be designed to connect with adjoining properties.

Section 22.7 Discretionary Bonuses

For properties located in the Non-Motorized Transportation Area as identified in the Township Master Plan, the Planning Commission may grant an extra lot for every 1000 linear feet of trail that is constructed on the site. The number of linear feet shall be measured by taking the straight line distance between the point where the trail enters the property and the point where it exits the property. The Planning Commission must find that the trail construction standards are acceptable before granting the bonus.

Section 22.8 Approval Process

Rural open space community developments are a permitted form of development within the A-B and A-R zoning districts, subject to approval by the Planning Commission of the Site Plan requirements of Chapter 25 and compliance with the requirements of this Chapter. The approval process for a rural open space community development is also governed by the Gaines Township Subdivision Ordinance. At the applicant's option, they may submit a Sketch Plan to the Planning Commission for conceptual review as an additional step before bringing the formal preliminary plat or site condominium plan to the Planning Commission. The sketch plan is to be a basis for informal discussion regarding the design of a proposed development and its conformance with the standards contained in this Chapter. If the applicant chooses to proceed

with a sketch plan, they must submit the site analysis map, parallel plan, and sketch plan at that time.

Section 22.9 Submittal Requirements

The applicant must submit all of the following items to the Township in addition to the items required by the Gaines Township Subdivision Ordinance, as amended (collectively, these plans shall be called the “open space community plan”):

- A. **Site Analysis Map:** A site analysis map is to provide a comprehensive analysis of existing conditions, both on the proposed development site and adjacent to the site. It must also identify the primary conservation areas, secondary conservation areas, all developable areas on the site, all significant natural assets, and the tentative location of house sites. The applicant must follow the design process described in Section 22.3 (entitled “Design Process”) of this Chapter in laying out the site analysis map. The site analysis map shall generally be prepared at a scale of 1 inch = 100 feet or 1 inch = 200 feet, whichever would fit best on a standard size sheet. The following information must also be included on the map, unless the Zoning Administrator finds that an item is unnecessary because of the characteristics of the site:
1. A location map.
 2. Topography, the contour lines of which shall generally be at 2-foot intervals. Slopes between 15 and 25 percent and those exceeding 25 percent shall be clearly indicated.
 3. The location and delineation of existing and proposed ponds, streams, lakes, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands.
 4. Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and condition.
 5. Soil series and types.
 6. Ridge lines and watershed boundaries.
 7. A viewshed analysis showing the location and extent of views into the property from public roads.
 8. Geologic formations on the proposed development parcel, including rock outcroppings, and cliffs.
 9. All existing human-made features, including but not limited to streets, driveways, farm roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and storm and sanitary sewers.
 10. Location of all historically significant sites or structures on the property.

11. Location of trails that have been in public use.
 12. All easements and other encumbrances of property that are or have been filed of record with the Recorder of Deeds of Kent County.
 13. Total acreage of the property, primary conservation areas, secondary conservations areas, and developable areas.
 14. The requirements for a site plan as specified in Chapter 25 of this Ordinance.
- B. **Parallel Plan:** The applicant must submit a parallel plan prepared according to Section 22.4 (B) (entitled “Dwelling Density”) of this Chapter. This plan is only used to determine the density allowed in the rural open space community development.
- C. **Sketch Plan (optional):** The applicant may choose to submit their proposal for conceptual review by the Planning Commission as described in Section 22.8 above. The sketch plan must illustrate the location of proposed lots, streets, trails, stormwater facilities, the more formal elements of open space such as ball fields, squares and playgrounds, significant natural features, and the natural areas to be preserved.
- D. The Planning Commission can also require that the applicant submit four separate plans indicating the findings of each of the four steps of the design process described in Section 22.3 (entitled “Design Process”) of this Chapter.
- E. All required fees and escrow amounts must be paid to the Township when the application is filed.

Section 22.10 Review Standards

In considering any application for approval of a rural open space community development the Planning Commission shall make its determination on the following standards and requirements:

- A. **Compliance with the rural open space community concept:** The overall design and land uses proposed in connection with a proposed rural open space community development must be consistent with the intent of the rural open space community concept, as well as, with the specific design standards set forth in this Chapter.
- B. The proposed rural open space community plan shall set forth in detail, all specifications with respect to building heights and setbacks, density, parking, circulation, landscaping, views, and other design features that exhibit due regard for the relationship of the development to surrounding properties, the character of the site, and land uses. In determining whether this requirement has been met, consideration shall be given by the Planning Commission to:
1. The bulk, placement, and materials of construction of proposed structures.
 2. Pedestrian and vehicular circulation.
 3. The location and screening of vehicular use or parking areas.
 4. The provision of landscaping and other amenities.

- C. **Impact of traffic:** The rural open space community shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
- D. **Protection of natural environment:** The proposed rural open space community shall be protective of the natural environment. It shall comply with all applicable environmental laws and regulations.
- E. **Compliance with applicable regulations:** The proposed rural open space community shall comply with all applicable federal, state, county, and local regulations.
- F. **Township Master Plan:** The proposed rural open space community must be consistent with and further the implementation of the Township Master Plan.
- G. **Conditions:** The Planning Commission may require reasonable conditions with the approval of a rural open space community development and plan for the purposes of:
 - 1. Ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,
 - 2. Protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land,
 - 3. Promoting the use of the land in a socially and economically desirable manner,
 - 4. Implementing the Township Master Plan.

Conditions imposed shall be designed to protect natural resources, and the public health, safety, and welfare of individuals in the project, those immediately adjacent, and the community as a whole; shall be reasonably related to the purposes affected by the open space community, shall be necessary to meet the intent and purpose of this Ordinance and implement the Township Master Plan; and shall be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approval.

Section 22.11 Revisions to Approved Plans

A. Minor Changes

The Planning Commission may approve minor changes to an approved open space community plan following normal site plan review procedures for the following:

- 1. Reduction of density.
- 2. Realignment of roads.
- 3. Modifications to setbacks.
- 4. If the development is not platted, minor adjustments to lot lines. If a development is platted, requests to adjust lot lines must be heard by the Township Board pursuant to the Gaines Township Land Division Ordinance.

5. Increasing the amount of open space or minor adjustments to the boundaries of the dedicated open space.
6. Changes to landscaping.
7. Additional buildings or recreational uses or expansion of buildings or recreational uses in the dedicated open space.
8. Other minor changes similar to the above, as determined by the Planning Commission.

B. Findings Required for Minor Changes

Minor changes shall be subject to the finding of all of the following:

1. Such changes will not adversely affect the initial basis for granting approval.
2. Such minor changes will not adversely affect the overall rural open space community in light of the intent and purpose of such development as set forth in this Chapter.
3. Such changes shall not result in the reduction of open space area as required herein.

C. Amendment to Open Space Areas

Minor adjustments of the boundaries of the area to be preserved as dedicated open space are only allowed if authorized by the Planning Commission as a special use. In considering such authorization, the Planning Commission shall, in addition to the standards required by Chapter 19, also consider the following standards:

1. No new residential lots shall be created.
2. The reduction in the area of the open space cannot exceed 3%. The total amount of open space cannot fall below 35% of the gross area of the site or, if a density bonus was used for the site, the percentage of open space needed to trigger that bonus.
3. The restrictions document which protects or sets aside the open space must be modified to reflect the approved adjustment to the boundaries of the open space.

D. Major Changes

If an applicant proposes major changes to an approved open space community plan that do not qualify as minor under Section 22.10 (A) of this Chapter, they will be considered to be major changes. The Planning Commission will make the final determination as to whether the changes are major or minor. For major changes, the applicant must resubmit the application to the Township to be reviewed as if it were a new development by the Township.

- E. Changes to an approved open space community plan shall be subject to any conditions required by the Planning Commission.

Section 22.12 Definitions

A. **Primary Conservation Areas:** Primary Conservation Areas include:

1. All wetlands
2. All floodplains and drainage ways
3. Creeks, streams, ponds, or lakes
4. Steep slopes (20% or over)
5. Habitats of unique or endangered species
6. Soils that will not sustain buildings
7. Woodlands in which at least 30% of the trees measure at least 15 inches in diameter.

The determination of the existence of all wetlands and floodplain areas on a parcel shall be demonstrated to the satisfaction of the Planning Commission through a written determination by the Michigan Department of Environmental Quality or by an analysis performed by a professional biologist, professional wetland consultant, or similar professional deemed acceptable to the Planning Commission and Township Board.

B. **Rural Open Space Community Development:** A development which is approved pursuant to this Chapter.

C. **Secondary Conservation Areas:** Secondary Conservation areas include:

1. Woodlands that are not part of the primary conservation area
2. Farmland
3. Meadows and hedgerows
4. Farm buildings and fences
5. Historic and archeological features
6. Scenic views into and out of the site
7. Any other area that due to significant natural or cultural features is determined by the Planning Commission to be worthy of preservation.

Section 22.13 Determinations/Interpretations

Where an issue or question arises regarding the interpretation of any of the following matters, the Planning Commission shall decide the matter, and its decision/ interpretation shall be binding without appeal to the Zoning Board of Appeals:

- A. What constitutes a primary conservation area for the property involved.
- B. What constitutes a secondary conservation area for the property involved.
- C. Any other matter under this Chapter.