

# Chapter 6

## Landscaping, Open Space, and Recreation

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## **PART I. LANDSCAPING**

### **6.1 PURPOSE**

The following requirements are intended to enhance the appearance and natural beauty of the town and to protect property values through preservation, planting of vegetation, screening, and landscaping material. The requirements are intended to reduce excessive heat, glare, and accumulation of dust; to provide privacy from noise and visual intrusion; to prevent the erosion of soil, the excessive run-off of water, the consequent depletion of the ground water table, and pollution of water bodies.

### **6.2 APPLICABILITY**

#### **A. Applicable Situations**

The provisions of this section shall apply to newly improved properties, changes of use, change of ownership, expansions of buildings by an increase of twenty-five percent (25%) or greater floor area, increases of parking areas by twenty-five (25%), or rezoned areas except as hereinafter set forth.

#### **B. Modification of Standards**

Where lot size, shape, topography, or existing structures make it not feasible to comply with the provisions of this ordinance, the Zoning Administrator may modify these provisions provided an alternate proposal by the applicant will afford a degree of landscaping, screening, and buffering equivalent to or exceeding the requirements of these regulations.

#### **C. Emergencies**

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the requirements of this Ordinance may be waived by the Town during the emergency period so that this Ordinance will in no way

impede private or public work to restore order. During this waiver, it shall be the responsibility of the property owner to inform the Zoning Administrator of the impact of the disaster and provide a workplan and timeframe for remediation. This shall not be interpreted to be a general waiver of the intent of this Ordinance.

## **D. Exceptions**

### **1. Residential Lots Less Than Two (2) Acres**

Any residential lot less than two (2) acres shall be exempt from the overall landscape requirement (Section 6.8.A) and the buffer requirements (Section 6.8.C) of this Chapter. Subdivision of property to circumvent these requirements is not permitted.

### **2. Downtown Mixed-Use District**

The specific buffer and landscaped yard requirements in Section 6.8 shall not be applicable to properties within the DMX district due to established building footprints. However, where sufficient area for plantings and buffers is provided on any given lot in the DMX, reasonable, alternative plans shall be submitted and approved by the Zoning Administrator.

### **3. Timbering and Silviculture**

Normal forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the General Statutes or that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the General Statutes shall be exempt from the tree protection provisions of Chapter 5 and the requirements of Section 6.8.A, however, the buffer requirements of Chapter 6 shall be maintained. If a forest landowner harvests timber and they will be developing the lot within the next three (3) to five (5) years, it is particularly important to maintain any buffers that might be required under current zoning. Timbering and silviculture may not be used to circumvent the requirements of this Chapter for development. Forest landowners should keep a record of when the tract was harvested since that date may come into question should a development plan be submitted to the Town in the future.

In cases where the harvest results in the removal of all or substantially all of the trees that fall within required buffers, or fails to account for protected trees under Town regulations governing development of the tract of land, the Zoning Administrator may deny a building permit or refuse to approve a site or subdivision plan for either a period of up to three (3) years if it was not a willful violation of the Town's regulations, or up to five (5) years if it was a willful violation of the Town's regulations.

### 6.3 DEFINITIONS

**BERM.** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BUFFER.** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

**CANOPY TREE.** Usually a deciduous tree--rarely an evergreen--planted primarily for its high crown of foliage or overhead canopy. Also referred to as a **SHADE TREE**.

**DECIDUOUS.** A plant with foliage that is shed annually.

**DIAMETER AT BREAST HEIGHT (DBH).** A term which refers to a common method for measuring trees. It refers to the diameter of a tree measured at a point generally, four and one-half feet (4.5) feet from the ground or top of the root ball. DBH is typically measured in caliper inches. It can be measured directly using a d-tape or caliper or can be calculated by measuring the circumference of the tree at the height of four and one-half (4.5) feet and dividing by 3.14 ( $\pi$  or pi).

**DRIPLINE.** The area directly located under the outer circumference of a tree's branches.

**EVERGREEN.** A plant with foliage that persists and remains green year-round.

**SCREEN.** A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

**SHRUB.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**TREE.** A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

**UNDERSTORY TREE.** A tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree. May be referred to as an **ORNAMENTAL** or a **FLOWERING TREE**.

**WOODLANDS.** Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

### 6.4 GENERAL PROVISIONS

The following regulations are applicable to all proposed landscaping that is to be installed, preserved, maintained, or protected.

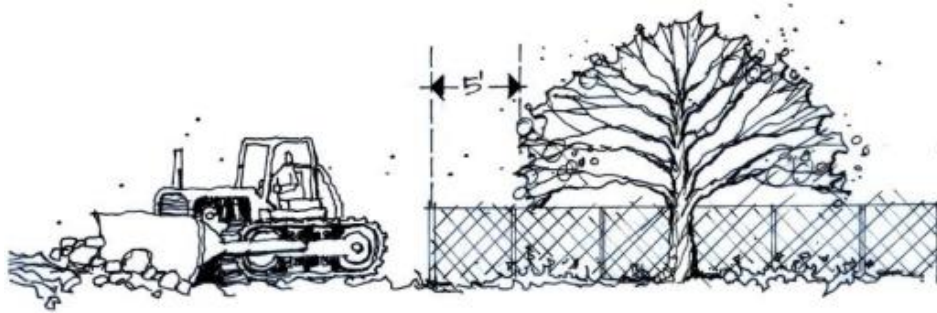
- A.** Landscaping, trees, and plant material shall be planted and maintained in a growing condition according to accepted horticultural practices. Any newly installed or preserved plant material, in a condition that does not fulfill the intent of these regulations, fails to thrive, or dies, shall be replaced by the applicant or property owner during the next planting season not to exceed one calendar year.
- B.** A screening fence, wall, or any additional hardscape treatments area shall be maintained by the property owner, in good, safe, and functional condition.
- C.** To the extent possible, existing trees, vegetation, and unique site features shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations at the time of plan approval. Refer to Section 6.5 for additional requirements.
- D.** Newly installed trees shall meet the size, location, and spacing requirements of Section 6.6.
- E.** No plants shall be installed that restrict sight visibility at intersections of streets or driveways, such as tall shrubs or low-branching trees. Tree placement shall also take into consideration location of existing street lighting.
- F.** Landscape Plans, showing all existing and proposed landscaping, as required in Chapter 9, shall be submitted prior to any site disturbance.

## **6.5 PROTECTION OF EXISTING VEGETATION**

As stated in Section 6.4.C, wherever possible, healthy, mature vegetation shall be used to satisfy the requirements of this Ordinance. The following shall apply to all preserved vegetation.

- A.** Protective barricades shall be placed around all protected trees designated to be saved (tree save area) prior to the start of development activities. Protective barricades shall remain in place until development activities are completed. To prevent unintended compaction of soil, the area within the protective barricade shall remain free of all building materials, dirt or other construction debris, construction traffic, storage of vehicles and materials, and mass grading.
- B.** Except for driveway access points, sidewalks curb and gutter; no paving with concrete or other impervious materials within five (5) feet of a tree dripline shall be allowed unless otherwise approved. Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to one-fourth (.25) to one-half (.5) of the area within the dripline, and tree roots must be pruned with clean cuts at the edge of the disturbed area. No fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots.

**Figure 6.1**  
**Dripline Buffer**



## **6.6 INSTALLATION OF NEW VEGETATION**

In general, new plant material should complement existing vegetation native to the site. The use of drought tolerant, indigenous, native and/or regionally grown species of trees, shrubs and groundcovers is encouraged. This makes planted areas compatible with existing native habitats and to reduce dependency on irrigation. New vegetation permitted in the Town of Elkin can be found in Appendix B and shall meet the following requirements, unless otherwise stated herein:

**A. Minimum Size.** The minimum sizes for installation follow. Where size requirements for installation overlap, the higher standard shall prevail:

1. Evergreen trees of any classification shall not be less than six (6) feet in height with a minimum two (2) inch caliper.
2. Multi-stemmed trees of any classification shall have at least three (3) stalks and not be less than eight (8) feet in height.
3. Canopy trees shall not be less than eight (8) feet in height with a minimum two (2) inch caliper.
4. Understory trees shall be a minimum of one and one-fourth (1.25) inch caliper and have a minimum height of six (6) feet.
5. Shrubs shall be at least three (3) gallons in container size, have a minimum height of eighteen (18) inches and have a minimum spread of twelve (12) to fifteen (15) inches.
6. Groundcovers shall be a minimum of one and one-half (1½) to two and one-half (2½) inch pots with a minimum spread of four (4) inches.

## **B. Planting Area**

### **1. Canopy Trees**

Each canopy tree shall be provided with a minimum pervious ground area of three hundred (300) square feet for root growth (street Trees are an exception) and should be planted on slopes not to exceed 1:4 vertical to horizontal distance.

### **2. Groundcover**

Groundcover must be planted with on-center spacing equivalent to the average mature spread for each species.

### **3. Spacing**

Where trees are planted in rows or in common landscape beds, trees shall be planted twenty (20) to thirty-five (35) feet on center depending on the type and species.

## **C. American Standard for Nursery Stock**

All plant material shall be of good quality, free from disease, installed in sound manner, mulched (3- to 4-inch layer) and meet the standards set forth in the American Standard for Nursery Stock by AmericanHort.

## **D. Bare Earth Prohibited**

All portions of a landscaped area not planted with shrubs and trees or covered by a wall or other screening device shall be planted with ground cover and/or grass or covered with natural mulch with a minimum depth of two (2) inches.

## **E. Overhead Utility Lines**

Where a canopy tree is required and overhead utility lines exist, two (2) understory trees shall be substituted with the approval of the Zoning Administrator.

## **F. Easements & Right-of-Ways**

Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the Town and the easement holder at the time of plan approval.

## **G. Certificates of Occupancy and Requests for Delay**

All landscaping, mulching, and seeding shall be installed in accordance with the approved site plan and the standards of this Chapter prior to issuance of a Certificate of Occupancy.

## **6.7 MAINTENANCE AND REPLACEMENT**

### **A. General Responsibility**

The owners of property shall be responsible for all natural and physical features required by this Chapter and shall preserve and maintain these features in healthy growing conditions, replace them when necessary, and keep the areas around them free of refuse and debris in a manner that prevents refuse and debris from washing onto public rights-of-way.

### **B. Replacement**

#### **1. Warranty**

A two (2) year warranty shall be provided for all newly planted materials. Existing or newly installed vegetation within a required or designated tree protection or landscaped area that dies or is significantly damaged within two (2) years of the completion of construction shall be removed and replaced with new vegetation of equal or greater size. However, where a tree, in excess of eight (8) caliper inches, is damaged or deceased, an equal number of caliper inches of trees shall be replaced (see Section 3.a below). Deceased or damaged plant materials shall be replaced within ninety (90) days or prior to release of escrow or certificate of occupancy.

#### **2. Plan Approval**

A plan denoting the proposed location and species of replacements shall be submitted to the Town of Elkin for approval.

#### **3. Standards**

##### **a. Canopy Trees Eight (8) Inch Caliper or Greater**

Any canopy tree with a caliper of at least eight (8) inches DBH at the time of damage, disturbance, disfigurement or removal shall be replaced with one (1) or more trees which have a caliper of at least two and one-half (2.5) inches and a cumulative caliper inch equal to or greater than the original tree.

##### **b. All Vegetation**

All deceased or damaged vegetation shall be replaced with a comparable type or species as the original tree, shrub, or groundcover. However, when unable to be achieved, vegetation shall be installed in accordance with Section 6.7.B.a (above) or with the minimum standards contained in Section 6.6.A. and the cumulative number or size of plants should be greater or equal to the original landscape design.



## **C. Inspections**

The Zoning Administrator may inspect the site after the issuance of a Certificate of Occupancy in order to ensure compliance with the approved site plan and to ensure that the vegetation and landscaping is properly maintained. The Zoning Administrator may issue a Notice of Violation to comply with the provisions of this ordinance if warranted upon an inspection under the provisions of Chapter 10.

## **6.8 LANDSCAPE REQUIREMENTS**

### **A. Overall Landscaping**

Land used for development shall devote a minimum of ten percent (10%) of the total lot area to preservation of existing trees and/or landscape requirements. This means that of the site area, ten percent (10%) of the area must be devoted to preserved trees, landscaped areas, planted buffer yards, street trees, landscaping on individual lots, and/or planted landscape islands.

### **B. Road Frontage Area**

A landscaped area shall be required for all multi-family and non-residential uses, along the front property line and side property line of corner lots, meeting the following requirements:

1. The width of the planted area shall be a minimum of ten (10) feet.
2. The landscape area shall be adjacent to the right-of-way line and parallel to the front lot line of the property.
3. Wherever possible, existing vegetation shall be preserved. The width of the buffer may vary to allow for the preservation of larger trees, but in no case shall the average width of the buffer be less than ten (10) feet.
4. The area shall be covered with a planted ground cover or mulch, stone, etc. and shall include, at a minimum, one (1) tree and ten (10) shrubs for each fifty (50) feet, or fraction thereof, of lot frontage.

### **C. Buffer Yards**

A buffer area shall be required to separate and screen incompatible land uses from each other. A buffer area shall be required along boundaries of uses abutting a less intensive use. However, buffers shall not be required across a right-of-way, where road frontage plantings, as required in Subsection B., above, are required. Wherever possible, existing vegetation shall be preserved. The required buffer yard may be established using a selection of existing vegetation, yard widths, trees, shrubs, fences, walls, and berms. The following tables illustrates the minimum required elements for each buffer yard type. The applicant may select the best option within each buffer type based on site conditions,



existing vegetation, and site design. The installation of fences, walls, or berms shall be in accordance with Section 6.11 of this Chapter.

**Figure 6.2**  
**DETERMINATION OF BUFFER YARDS**

		Existing / Adjacent Land Use							
		SF Detached Residential	All other Residential, Bed and Breakfast	Civic, Educational	Office, Service	Mixed Use, Lodging, Commercial, Entertainment	Industrial, Automotive, Agriculture <sup>2</sup> , Infrastructure	Vacant Land (LDR, MDR, HDR, HDMF, MH)	Vacant Land (MA, HB, DMX, RF, MA, M1, M2, NB)
Proposed Land Use	Forestry/ Silviculture	B	B	B	B	B	B	B	B
	SF Detached Residential <sup>4</sup>	X	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	B <sup>1</sup>	A <sup>1</sup>	X	C
	All other Residential <sup>4</sup> , B&B	C	X	C <sup>1</sup>	C <sup>1</sup>	B <sup>1</sup>	B <sup>1</sup>	B	C
	Civic / Educational	B	C	X	X	X	C <sup>1</sup>	B	X
	Office / Service	B	B	C	X	X	A <sup>1</sup>	B	X
	Mixed Use Lodging, Commercial, Entertainment	A	B	B	C	X	A <sup>1</sup>	B	X
	Industrial/ Automotive/ Agriculture <sup>2</sup> / Infrastructure	A	A	A	A	A	X	A	B
	Conditional District <sup>3</sup>	Determined by Concept Plan							
		<b>A = Type A Buffer; B = Type B Buffer; C = Type C Buffer; X = No buffer required</b>  <sup>1</sup> Only required where no buffer has been provided by the adjacent use. If an adjacent use provides a buffer that is less than the requirement, the proposed use shall install fifty percent (50%) of the required buffer indicated. <sup>2</sup> Agricultural Uses excluding Backyard pens/coops and Gardens. Nurseries and Garden Centers and Farm Stands shall be considered commercial uses for buffer purposes. <sup>3</sup> Conditional Districts shall determine buffer yards as specified in the concept plan. <sup>4</sup> Individual, residential lots, under 2 acres in size, are exempt from the provisions of a buffer.							

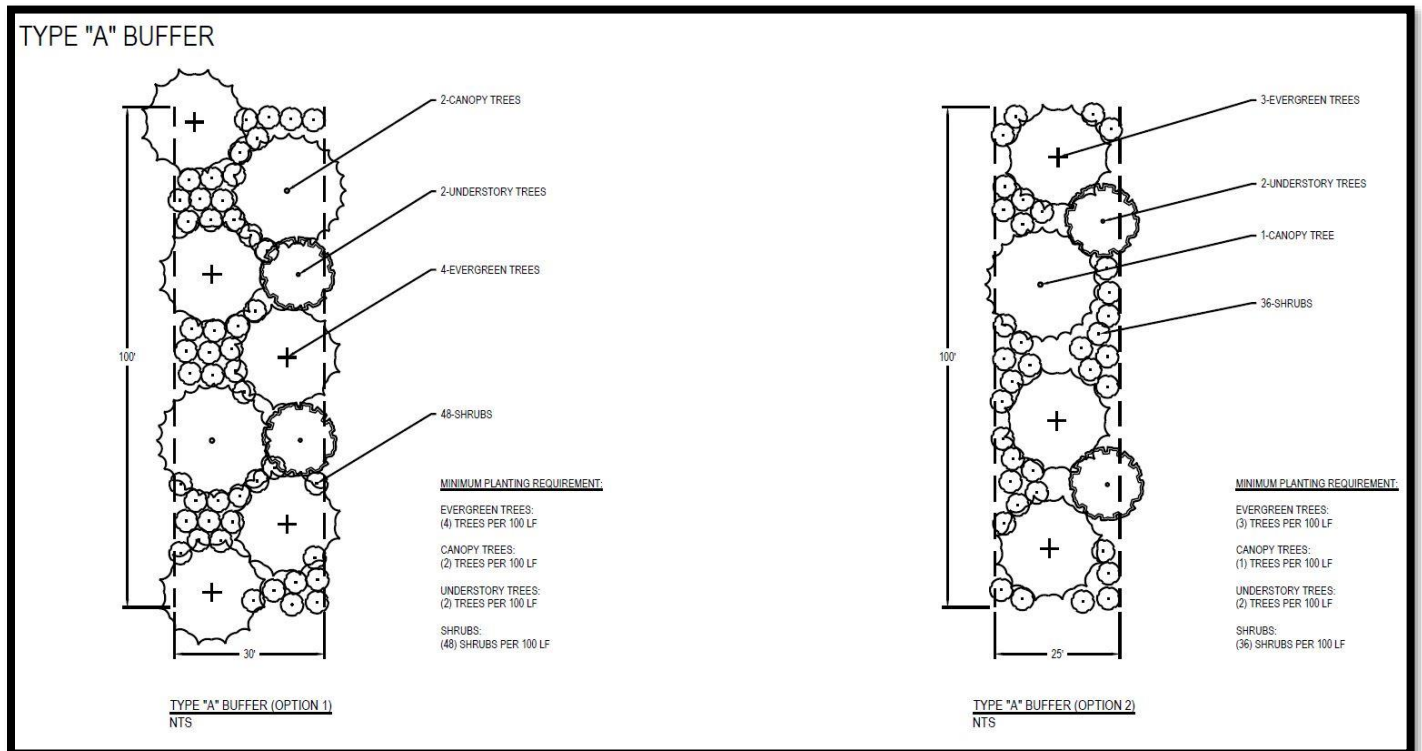
### 1. Type A Buffer

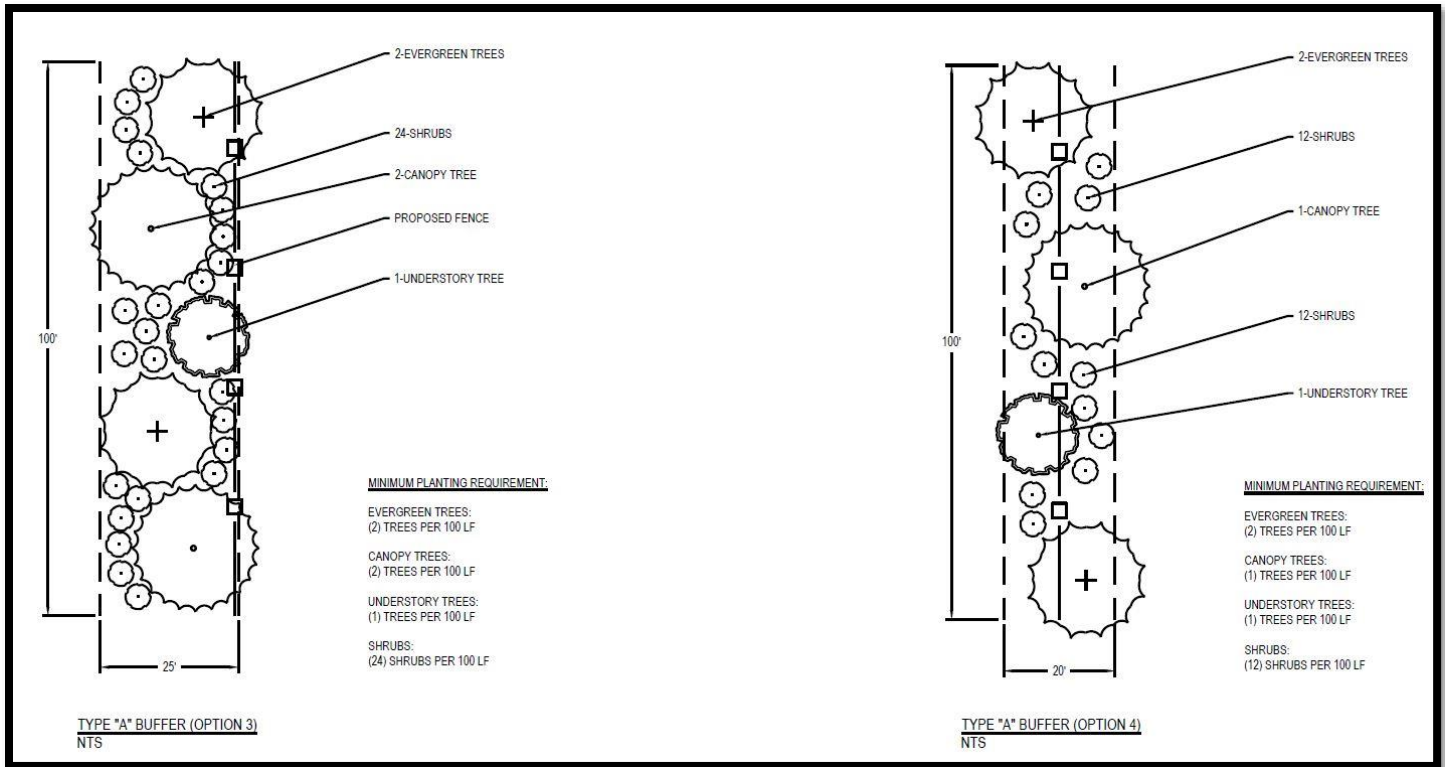
The intent of the Type A Buffer is to create a completely opaque buffer, having no visual openings within two (2) years of planting. Canopy trees will provide the only intermittent openings. A Type A Buffer may be achieved in one of four ways:

**Figure 6.3  
TYPE A BUFFER**

Type A Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet*	Required Barrier
<b>A.1. Option 1</b>	30 feet	4 Evergreen Trees 2 Canopy Trees 2 Understory Trees 48 Shrubs	Not Required
<b>A.2. Option 2</b>	25 feet	3 Evergreen Trees 1 Canopy Tree 2 Understory Trees 36 Shrubs	Berm (See 6.11.E)
<b>A.3. Option 3</b>	25 feet	2 Evergreen Trees 2 Canopy Trees 1 Understory Trees 24 Shrubs	Fence or Wall (See 6.11.A - D)
<b>A.4. Option 4</b>	20 feet	2 Evergreen Trees 1 Canopy Tree 1 Understory 12 Shrubs	Berm with Fence or Wall (See Sec. 6.11.E.9)

\* A minimum of fifty percent (50%) of required shrubs for all options must be evergreen species.





## 2. Type B Buffer

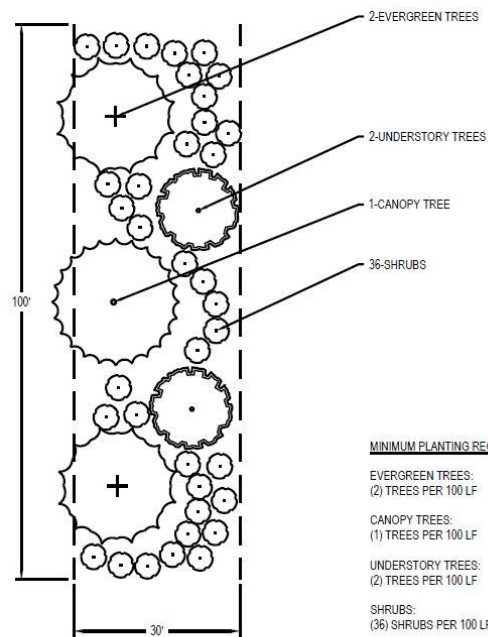
The intent of the Type B Buffer is to create a semi-opaque buffer, having only seasonal openings within two (2) years of planting. A Type B Buffer can be achieved in one of two ways as specified below:

**Figure 6.4**  
**TYPE B BUFFER**

Type B Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet*	Required Barrier
<b>B.1. Option 1</b>	30 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 36 Shrubs*	Not Required
<b>B.2. Option 2</b>	20 feet	1 Evergreen Tree 2 Canopy Tree 2 Understory Trees 12 Shrubs*	Berm

\* A minimum of fifty percent (50%) of required shrubs for all options must be evergreen species.

## TYPE "B" BUFFER



### MINIMUM PLANTING REQUIREMENT:

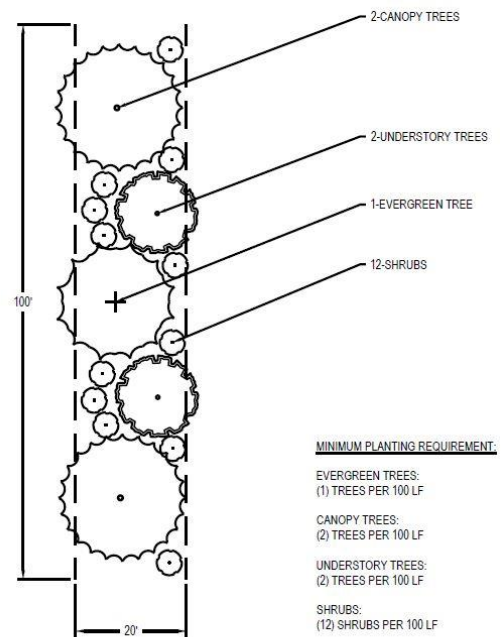
EVERGREEN TREES:  
(2) TREES PER 100 LF

CANOPY TREES:  
(1) TREES PER 100 LF

UNDERSTORY TREES:  
(2) TREES PER 100 LF

SHRUBS:  
(36) SHRUBS PER 100 LF

TYPE "B" BUFFER (OPTION 1)  
NTS



### MINIMUM PLANTING REQUIREMENT:

EVERGREEN TREES:  
(1) TREES PER 100 LF

CANOPY TREES:  
(2) TREES PER 100 LF

UNDERSTORY TREES:  
(2) TREES PER 100 LF

SHRUBS:  
(12) SHRUBS PER 100 LF

TYPE "B" BUFFER (OPTION 2)  
NTS

### 3. Type C Buffer

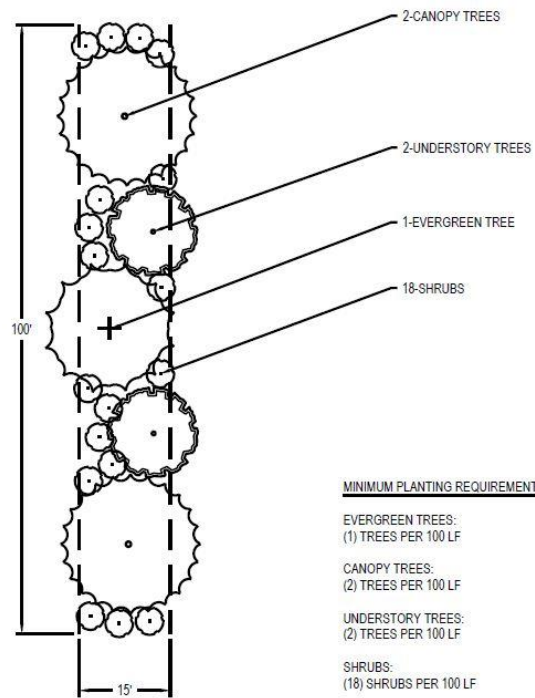
The intent of the Type C Buffer is to create a semi-opaque buffer, having a filtered view within two (2) years of planting. A Type C Buffer can be achieved as specified below.

**Figure 6.5**  
**TYPE C BUFFER**

Type C Buffer Yard	Minimum Depth	Minimum Plantings per 100 linear feet*	Required Barrier
	15 feet	1 Evergreen Tree 2 Canopy Trees 2 Understory Trees 18 Shrubs*	Not Required

\* A minimum of fifty percent (50%) of required shrubs for all options must be evergreen species.

## TYPE "C" BUFFER



### MINIMUM PLANTING REQUIREMENT:

EVERGREEN TREES:  
(1) TREES PER 100 LF

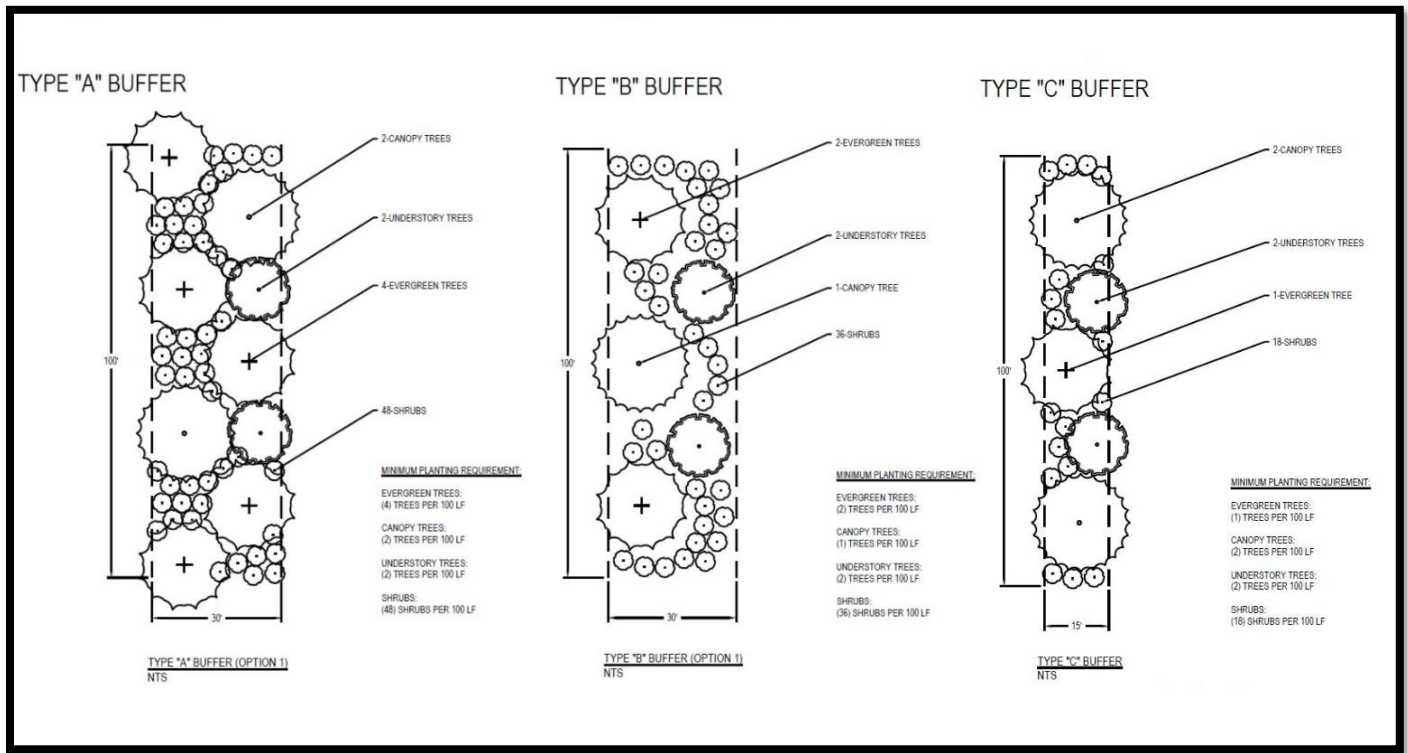
CANOPY TREES:  
(2) TREES PER 100 LF

UNDERSTORY TREES:  
(2) TREES PER 100 LF

SHRUBS:  
(18) SHRUBS PER 100 LF

TYPE "C" BUFFER  
NTS

**Figure 6.6**  
**BUFFER COMPARISONS (OPTION 1)**



#### 4. Exceptions to Buffer Yards

- a. **Downtown Mixed-Use (DMX).** The Downtown Mixed-Use District is unique in its architecture and building placement. The area is historically established, so the placement of buffers as required by this Section is not always feasible. Alternative buffer plans shall be provided, where applicable. All landscape and buffer plans for DMX shall take into account the proposed use and the existing adjacent uses, building placement, available impervious surface, and/or zoning when proposing an alternative plan. Screening methods should be employed where possible to reduce the required width but provide the required opacity between uses. All alternative plans shall be approved by the Zoning Administrator.
- b. **Existing Vegetation and Natural Features.** Where the presence of existing trees and shrubs, or natural features, such as steep slopes or wetlands, prevent the installation of required buffers, the applicant may submit an alternative buffer plan for approval by the Zoning Administrator. The alternative buffer plan shall demonstrate that the intent of the buffer is met through the existing vegetation, increased buffer width, screening methods, or a combination of the above. If the existing vegetation meets or exceeds the buffer or opacity requirements of this Section, the plans shall indicate the width of the required buffer and include appropriate notations. Further, if natural features make the installation of the buffer in its intended location unwarranted, the Zoning Administrator may require the relocation of the buffer to better serve its intent.

#### **D. Street Tree Plantings**

1. All development shall be required to have street trees along all public road frontage. Street trees are not required along existing public rights-of-way in the LDR zoning districts; however, any new development or subdivision shall be required to provide street trees on new interior roadways.
2. Canopy trees shall be installed at a minimum average distance of forty (40) feet on-center in a planting strip a minimum of five (5) feet in width. Where overhead utilities exist prior to development, understory trees may be substituted.
3. Street trees shall be placed at least ten (10) feet from light poles and twelve (12) feet from electrical transformers to allow these utilities to be safely serviced. (Understory trees may be placed within five [5] feet of such devices.)

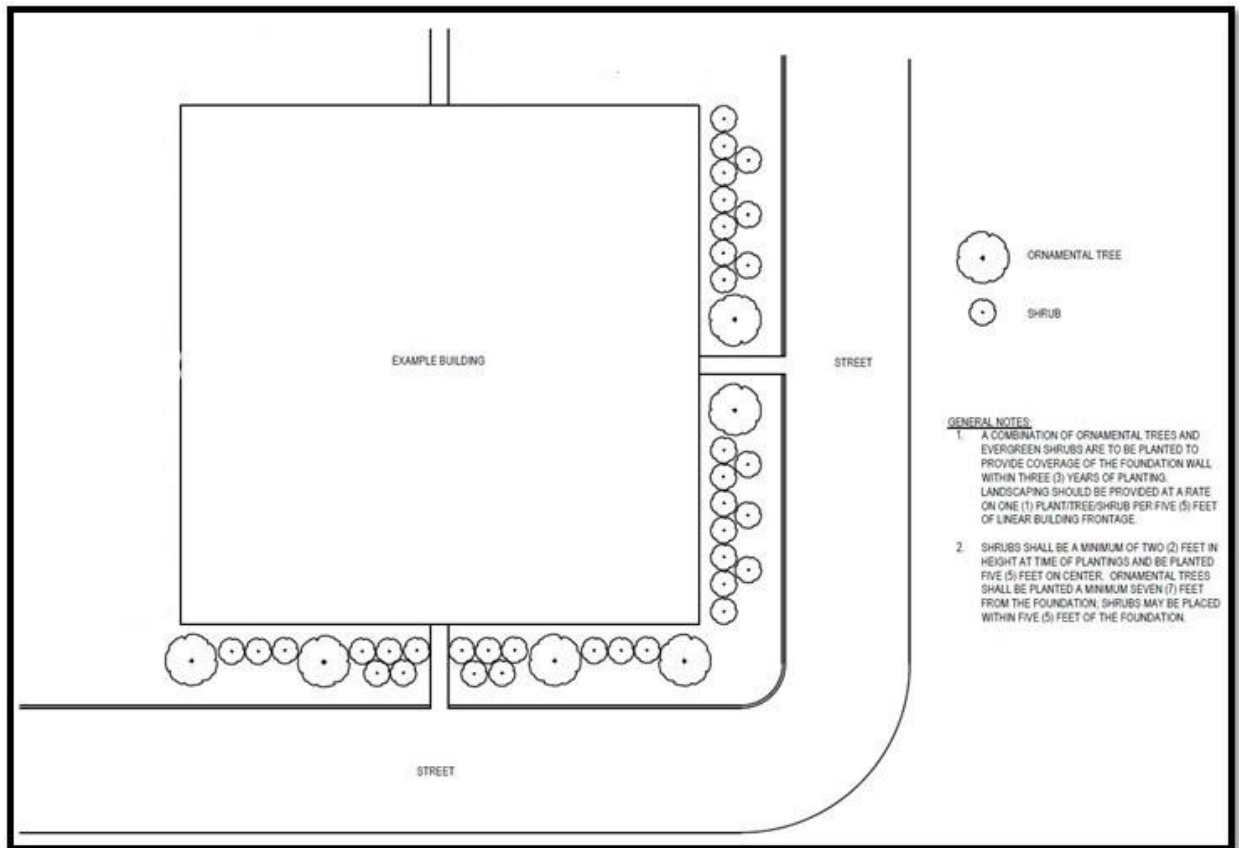
#### **E. Site Specific Landscaping**

##### **1. Foundation Plantings**

- a. Foundation plantings are required on all building sides which front upon a street. Rear facing building sides do not require foundation plantings if street or buffer yard plantings are provided.
- b. A combination of ornamental trees and evergreen shrubs are to be planted to provide coverage of the foundation wall within three (3) years of planting. Landscaping should be provided at a rate on one (1) plant/tree/shrub per five (5) feet of linear building frontage.
- c. Shrubs shall be a minimum of two (2) feet in height at time of plantings and be planted five (5) feet on center. Ornamental trees shall be planted a minimum seven (7) feet from the foundation; shrubs may be placed within five (5) feet of the foundation.



**Figure 6.7  
Foundation Planting Example**



## **2. Utility Boxes and HVAC Units**

All utility boxes and HVAC units, shall be shielded from view. Unless an alternative opaque screen is provided, the area shall be planted with a minimum of four (4), three (3) gallon evergreen shrubs, planted five (5) feet on center. They shall have a minimum planted height of twenty-four (24) inches. Utmost care shall be taken during installation as not to disturb underground wires and lines and applicable utility guidelines shall be followed.

## **3. Residential Canopy Requirement**

All new residential development, excluding development occurring in the DMX district, shall meet the minimum requirements.

Each residential lot must have one (1) canopy tree, with a minimum two-inch (2") DBH, installed, per 6,000 square feet (exclusive of the area within easements). Existing trees may be considered if found to be in good health and approved by the Zoning Administrator. Trees may be planted in front, side, or rear yards, although a minimum

of one shall be in the front yard. Allowable canopy trees are listed on the adopted Official Tree Planting List in Appendix B.

## **6.9 SCREENING**

Screening is a barrier created through natural and/or made-made features to blend in with the surrounding landscape. Screens are utilized to lessen glare, noise, and environmental impacts of particular uses. Screening is achieved through a combination of existing and new vegetation, landscaping, and other methods, such as berms, fences, and walls.

### **A. General Provisions**

1. Screens are to be compact and dense, providing a nearly opaque buffer when installed or planted, reaching required heights and full opacity within (2) two years.
2. The owner is responsible for the maintenance and care of the plant material contained in the screening areas as well as any structures installed. Landscaped screening methods shall be maintained in perpetuity and replaced if damaged, removed, or deemed to be in poor health.

### **B. Loading and Service Area Screening**

All sides of vehicle loading and service areas which are visible from a road, sidewalk, or adjacent property, where no buffer is provided, shall be protected by a dense, opaque screen to shield roadways, drivers, pedestrians, and properties from the negative impacts of automobiles, trucks, and other vehicles (noise, emissions, glare of headlights). If a buffer is provided but does not provide adequate screening, the Zoning Administrator may approve an alternative plan for screen planting and installation meeting the intention and opacity requirements of this Ordinance. Loading and service areas shall be screened as follows:

#### **1. Width**

Screening areas shall be a minimum of ten (10) feet in width.

#### **2. Height**

Minimum screening height of eight (8) feet shall be achieved in two (2) years, except for the area within sight triangles in which no structure or plant, reaching a mature height of over three (3) feet, shall be permitted.

#### **3. Methods**

A wall, a solid panel or board-on-board fence, a double-alternating row of evergreens, and/or a berm, in accordance with Section 6.11, shall be utilized in the screen design.

#### **4. Composition**

Planted screens shall consist of a mix of evergreen shrubs and trees, varying in height and species. Shrubs shall be planted five (5) feet on center; trees shall be planted ten (10) on center.

## **5. Softening**

A fence or wall shall also include a landscaped component to soften its appearance. A minimum of one (1) shrub or tree per ten (10) linear feet of fence or wall shall be installed. The plants may be grouped to provide a more interesting design which should be approved by the Zoning Administrator.

## **C. Open Storage Screening**

All open storage shall be screened from view from any roadway or adjacent property. In addition to meeting any fencing or wall requirements specific to the use, any open storage of merchandise, equipment, tractor trailers, materials, or goods other than those for retail sale, shall be screened from view from any roadway or residential use in accordance with the following:

### **1. Building Orientation**

Open Storage areas shall be located to the rear or side of the principal building and shall be completely enclosed.

### **2. Prohibited Locations**

No open storage shall take place within the right-of-way of any road, required front, side or rear yard, within a buffer yard, or within a tree protection area. Open storage and associated screening methods shall be located completely outside a sight triangle.

### **3. Width**

Screening areas shall be a minimum of ten (10) feet in width.

### **4. Height**

Screening height shall be a minimum of six (6) feet.

### **5. Method**

A wall, solid panel, or board-on-board fence, and/or berm shall be utilized in the screen design. Industrial uses may utilize vinyl coated chain link fences with appropriate vinyl, cloth, or plastic screening panels when placed to the rear of the building and approved by the Zoning Administrator.

#### **D. Above Ground Utilities Screening**

All screening methods utilized to screen utilities shall meet with the requirements of the utility provider and be approved by the Zoning Administrator. Above ground utilities shall be of an earth-tone or muted color, where possible, to blend in with a vegetative screen. An opaque, planted screen shall be provided, with a minimum planting area of four (4) feet in width, reaching a height equal to or greater than that of the above-ground utility within two (2) years. The height of the screen shall be approved by the Zoning Administrator where heights of the utility exceed eight (8) feet.

#### **E. Trash and Recycling Dumpsters / Compactors Screening**

All containment devices for bulk trash and recyclables, including compactors, dumpsters, commercial roll-out bins, and recycling drop-off bins, shall be located and designed so as not to be visible from the view of adjacent streets and public view and shall be placed in the side or rear yards only. They are subject to the following:

##### **1. Location**

- a.** Enclosures shall be located to the rear or side of the primary building. For multi-family residential uses and properties with the DMX and RF districts, the locations shall be approved by the Zoning Administrator.
- b.** Enclosures shall not be located closer than ten (10) feet to any right-of-way or property line. In cases where the building footprint or alley access does not allow for this distance to be provided, the enclosure should be set-back as far as possible to reduce interferences with vehicular traffic.
- c.** Enclosures shall not be located within any tree preservation area, sight triangle, front yard, required buffer yard, or minimum yards/setbacks for accessory structures.

**Figure 6.8  
Dumpster Screening**



## **2. Construction Standards**

- a.** Enclosures shall be constructed of solid, sturdy materials, including wood or composite fencing, masonry, stone, or brick. Materials must coordinate with the primary building.
- b.** All enclosures shall be constructed with an opaque gate with a metal frame. Chain link gates with slats shall not be permitted, except for industrial uses, when located in the rear yard. All gates shall be provided with wheels and drop pins or rods for securing gates when open and closed.
- c.** The base of the enclosure shall consist of a six-inch (6") reinforced concrete pad, designed to three thousand (3,000) PSI. The pad shall extend a minimum of twelve (12) inches beyond the walls of the enclosure and four (4) feet from the gate to protect surrounding asphalt.
- d.** A drain may be installed to drain only the area of the base.
- e.** Concrete wheel stops, soldier posts, or similar feature shall be installed within twelve inches (12) of the side and rear of the enclosure to ensure the container does not make contact with the walls.
- f.** Enclosures in multi-family residential areas shall provide a separate opening for pedestrian access that shall be screened from view by either an opaque fence, gate, wall, or landscaping at least six (6) feet in height and that does not obstruct the pedestrian access. A paved or concrete walkway shall be provided for access.
- g.** Enclosure walls and gates shall be at least six (6) inches above the height of the dumpster but in no case shall the enclosure be less than six (6) feet in height.

## **3. Appearance and Maintenance**

- a.** The exterior color of the enclosure shall compliment the materials and colors of the principal building.
- b.** No commercial signs related to the principal use shall not be allowed on the walls or gates of the dumpster enclosure. Only directional or warning signage, not exceeding six (6) square feet, shall be permitted. No temporary posters, bulletins, sales flyers, or advertisements of any kind shall be attached to the dumpster enclosure.
- c.** All enclosures shall be maintained and repaired, as necessary.
- d.** No trash, garbage, or recycling may be placed outside the dumpster.
- e.** Gates to the enclosure shall be closed and secured except for times when materials are being placed inside the dumpster or when it is being serviced.

- f. All enclosures visible from a public roadway or adjacent property, shall include a landscape component as the base of the enclosure. Landscaping shall include a mulched plant bed with a minimum of one (1) evergreen tree and three (3) shrubs per side of the enclosure that is facing a roadway or adjacent property without the benefit of a buffer.

## **6.10 PARKING AREA LANDSCAPING**

The landscaping and screening of parking lots is important to lessen the environmental impacts, such as surface runoff, created by the expanse of pavement, the visual impacts, and physical impacts of vehicles within the lots.

### **A. Parking Lot Screening**

With the exception of driveways servicing single-family residential units, all off-street parking areas adjacent to and/or visible from a public roadway or sidewalk and any parking area designated for overflow parking shall be screened from view in accordance with the following standards:

#### **1. Location**

Parking area screening shall be located between the proposed parking area and the adjacent roadway or sidewalk. If a buffer yard is provided along the same frontage, the width of the buffer yard may be utilized but the additional plantings required by the screen shall be provided if full opacity is not achieved with the buffer plantings alone.

#### **2. Width**

Screening area shall be a minimum of eight (8) feet in width.

#### **3. Height**

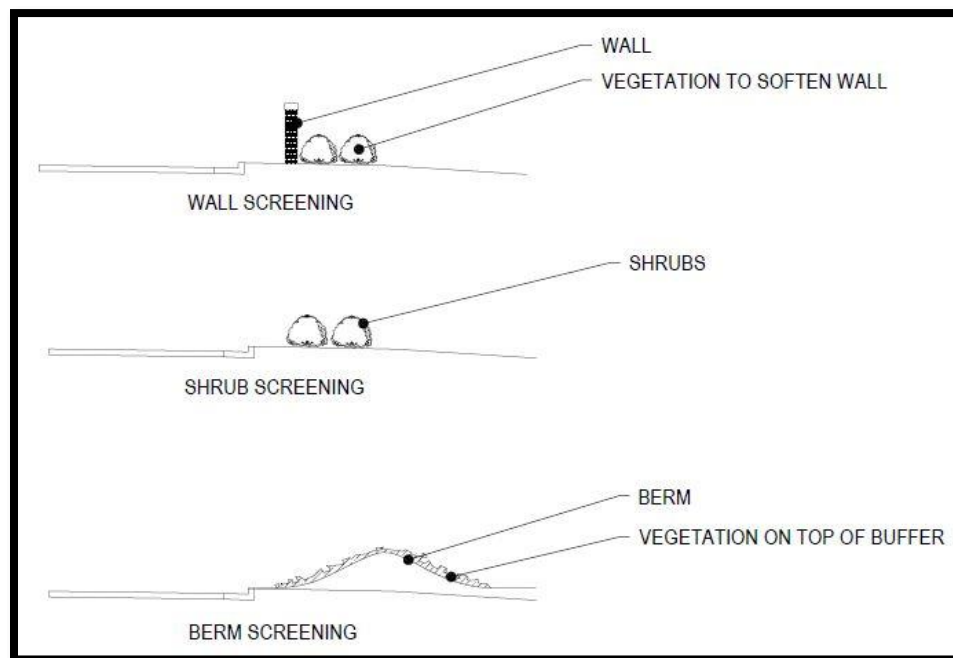
Screening height of four (4) feet shall be achieved within two (2) years of planting or installation, except for the area within sight triangles in which no structure or plant, reaching a mature height of over three (3) feet shall be permitted. The height of screening vegetation in the front yard shall not exceed five (5) feet except for canopy trees.

#### **4. Method**

A decorative wall (Section 6.11), a berm (Section 6.11.E), or a double alternating row of evergreen shrubs (Section 6.11.F) shall be utilized in the screen design.

- a. Vegetative screens shall consist of a mix of evergreen shrubs varying in height and species. Shrubs shall be planted five (5) feet on center. Canopy trees and other deciduous species may be added for variety in design.
- b. The outside of a constructed wall shall be softened with a mix of shrubs and ground cover(s). A minimum of one (1) shrub per ten (10) linear feet of wall should be provided, however, the spacing of the plants may be grouped and the design approved by the Zoning Administrator.

**Figure 6.9  
Screening Options**



## 5. Pedestrian Connection

A six-foot opening shall be provided every one-hundred fifty (150) feet to permit pedestrian passage where an adjacent sidewalk or pathway is provided. Sidewalk requirements are contained in Section 3.3.G.5.a. of this Ordinance.

### B. Parking Lot Landscaping

In addition to screening requirements, canopy trees shall be installed in planting areas/islands within and around parking lots to provide shade coverage for all parking spaces within vehicle service areas. This requirement shall not apply to parking areas designated for overflow parking. Planted areas / islands shall be provided for all parking lots in excess of ten (10) spaces and shall meet the following requirements:



## 1. Minimum Planting Required

A minimum of one (1) canopy tree and four (4) shrubs, per ten (10) parking spaces, shall be installed. Shrubs shall not exceed four (4) feet in height at maturity, however, shrubs in planting areas/islands at the end of parking aisles or in sight triangles shall not exceed two (2) feet at maturity. Each planting area/island shall be landscaped with mulch, groundcover, and/or shrubs to protect against soil erosion.

## 2. Minimum Spacing

No parking space shall be more than sixty (60) feet from the base of a planted, deciduous canopy tree trunk.

## 3. Planting Area/Island Standards

### a. Size

The minimum size of a planting area / island is dependent upon the number of canopy trees planted within it, as described below.

**Figure 6.10**  
**Minimum Planting Island Size**

Number of Canopy Trees in Planting Area	Minimum Size of Planting Area
1	400 square feet
2	700 square feet
3 or more	300 square feet per tree

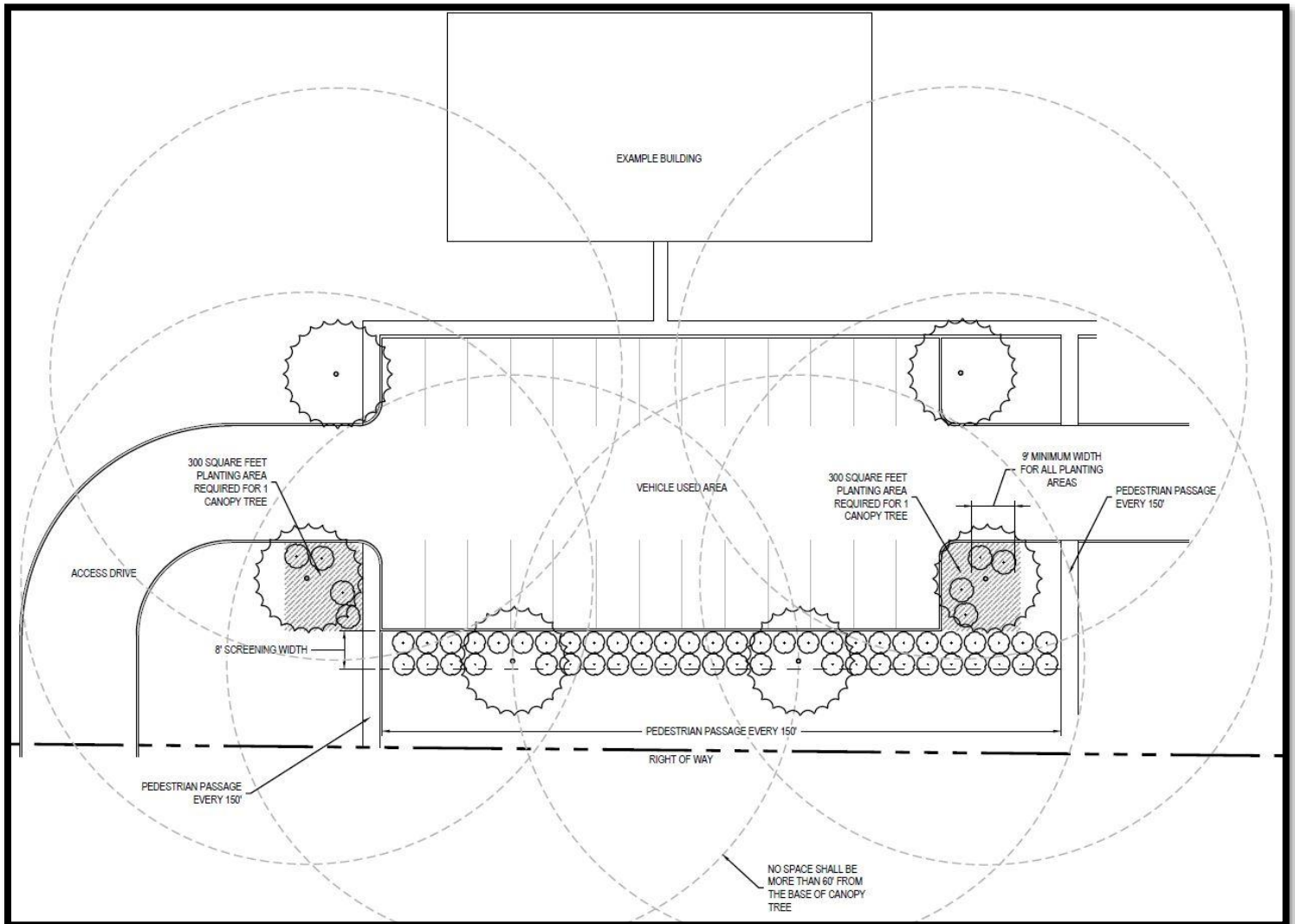
### b. Width/Length

A minimum horizontal dimension of nine (9) feet measured from back of curb, pavement, sidewalk, or other separating structure is required for all planting areas and islands.

### c. Separation Barriers

Barriers, such as wheel stops or standard, six (6) inch curbs, must be provided between parking areas and landscaped areas. It is recommended that curbing be discontinuous or perforated to allow stormwater to enter landscape areas for bioretention. Where landscaping is at or above grade, planted ground covers must be used to stabilize soil and prevent runoff into parking areas. Where curbing is provided in these situations, it should be discontinuous.

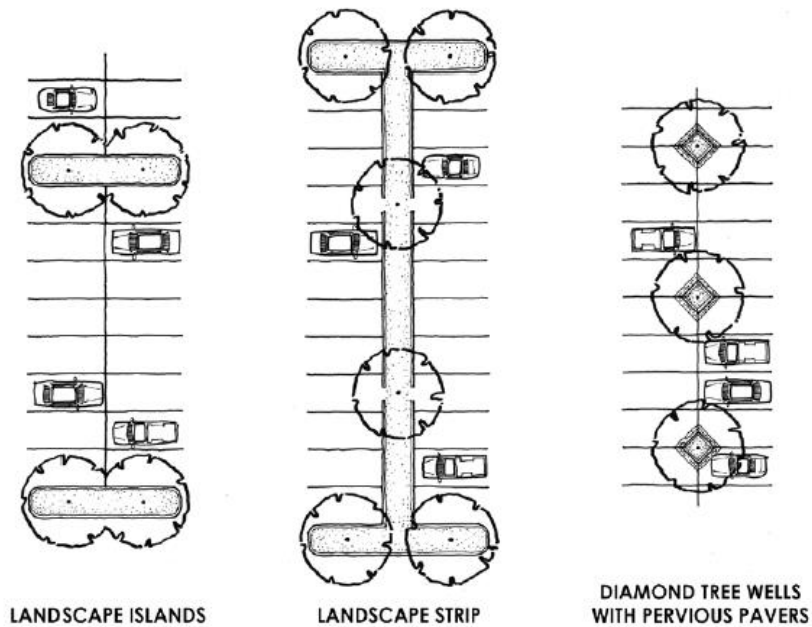
**Figure 6.11**  
**Parking Area Landscaping Example**



#### **4. Landscape Strip Location**

A continuous linear landscape strip, a minimum of nine (9) feet wide, extending the entire length of the parking bay, shall be provided between every two (2) parking bays. Planting strips shall be provided with the same barriers as other planting areas/island, as outlined in subsection 3.c., above. Pedestrian breaks, four (4) feet in width, shall be provided every, one hundred fifty (150) feet. This planting strip shall be planted with shrubs and canopy trees to provide a substantial, solid visual break in the parking area, and may be used as a bioretention area.

**Figure 6.12**  
**Landscape Areas in Parking Lots**



## **5. Conflict with Parking Lot Lighting**

Trees shall be located and planted so as not to diminish the effectiveness of required parking lot lighting, and in no instance shall lighting be located closer than:

- a.** Fifteen (15) feet to canopy trees, and
- b.** Eight (8) feet to understory trees.

## **6. Maintenance**

In addition to plant maintenance, the owner is responsible for keeping landscaped islands clear of debris.

## **6.11. FENCES, WALLS, AND BERMS**

Fences, walls, and berms are important features of landscaping, buffering, and screening but may also be utilized for security, enclosure, and privacy throughout the Town. The following section is applicable to the use of fences, walls, and berms.

### **A. Residential Fences and Walls**

#### **1. Front Yard**

Fences shall be no greater than four (4) feet in height in the front yard. Fences within the front yard shall be primarily transparent or provided with continuous openings and not solid in design. Garden or decorative walls are only permitted in the front yard with approval of the Zoning Administrator upon demonstration of congruent materials with principal building and need.

#### **2. Side/Rear Yard**

Fences or garden/decorative walls shall be no greater than six (6) feet in height in the side or rear yard.

#### **3. Materials**

Garden/decorative walls may be of brick, stone, wrought iron, or stucco matching the principal building. Retaining walls shall be wood, brick, stone, or stucco. Front and side yard fences shall be wood picket, wrought iron, or materials similar in appearance and durability. Chain link fences are not permitted in front and/or side yards. Rear yard fences may be green or black chain link, wood, wrought iron, or similar material.

#### **4. Exceptions**

Engineered retaining walls that may be needed due to topography are not subject to height limitations.

### **B. Commercial, Mixed-Use, and Civic/Institutional Fences and Walls**

#### **1. Front Yard**

No fences or walls shall be allowed in the front yard.

#### **2. Side/Rear Yard**

Fences or garden/decorative walls shall be no greater than eight (8) feet in the side or rear yard.

### **3. Materials**

Front yard fences shall be wrought iron or similar looking material only. Fence piers may be brick or stone. Side and rear yard fences shall be brick, stucco, wrought iron, stone, or wood maintained in a like-new manner. Decorative walls and retaining walls shall be brick, stone, stucco, or similar materials. Chain link fences shall not be installed in any district unless utilized as a portion of a recreation use such as baseball backstop or tennis court enclosure.

### **4. Exceptions**

Engineered retaining walls that may be needed due to topography are not subject to height limitations.

## **C. Industrial Fences and Walls**

### **1. Front Yard**

Fences shall be no greater than six (6) feet in height in the front yard.

### **2. Side/Rear Yard**

Fences or decorative walls shall be no greater than eight (8) feet in height in the side or rear yard unless topography necessitates additional height. The Zoning Administrator may approve fences or walls no greater than nine (9) feet. Requests for heights above nine (9) feet are subject to approval from the Board of Commissioners.

### **3. Materials**

Chain link and barbed wire fences are permitted only in rear yards, not visible from a street, or when utilized by a recreation use. Further, chain link fences are not permitted in or adjacent to any lot in residential use or residential zoning or any lot within the RF or DMX zoning district. Windbreak panels may be provided on chain link fences in rear yards only. Retaining walls shall be brick, stone, stucco, or similar materials.

### **4. Exceptions**

Engineered retaining walls that may be needed due to topography are not subject to height limitations.

#### **D. Fencing or Walls in Buffer Yards**

Where utilized as part of a buffer yard, fencing or walls must adhere to the provisions below.

1. In instances where a buffer yard width is reduced due to the addition of a wall or fence or where a fence or wall is utilized for screening to meet the requirements of this Chapter, fences and walls in a buffer must be solid and fully opaque, without visible openings or gaps.
2. Permitted Materials
  - a. Fence: Wood, Vinyl, or Plastic Composite (Trex). Additional materials may be permitted in accordance with Subsection 3., below.
  - b. Masonry, brick, stone, architectural block, or stucco on masonry.
3. The placement and design of fencing or walls shall meet the intended screening required by this ordinance. Split-rail, picket, and other fences with visible, open, gaps are permitted in buffers to delineate property boundaries or for aesthetic purposes with the approval of the Zoning Administrator. Chain-link fences are not permitted in a buffer yard.
4. Where existing vegetation is being utilized as a portion of the buffer, the installation of walls or fences must be done in such a manner as to protect significant vegetation, such as, but not limited to, hand built, jogs around trees, etc.
5. The minimum height of a fence or wall for use in a buffer shall be six (6) feet. However, the Zoning Administrator shall determine the final height based on the following variables: site conditions; topography; use; and/or building height.
6. Placement of fences and walls within a buffer shall take into account location of existing vegetation, installation of new vegetation, future maintenance, and potential placement of homeowner fences (in residential developments). It is suggested that fences be placed as close to adjacent property as possible, however, buffer design will be dictated by site specific conditions.
7. The finished side of a fence or wall shall face the adjacent property.
8. When utilized with a berm, it is intended that the fence or wall be placed at the top of the berm and buffer plantings be located on both sides of the fence or wall. However, this may be waived, upon Approval of the Zoning Administrator, if requested by neighbors or adjacent property owners as a portion of the land development or subdivision process, or if site conditions warrant an alternative placement of the fence or wall.

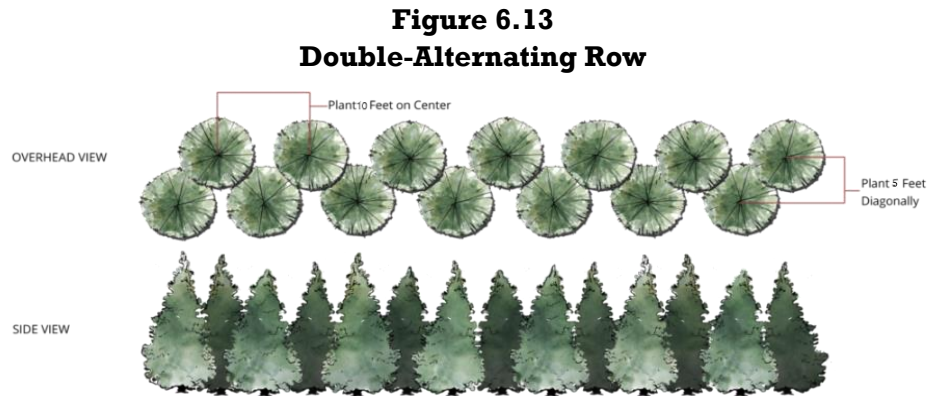
## **E. Berms**

1. Earthen berms may be utilized in combination with plant material and fencing/walls for the purposes of screening and creation of a “rolling” landscape appearance. Berms shall be tapered appropriately to allow for practical maintenance.
2. The slope of all berms shall not exceed a 3:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of six (6) feet above the toe of the berm.
3. All berms regardless of size, shall be stabilized. Topsoil brought in for mounds are to be mixed with native soil to avoid interfacing problems. Ground covers or grass shall be utilized to prevent erosion.
4. Berms shall be constructed as to provide adequate sight distances at intersections and along all roads.
5. Berms proposed to satisfy the screening requirements of this section shall be vegetated as required by this Chapter. Use of berms as a substitute for existing healthy vegetation is strongly discouraged. Where an applicant shall choose to install a buffer and preserve existing vegetation, the berm may be relocated outside the typical buffer or away from the property line. The alternative location for the berm shall be reviewed and approved by the Zoning Administrator.
6. Berms shall be shown on the landscape plan and grading plans.
7. In no case shall berms be located or designed so they damage the roots or trunks of existing healthy trees designated for preservation. Where berms are used to supplement existing vegetation, it is suggested that the berm be placed outside of the preservation area. Varying buffer widths are permitted to promote the preservation of existing trees.
8. Berms shall not be located or designed so as to block or divert a natural drainage flow on, to or off, any other land.
9. When a berm is used in conjunction with a fence or wall, the combined height of the fence/wall and berm shall not exceed the permitted height of the fence or wall, except when located within a buffer yard or screen. The Zoning Administrator may approve additional combined heights if warranted by site conditions or proposed uses.



## F. Double-Alternating Row of Evergreens

A double-alternating row of evergreens may consist of trees, shrubs, or both. No more than fifty percent (50%) of the plants may be of the same species but should have similar growing patterns in order to form a complete, opaque screen within two (2) years of planting.



## **PART II. OPEN SPACE AND RECREATION**

### **6.12 INTRODUCTION**

#### **A. Purpose and Intent**

It is intended that the Town of Elkin provide open space and recreational opportunities to its residents, to the employees that work in the Town, and all those that come to visit. The purpose of this Chapter is to permanently set aside and save for public use and enjoyment, undeveloped or predominately undeveloped land, centrally located, available to the public, and not to permit the use of leftover or otherwise unusable land to fulfill the requirements of this Chapter. This land shall have significant value for one or more of the following purposes:

1. Park and recreational purposes,
2. Conservation of land and other natural resources, or
3. Historic or scenic purposes.

#### **B. Applicability**

Open space and recreational opportunities shall be provided by all residential developments with more than four (4) units and by non-residential development in excess of one (1) acre, except for the DMX district. Applicable developments shall provide open space as provided in Section 6.13.

### **6.13 OPEN SPACE DEDICATION**

#### **A. Residential Development**

Residential open space dedication requirements shall only be applicable for developments of more than four (4) units and vary by product type. Open space shall be provided in the amounts specified below:

##### **1. Single-family Detached**

1,750 square feet per dwelling (based on average of three and one-half [3.5] bedrooms per unit).

##### **2. Townhomes**

1,000 square feet per dwelling (based on avg. of two [2] bedrooms per unit).

##### **3. Duplex**

1,000 square feet per dwelling (based on avg. of two [2] bedrooms per unit).

#### **4. All Other Multi-family**

Five hundred (500) square feet per dwelling unit.

### **B. Non-Residential Development**

Non-residential development is applicable to developments in excess of one (1) acre and shall be provided as a percentage of the total site area, based on the zoning district in which it is located, as specified below:

#### **1. LDR, MDR, HDR, MH**

Five percent (5%)

#### **2. RF, NB, HB, MA**

Ten percent (10%)

#### **3. M-1, M-2**

Twenty percent (20%)

#### **4. HDMF, DMX**

The HDMF zoning district is provided with its own open space requirements in Section 2.7.C.2 and DMX is not required to provide open space as existing development patterns do not allow for its provision.

## **6.14 GENERAL PROVISION AND STANDARDS**

All land dedicated for open space shall substantially meet the criteria below:

### **A. Eligibility**

Land eligible for possible open space dedication and/or credit include areas not covered by residential and commercial building lots or parking lots, dry detention structures, planting yards, streets, or required setbacks and meets the requirements of this section and Section 6.15, Open Space and Recreation Types.

### **B. Accessibility**

1. Open space shall be conveniently accessible to all residents of the development, and/or the public and shall have at least sixty (60) feet of frontage or twenty-five percent (25%) of its perimeter on at least one (1) public street within the development.
2. With the approval of the Zoning Administrator, open space land may be cleared of underbrush and debris and may contain one or more of the following enhancements: landscaping, walls, fences, walks, statues, boardwalks, wildlife viewing sites, picnic

facilities, educational and informational signs and exhibits, utilities, irrigation, fountains, ball fields, playground equipment, historic sites and structures, and other appropriate structures.

### **C. Location**

1. Open space land shall be conveniently located to be accessible to and serve the needs of the residents of the neighborhood and/or the residents of the immediate area within which the development is located.
2. Open space land should provide focal points for developments and the Town.
3. Enhancements should be located toward the interior of the open space land to provide for adequate safety of users.
4. Areas described in any adopted open space land or greenways plan shall be preserved and dedicated.

### **D. Usability**

1. At least one-half ( $\frac{1}{2}$ ) of the total open space land dedicated shall be located outside areas of special flood hazard, including the 100-year floodplain. Within the area proposed for dedication, sufficient engineering data and/or detail shall be indicated to ensure compliance with this section.
2. Dedicated areas including road/street rights-of-way, easements or areas for public utility transmission lines shall not receive credit in the computation for the amount of open space land required.

### **E. Topography**

The Zoning Administrator shall have the right to disqualify lands proposed for open space where topography makes them unsuitable for their intended open space use.

### **F. Shape**

The shape of land for active recreation shall be suitable for, but not limited to, playground, courts, or playfields. The shape of land for passive recreation shall be sufficient for the use and enjoyment of non-active recreational activities.

## **G. Dedication Procedure**

It is the intent of this Chapter that all dedicated lands remain perpetually as open space lands. Open space land shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, Surry County, to the Town of Elkin (upon approval by the Board of Commissioners) or may be held in private ownership with conservation easements recorded in the Surry County Register of Deeds in a form approved by the Town. A metes and bounds description of the space to be preserved and limits on its use shall be recorded on the development plan, in homeowner covenants, and on individual deeds only when approved by the Town and when open space lands are unable to be held in common. The developer must file in the County Register of Deeds Office legal documents which prove a method for restricting the use of common open space for the designated purposes. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives will also be permitted for multi-family and non-residential development, where the property owner or management company will be responsible for the maintenance and preservation in perpetuity.

## **H. Design and Development Plans**

The Zoning Administrator shall review all open space lands design and development plans for consistency with the intent of this chapter. When such land design and plans are determined appropriate by the Zoning Administrator, the Zoning Administrator may approve them.

## **6.15 OPEN SPACE AND RECREATION TYPES**

Open Space land shall be classified in accordance with this Chapter. Open space, not classified under these types, shall not be counted toward the dedication requirement of this Ordinance.

### **A. Types**

#### **1. Passive Open Space (Unimproved)**

Up to seventy-five percent (75%) of the park, recreation, and open space lands shall be provided for passive recreation purposes such as walking, jogging, relaxation, etc. Preservation of cultural or natural resources such as steep slopes, rock outcroppings, mature woodlands or water resources may also be counted towards passive recreation provided there is access for public enjoyment and appreciation of such resources.

## **2. Park Space (Improved)**

At least twenty-five percent (25%) of the park, recreation, and open space land shall be provided as improved Park Space. Improved Park Space must be primarily grassed and properly maintained and contain amenities such as public seating, trash receptacles, bicycle parking, paved walkways, or similar features as approved by the Zoning Administrator. Additionally, one-third ( $\frac{1}{3}$ ) of the required Park Space must be completely designed for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. Constructed multi-use paths (paved; min. ten ft. wide) within greenway easements or which could reasonably connect to a planned greenway, while passive in nature, shall be credited as active recreational open space for the area of the public greenway easement.

### **a. Active Recreation Example**

Based on the Town's dedication requirements (Section 6.13), a one, twenty-five (25) -lot subdivision of single-family houses would be required to dedicate a total one (1) acre of open space. Up to seventy-five percent (75%) (32,813 square feet) of the open space could remain Passive (unimproved). A minimum of one-fourth (0.25) acre (10,938 square feet) must be Park Space (improved). Of that Park Space, one-third ( $\frac{1}{3}$ ) of the land (3,646 square feet) shall be fully occupied by an active recreational use, such as a playground, swimming pool, etc.

## **3. Riverfront Development (Improved)**

Parcels abutting the Yadkin River shall provide fifty percent (50%) of the required open space as waterfront parks along the river frontage. This requirement may be reduced to a minimum of twenty-five percent (25%) if off-water open space is dedicated with an area equal to one and one-half (1.5) times the required waterfront dedication. The design shall be such as to form a central public space to provide waterfront access and views. A minimum of thirty percent (30%) of the perimeter of the park shall be bordered by the water. Open space provided this way shall be counted towards the requirements of Section 6.13.

## **B. Common Area Open Space**

Common, open space lands are designed to serve the residents of the immediate block or neighborhood. Ownership and maintenance of such common areas shall be in fee simple title to a homeowners' association or similar organization.

## **C. Public Open Space**

Public Open Space lands shall be dedicated to the Town of Elkin, Surry County, or a non-profit conservancy organization for ownership and maintenance. Public open space shall be open to the public. Hours of access may be restricted in accordance with health and safety guidelines. Open space lands dedicated to the Town of Elkin shall be approved by the Board of Commissioners for ownership and maintenance.