

1A-100 PURPOSE

The establishment of requirements for the installation, preservation and maintenance of trees, landscaping, buffering, and screening as site improvements is essential for the enhancement of the community's ecological, environmental, and aesthetic qualities. Such amenities serve to reduce the negative effects of increases in air temperatures, pollution, glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces, and provide buffers between land uses of different character. The City is also committed to conservation of water resources. Therefore, it is the intent of this Landscape and Screening Ordinance to provide for and require landscape design, landscape materials, and irrigation systems that conserve water and have a higher probability of surviving drought conditions while achieving the aesthetic, environmental and quality of life benefits of good landscaping.

1A-200 LANDSCAPE REQUIREMENTS

1A-201 GENERAL LANDSCAPE REQUIREMENTS

Ord. 3129/12-16-96; Ord. 4341/10-20-2014

A. APPLICABILITY

Landscaping shall hereafter be provided and maintained on all building sites where development, construction, expansion, reconstruction or redevelopment occurs in accordance with the following requirements.

B. LANDSCAPE PLAN REQUIRED

1. ***Submission*** A landscape plan shall be submitted with the site plan showing the location, name, and quantity of landscaping materials and other landscape features proposed, as well as showing the location of buildings, parking areas, drives, fences, walls, alleys and adjacent streets. The landscape plan shall be drawn to scale and shall be legible. In addition to the above, where required by applicable regulations, the plan shall show buffering, screening, tree preservation, and/or tree replacement related to the landscaping.
2. ***Review and Approval*** Landscape plans shall be reviewed by the Municipal Arborist and shall be subject to Site Plan approval.
3. ***Compliance with Form-Based Codes*** In form-based code districts, the landscaping, screening, buffering, tree preservation, and xeriscape plant standards and schedules of the form-based district shall apply.

C. LANDSCAPE INSTALLATION

1. ***Permitted Materials*** Landscape materials shall consist of permanent turf, ground cover, seasonal color, shrubs and trees. Trees proposed and utilized to satisfy landscaping requirements shall be approved landscape trees as indicated by an asterisk (*) in 1A-500 Tree Schedule. Shrubs proposed and utilized to satisfy landscaping requirements shall be approved landscape shrubs as listed in Section 1A-500, Table 1A-500-2, *Shrub Schedule*. Turfgrass proposed and utilized to satisfy landscaping requirements shall be approved turfgrass as listed in Section 1A-500, Table 1A-500-3, *Turfgrass Schedule*. Vines and ground cover proposed and utilized to satisfy landscaping requirements shall be approved vines and ground cover as listed in Section 1A-500, Table 1A-500-4, *Vine and Ground Cover Schedule*. Ornamental grasses proposed and utilized to satisfy landscaping requirements shall be approved ornamental grass as listed in Section 1A-500, Table 1A-500-5, *Ornamental Grass Schedule*. Equivalent alternative plant materials may be approved by the Municipal Arborist. Artificial plants may not be used as landscaping.
2. ***Minimum*** At the time of installation, all required landscape plantings shall comply with the

- Installation Size* minimum size required in 1A-500 Tree Schedule.
3. *Irrigation* Irrigation systems shall be configured to provide 100% coverage on all landscape and turfgrass and to prevent over-spray of water onto streets and sidewalks. All irrigation shall be installed according to laws and regulations of the Texas Commission on Environmental Quality. The City of Mesquite Irrigation Specifications adheres to the Texas Commission on Environmental Quality laws and regulations and accepted industry practices. The installation of all irrigation shall adhere to the manufacturer recommendations and specifications.
4. *Silva Cells* Where trees are to be planted in sidewalk wells or surrounded by other impervious surfaces, the landscaping and pavement plans shall include the installation of silva cells or equivalent systems to provide for adequate soil volume and root growth.
5. *Traffic Visibility* Landscaping shall not be erected so as to obstruct traffic visibility at alleys, streets, or intersections. Except as provided by code or in special districts, trees and shrubs shall be located on private property, and not on a street right-of-way, unless specifically approved by the Traffic Engineer. With the exception of street trees approved by the Traffic Engineer, landscaping within 11 feet of a curb line shall not exceed 30-inches in height. Trees may not be approved unless their branches are at least 7-feet above the curb and they do not otherwise obstruct visibility.
6. *Completion* All required landscaping must be in place prior to the issuance of a Certificate of Occupancy; provided however, the Director may defer installation for a period of no more than 6 months after issuance of a Certificate of Occupancy based on seasonal planting consideration and with written assurance from the developer stating a specific date by which landscaping will be installed. Landscaping may also be deferred during times when the City of Mesquite has established Level 3 or greater water restrictions. Method of deferral shall be solely the discretion of the City of Mesquite.

D. MAINTENANCE

All landscaping shall be maintained in a neat and orderly manner at all times: 1) Mowing, edging, pruning, fertilizing, watering, and weeding shall occur on a regular basis appropriate to the season; 2) Trash, litter, and weeds shall be removed regularly; 3) Plant materials shall be kept in a healthy growing condition; and 4) Dead plant material shall be replaced in a timely manner. Plants shall not exceed permitted heights or be permitted to grow in restricted areas.

E. OVERHEAD POWER LINES

Trees selected for areas beneath overhead power lines shall be selected from the list of Ornamental Trees listed Table 1A-500-1, *Tree Schedule* and shall be approved by the Municipal Arborist.

1A-202 REQUIREMENTS FOR NONRESIDENTIAL USES Ord. 3129/12-16-96; Ord. 4341/10-20-2014

The following requirements shall apply to all uses in nonresidential districts and to permitted nonresidential uses in residential districts.

A. GENERAL SITE REQUIREMENTS

1. *Minimum Landscape Area* Landscape areas equal to a minimum of 10 percent of the site area shall be provided.
- a) Calculation of the minimum landscape area may include internal landscaping in parking areas and a required buffer tree line. Adjacent rights-of-way shall be landscaped, but these areas shall not be included in the calculation of required area.
 - b) Portions of the site area planned for development as part of a later phase may

be excluded from the calculation of minimum landscape area for the portion of the site area being developed as part of the current phase.

- c) Adjacent rights-of-way shall be landscaped with lawn or ground cover, but these areas shall not be included in the calculation of required minimum landscape area.

2. ***Tree Requirement*** One shade tree, or one evergreen tree, or 3 ornamental trees shall be provided for each 500 square feet of required landscape area. Trees provided for internal parking area landscaping and trees in a required buffer tree line may be counted to fulfill this requirement, provided that at least 50% of the required trees are located between the main building and the front and/or exterior side property lines.
3. ***Credit for Tree Preservation*** Credit for preserving a protected size tree, as defined in 1A-500 Tree Schedule, shall be given by counting each protected tree saved as 2 trees for the purpose of fulfilling the calculated landscape tree requirement, or by reducing the required landscape area by 500 square feet for each tree preserved.

B. PARKING AREA LANDSCAPING

1. ***Interior Landscaping/ Trees Required*** When a parking area contains 20 or more parking spaces, the interior of the area shall be landscaped by providing a minimum of one tree for every 15 parking spaces or fraction thereof. The required trees shall be spread throughout the parking area. Each tree shall be placed in a landscape area no smaller than 9-feet by 18-feet, which is protected from vehicles through the use of concrete curbs, wheel stops, or other permanent barriers no less than 6 inches in height.
2. ***Visibility*** Landscaping materials, curbs, barriers or any combination thereof shall be situated so as not to create a visibility obstruction to moving vehicles or pedestrians within the parking lot. A landscape island located at an intersection of maneuvering aisles may not contain landscape material exceeding 30 inches in height, except that trees trimmed so that no branch or growth is less than seven feet in height above the curb level of the island may be permitted.
3. ***Nonpublic Parking Areas*** Requirements for internal landscaping and trees shall not apply to nonpublic parking areas of industrial and commercial uses which are not visible from the street and are not open to public use.

1A-203 REQUIREMENTS FOR RESIDENTIAL USES Ord. 3129/12-16-96; Ord. 4341/10-20-2014

Single family residences and agricultural uses are not subject to landscape requirements. All other residential uses shall provide landscaping in accordance with the requirements as set out below.

A. DUPLEXES

Duplexes shall provide permanent turf grass and/or ground cover established in all yards; a minimum of one shade tree, or one evergreen tree, or 3 small ornamental trees in the front yard of each dwelling unit; and one gallon shrubs, planted no more than 3 feet on center, along the front of the structure.

B. MULTIFAMILY RESIDENTIAL

Landscaping for multifamily uses shall be in accordance with the requirements set out above for nonresidential uses; provided however, that the minimum landscape area shall be all open space areas required by the multifamily development standards in 2-501.

1A-300 SCREENING AND BUFFERING REQUIREMENTS

1A-301 GENERAL SCREENING AND BUFFERING REQUIREMENTS Ord. 3129/12-16-96; Ord. 4341/10-20-2014

A. APPLICABILITY

Screening to provide partial visual protection and to serve as a barrier between uses shall be required in the following circumstances in accordance with the following requirements.

B. PLANS REQUIRED

Elements required to satisfy screening and buffering regulations shall be shown on the related site plan, landscape plan and/or building plan required for a project, as appropriate. The location, height, and construction materials of required screening walls, fences, berms, etc. shall be shown on the site plan, landscape plan and/or building plan. The name, quantity, spacing, and size of shrubs and trees proposed for required screens and/or buffer tree lines shall be shown on the landscape plan.

C. SCREENING AND BUFFERING INSTALLATION

1. **General** If no other standard of installation is specified, the requirements of 1A-500 shall apply.
2. **Shrubs** Shrubs installed to establish a required screening or buffering element shall be evergreen and shall be a minimum 5-gallon in size, approximately 3-feet in height at the time of planting, and planted at a maximum 3-feet on center, unless otherwise approved by the Municipal Arborist. Shrubs shall be selected from Section 1A-500-2 *Shrub Schedule*.
3. **Parking Screens** Where a parking screen is required, a 4-foot high solid screen (Ord. 3343/11-15-99) shall be provided along the perimeter of the parking area to screen the view of the parking and to shield from headlight glare. A solid screen shall mean a solid masonry wall, landscaped hedgerow, berm or other alternative approved by the Director. Metal and/or wood fences shall not be used to satisfy this requirement.

Where a landscaped hedgerow is used to establish the parking screen, shrubs shall be installed in a planting strip adjacent to the parking area. The planting strip must be at least 36-inches wide and protected from vehicle damage. Plants shall be a minimum size of 5-gallons with a minimum height at planting of 24-inches and shall create a minimum 3-foot tall screen within two years of planting. Drought and freeze-resistant shrubs shall be used, including but not limited to Dwarf Burford Holly, Nellie R. Stevens Holly, Eleagnus, Wax Leaf Ligustrum, or other plants approved by the Municipal Arborist.
4. **Buffer Tree Lines** When a required buffer tree line is being established, pervious area shall be provided and trees shall be spaced in compliance with 1A-500-1 Tree Schedule. Trees used to establish a buffer tree line shall be limited to those species indicated with an asterisk (*) in the Tree Schedule. If overhead power lines are located above the planting area, trees marked with an asterisk (*) from the list of small ornamental trees must be used.
5. **Screening Walls** Required screening walls greater than three feet in height shall be designed by a Professional Engineer, Architect, or Landscape Architect registered in the State of Texas, and shall be designed and constructed to accommodate natural and/or proposed drainage in the area.
6. **Irrigation** All required screening and buffers which include landscape materials shall be irrigated by an automatic underground irrigation system designed in compliance with the City of Mesquite Irrigation Specifications..
7. **Traffic Visibility** Screening and buffering shall not be planted or erected so as to obstruct traffic

visibility at alleys, streets, or intersections. When it is determined by the Traffic Engineer that an obstruction of traffic visibility is likely to occur, screening that extends into a required front or exterior side yard shall be modified to address the Traffic Engineer's determination.

8. **Completion** All required screening and buffering must be in place prior to the issuance of a Certificate of Occupancy; provided however, that deferments may be approved as allowed for in Section 1A-220.C.5.

D. MODIFICATIONS

Modification of the screening and buffering requirements may be requested. Requests for modification will be considered by the City Council at a public hearing. At least 10 days prior to the public hearing, written notification shall be sent to each owner of real property abutting the required screening. The notice shall inform the owner(s) of the request for waiver, deferment, or substitution, and of the time and place of the hearing.

1. **Waiver** Where the City Council finds the requirement of screening and/or buffering is impractical or unnecessary, it may grant a permanent waiver of the requirement.
2. **Deferment** Where the City Council finds the requirement of screening and/or buffering is impractical or unnecessary for immediate construction, it may grant a temporary deferment of the requirement.
3. **Substitution** Where the City Council finds that the intent of the screening and/or buffering requirement is better served by a modified application or by substitution of an alternate method of screening and buffering, a substitution of such method may be approved.

NOTE: The following standards shall apply when alternate screening of wood or wrought iron is approved. (Approved by City Council, 7-17-2000)

Wrought iron and wood fencing approved as alternate screening shall require masonry columns installed as follows: columns shall be placed on 30-foot centers; provided however, that the following variation may be permitted. Where the fencing is directly on a residential lot line, so that the fencing is also the residential privacy fence, columns may be placed on the lot corners and at the lot center. When a lot is wider than 60 feet, the spacing may be increased to a maximum of 35 feet. If the distance between lot corners is greater than 70 feet, more than one intervening column will be required and such columns should be spaced evenly across the lot, with a spacing of no more than 35 feet.

1A-302 MAINTENANCE

Ord. 3129/12-16-96

A. GENERAL REQUIREMENTS

Required screening and buffering elements shall be maintained in a neat, orderly, and sound manner at all times. Walls and fences shall be in an upright position with all panels, slats, pickets, or other parts in place and firmly attached. Replacement of broken or missing parts shall occur on a prompt and regular basis. Landscape elements shall be maintained in the same manner required for landscaping in general. See 1A-201D.

B. PRIVATE MAINTENANCE REQUIRED

All screening and buffering located on private property and on adjacent rights-of-way or easements shall be maintained by the property owner. Where subdivision screening walls and/or landscaping are located on individual lots, the property owner shall be responsible for maintenance of the required improvements in a manner consistent with the original installation requirements.

C. PERPETUAL MAINTENANCE/ESCROW FEES

Whenever landscaping, screening or buffering is required to be, or approved to be, located on public right-of-way, easement, or other publicly owned property, the perpetual maintenance of the landscape, screening or buffering shall be assured by one of the following methods. Provided that, initially the developer shall provide total maintenance

for all landscape, screening and buffering areas for a minimum period of two years or until the completion of active construction in a subdivision, whichever is longer, unless a shorter period is specifically approved.

1. ***Property Owners Association*** Perpetual maintenance may be assured by the creation of a "viable" property owner's association. A viable association is one which maintains a substantial amount of open space, recreation facilities or other common-use land or facilities. Association documents must be approved by the City Attorney and shall empower the City to assess a maintenance fee for the required facilities in the event the association fails to accomplish its maintenance responsibility. Documents shall be filed prior to issuance of building permits.
2. ***Escrow Fees/ Perpetual Maintenance Agreements*** The developer may request that the City assume perpetual maintenance of the improvements by entering into a Perpetual Maintenance Escrow Agreement. Under such agreement, a minimum amount as specified below, shall be paid into an escrow fund for maintenance prior to the issuance of building permits. Under the agreement, the City will assume the long term maintenance of the improvements covered. Fees required shall be as follows: \$15.00 per linear foot of masonry screening wall; and \$5.00 per square foot of landscape planting/turf areas

1A-303 NONRESIDENTIAL USE REQUIREMENTS

Ord. 3129/12-16-96

A. NONRESIDENTIAL ABUTTING A RESIDENTIAL DISTRICT AT THE REAR OR INTERIOR SIDE

(Ord. 3343/11-15-99)

When a nonresidential district backs or sides upon a residential district, the following screening/buffering requirements shall apply.

1. ***Basic Requirement - Minimum Setbacks*** An 8 foot high screening wall of solid masonry construction and a buffer tree line shall be established and maintained along the property line abutting the residential district. The tree line may be located on either side of the wall provided that both the wall and tree line be located on the nonresidential property.

This requirement shall apply except that alternate screening as set out below may be utilized when the following conditions are satisfied; provided however, that the alternate screening may not be utilized if a masonry screening wall exists or will be required on adjoining nonresidential lots and the utilization of alternative screening would result in screening which is not continuous or not consistent.
2. ***Alternate Screening – Increased Building Setbacks*** The height of the solid masonry screening wall may be reduced to 6 feet whenever the nonresidential use provides an increased setback of at least three feet for each foot in height above grade at the residential district boundary. The buffer tree line shall be required as specified under the *Basic Requirement* above.
3. ***Alternate Screening – No Build Setbacks and Adjoining Public Sites*** A 6 foot wrought iron fence and landscape hedge may be used for screening whenever one of the following circumstances exists; provided however, that this modification is not permitted if the nonresidential use includes any outdoor storage or display, a loading yard or a service yard.
 - a. The nonresidential use is separated from the nearest residential property by a permanent easement, right-of-way or other feature at least 80 feet in width, assuring the nonresidential use does not directly abut the residential use. This alternative may be utilized where drainage and/or utility easements or rights-of-way lie between a nonresidential use and a residential use, regardless of the actual district zoning of the easement or right-of-way area.

- b. The nonresidential use sets aside a “buffer-yard” so that no active portion of the use; i.e., no buildings, parking, pavement, storage, or structure of any kind, is within 80 feet of the residential district. This provision shall also allow deferment of masonry wall construction where the portion of a lot nearest the residential district is at least 80 feet wide and is reserved for future development. In this situation, the interim screening (a 6 foot wrought iron fence and landscape hedge) shall be placed either at the property line or at the edge of the developed portion of the lot. When construction occurs in the “buffer yard” area, the screening for the use must be upgraded to the *Basic Requirement* as outlined above.
- c. The nonresidential use is being constructed adjoining a public school, park or similar public site, which is located in a district zoned AG, R or D.

- 4. ***Nonresidential Uses Permitted in Residential Districts*** Whenever a nonresidential use which is a permitted use in the AG, R or D district is being constructed in a nonresidential district and requires district screening, the screening required shall be the same screening which would be applicable to the use when constructed in the AG, R or D district, provided that all other development standards applicable to a residential district location are satisfied, i.e., lot size, setbacks, building heights, etc.

B. NONRESIDENTIAL ACROSS STREET FROM A RESIDENTIAL DISTRICT

- 1. ***Across Divided Boulevard*** When a nonresidential district, other than an Industrial district, is across a boulevard street with median from a residential district, the nonresidential use shall provide a parking screen along the perimeter of any parking area parallel to the street.
- 2. ***Across Undivided Street*** When a nonresidential district, other than an Industrial district, is across an undivided street from a residential district, the nonresidential use shall provide a 10-foot wide landscape strip along the property line parallel to the street. A buffer tree line shall be established in the landscape strip; and a parking screen shall be established along the perimeter of any parking area adjoining the landscape strip. Driveways across a landscape strip to a non-arterial street shall be prohibited except when access to a non-arterial street is required for adequate circulation or proper fire access.
- 3. ***Industrial District*** When an Industrial district is across either a divided boulevard or an undivided street from a residential district, the use in the Industrial district shall provide a 25-foot wide landscape strip along the property line parallel to the street. A buffer tree line shall be established in the landscape strip; and a parking screen shall be established along the perimeter of any parking area adjoining the landscape strip. Driveways across a landscape strip to a non-arterial street shall be prohibited, except when access to a non-arterial street is required for adequate circulation or proper fire access.

C. NONRESIDENTIAL USES ADJACENT TO A RESIDENCE WITHIN THE CENTRAL BUSINESS OR MIXED USE DISTRICTS

When a lot in the CB or MU district which is to be occupied by a nonresidential use backs or sides on a lot which is in residential use, a solid wood or masonry fence no less than 8-feet in height shall be erected and maintained along the property line dividing the lots.

D. NONRESIDENTIAL SERVICE AREAS ABUTTING A STREET

When the service area of a nonresidential use is located so as to be visible from a street, a 10-foot wide landscape strip shall be created along the street right-of-way line, in which a solid screen, 8-feet in height, shall be established through the use of either 1) a solid landscape hedge planted in the center of the landscape strips, or 2) a solid masonry wall located along the inside line of the landscape strip with shrubs and trees planted in front of the wall on the street side. "Service area" shall mean loading docks, loading areas, overhead doors used for loading, staging areas, truck docks, and commercial vehicle parking areas.

E. PERMITTED NONRESIDENTIAL USES IN A RESIDENTIAL DISTRICT

When a parking lot for a permitted nonresidential use in a residential district abuts, is across an alley, easement, or a residential street, or is otherwise within 100 feet of any single family or duplex lot, whether or not such lot is developed, a parking screen shall be provided along the perimeter of any parking area within 100 feet of such lot.

1A-304 MULTIFAMILY USE REQUIREMENTS

Ord. 3129/12-16-96

A. MULTIFAMILY ABUTTING AN R OR D DISTRICT AT THE REAR OR SIDE (Ord. 3343/11-15-99)

When a multifamily district backs or sides upon a single family or duplex residential district, an 8 foot screening wall of solid masonry construction and a buffer tree line shall be established and maintained along the property line abutting the single family or duplex residential district. The buffer tree line may be located on either side of the wall, provided that both the wall and tree line be located on the multifamily property. Alternate screening, as set out in 1A-303A above may be utilized by a multifamily use when stated conditions of 1A-303A are satisfied.

B. MULTIFAMILY ACROSS STREET FROM AN R OR D DISTRICT

When a multifamily district is across a street from a single family or duplex district, the multifamily use shall provide a 25-foot landscape strip along the property line parallel to the street. A buffer tree line shall be established in the landscape strip; and a parking screen shall be established along the perimeter of any parking areas adjoining the landscape strip. Driveways across a landscape strip to non-arterial streets shall be prohibited, except when access to a non-arterial street is required for adequate circulation or property fire access.

1A-305 SINGLE FAMILY AND DUPLEX USE REQUIREMENTS

Ord. 3129/12-16-96

A. SINGLE FAMILY LOTS ABUTTING AN ARTERIAL STREET AT THE REAR OR SIDE

When a subdivision is platted so that one or more single family or duplex lots back or side to an arterial street, whether or not there is an intervening alley, continuous screening shall be provided along the arterial as follows:

1. ***Solid Masonry Wall*** A solid masonry wall, 8 feet in height, constructed of 1) clay fired brick of natural colors, either double wall brick or thin wall brick, or 2) a reinforced concrete, simulated brick type wall or other appropriate texture, in earthtone colors achieved through color additives, shall be erected on the street right-of-way line. Color, texture, and materials shall be uniform/compatible on both sides of an arterial for the entire length between intersecting arterial streets.
2. ***Ironwork and Brick Combination*** In areas where the view beyond the fence is a landscaped side or front yard, i.e. there is no view of rear yards, a combination of brick and ironwork fencing may be utilized. Color, texture, and materials of the masonry portions shall be in accordance with the previous paragraph.
3. ***Landscaping/ Sidewalks*** Landscaping shall be required along a minimum of 15% of the masonry wall elevations in the form of planting areas a minimum of 3-feet in width containing ornamental trees and/or shrubs. Planting areas shall be formed through the use of wall insets, meandering sidewalks, etc. to create visual relief along the wall. Sidewalks shall be a minimum 4-feet in width and placed adjacent to the wall, except when offset or meandering in conjunction with the planting areas.
4. ***Front Setback*** The requirement for screening shall not extend beyond the building line of lots fronting a residential street that intersects the arterial.
5. ***Installation*** Installation of the screening is required prior to issuance of permits on any adjacent lots.

B. SINGLE FAMILY FRONTING AN ARTERIAL STREET

Single family and duplex lots fronting an arterial street shall be prohibited, except in the following circumstances:
1) A residential street is constructed parallel to the arterial to provide access and visitor parking for the lots; or 2)
Each single family lot provides a minimum 100-foot width, a 50-foot front building line, and a circular driveway with a minimum of 6 off-street, paved visitor parking spaces provided.

1A-400 TREE PRESERVATION

In all zoning districts, the preservation and protection of trees shall be required. Removal of protected trees shall be prohibited except in accordance with the procedures outlined herein.

1A-401 PURPOSE

Ord. 3129/12-16-96

Trees provide a valuable amenity to the urban environment in the maintenance of the public health and welfare, in the conservation of vital energy resources, and in the preservation of the City's historical heritage. Because trees which have survived generations of inhabitants can be replaced only after future generations, the preservation and protection of trees is essential to the health and general welfare of the City's residents. These rules and regulations, therefore, govern the protection of trees within the City of Mesquite, encouraging the preservation and protection of significant trees, while providing for replacement and replanting of trees that are necessarily removed during construction, development, or redevelopment.

1A-402 GENERAL PROVISIONS

Ord. 3129/12-16-96; Ord. 4341/10-20-2014

A. APPLICABILITY

These regulations shall apply to property as follows:

1. All vacant and undeveloped property.
2. All property being redeveloped as identified in Section 6-101, including additions and major renovations, except single family residential property.
3. All developed property, except single family residential property.

B. EXCEPTIONS

1. **City Property** City property shall not be subject to this section. City property, including rights-of-way, streets, easements for public purpose, parks, and any other property under the jurisdiction of the City of Mesquite, shall be regulated by the requirements of Article 15.5 of the City Code.
2. **Utilities** Governmental agencies providing operation & maintenance for streets, drainage, and/or utilities, and utilities operating under a franchise agreement with the City which are extending and maintaining services to customers, shall not be subject to this section when in the process of providing, extending, and maintaining such services.
3. **Single Family Residential Property** Developed property which is zoned in a single family residential classification and where an existing residence is located shall not be subject to this section.

C. DEFINITIONS

1. **Protected Trees** Protected tree means any tree named in 1A-500-1 Tree Schedule which is at least of the size indicated as protected size for the category in which the tree is listed.
2. **Replacement Trees** Replacement trees are those species acceptable for use in fulfilling the tree replacement requirements of 1A-403E. Replacement trees are marked with an asterisk (*) in 1A-500-1 Tree Schedule.
3. **Removal** Removal, as applied to protected trees, means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause, the tree to die

including but not limited to damage inflicted upon the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials.

a. Transplanting a tree to a location on the same property shall not be deemed removal, provided that the tree survives for a period of at least 12 months.

b. The removal of broken limbs or the removal of a protected tree that has been uprooted or has a broken trunk shall be allowed without application for a removal permit, provided that the removal is effected before the beginning of the 10th business day following the occurrence of the damage and provided further, that the period may be extended in the case of widespread and extensive storm damage.

D. PROTECTION DURING CONSTRUCTION

During any construction or land development, the developer or builder shall clearly mark all protected trees or groups of protected trees to be preserved. A fence shall be provided around the drip line of all protected trees. Such fence shall be 4 feet in height with T-posts every 8 feet. The Municipal Arborist may approve other equivalent fencing materials. If the area within the drip line of the tree does not have existing turf, mulch shall be provided within the drip line area and watered once per week. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the drip line of any such tree. The developer shall not allow cleaning of equipment or material under the canopy of any such tree or group of trees, nor shall the developer allow the disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc. under the canopy of any such tree or groups of trees to be preserved. No attachments or wires of any kind, other than those of a protective nature, shall be attached to any such tree.

If a cut is made to the root of a tree that is not intended to be removed or seriously injured as indicated on the plan, the cut must be made at a 90 degree angle.

The responsible party must tunnel utilities if utilities are to run through a tree protection zone, rather than being placed along corridors between tree protection zones.

1A-403 APPLICATION TO REMOVE PROTECTED TREE Ord. 3129/12-16-96; Ord. 4341/10-20-2014

Except as otherwise provided herein, no person, corporation, or governmental agency shall remove or cause the removal of any protected tree without first submitting appropriate application and securing approval in accordance with the following procedures and criteria.

A. SUBMISSION, REVIEW AND APPROVAL

- 1. *Tree Removal in Conjunction with Development or Building Projects*** Whenever a construction project requires review and approval of a site plan, plat, or building permit, the application for tree removal shall be processed in conjunction with the site plan, plat, or building plan review, and the Director, Planning & Zoning Commission, and/or City Council shall have authority to approve tree removal in accordance with their respective authority to approve the site plan, plat, and/or building plan under consideration.
- 2. *Tree Removal without Construction/ Tree Removal Permit Required*** When removal of a protected tree is proposed and the removal is not in conjunction with a construction project requiring review of a site plan, plat, and/or building permit, a Tree Removal Permit is required. Tree Removal Permit applications shall be reviewed by the Municipal Arborist, who shall approve or deny said application within 21 days. The application for removal shall be deemed automatically granted if not denied on or before the close of business on the 21st day following the date the application was accepted. Unless otherwise stated on the permit, the tree(s) for which the Tree Removal Permit has been issued must be removed within 180 days of the issuance of the permit. The Municipal Arborist may waive submission requirements if

less information is required to evaluate the situation and make a determination. Decisions of the Municipal Arborist may be appealed to the Tree Board; Decisions of the Tree Board may be appealed to the City Council whose decision shall be final.

B. SUBMISSION REQUIREMENTS

An application for tree removal shall include a property survey indicating the following:

1. The location, trunk diameter, and species of existing protected trees on the property, and the approximate location of protected trees with branches overhanging the property.
2. The trees to be preserved.
3. An itemized list of trees, per species, to be removed indicating the total aggregate value in diameter inches.
4. The proposed grading of the property, showing existing and proposed elevations, including existing and proposed grades at the base of trees to be preserved.
5. The protective measures and barriers to be used during construction to preserve those protected trees which are to remain.
6. The proposed species, number, size, and location of required replacement trees.

C. MUNICIPAL ARBORIST REVIEW

An application meeting the requirements set out in subsection B, above must be submitted to the Municipal Arborist for evaluation and recommendation prior to approval of any site plan, any preliminary plat for residential subdivision, or any building permit application other than single-family residential permits. Such site plan, plat or application shall not be accepted for processing without a report from the Municipal Arborist, unless more than 14 days has passed and there is no report from the Arborist. The report from the Municipal Arborist shall make a recommendation regarding the protection and/ or removal of the protected trees. If the applicant represents that there are no protected trees on a property, the Municipal Arborist shall confirm that fact.

D. CRITERIA FOR REVIEW OF APPLICATIONS

An application for removal of a protected tree shall be approved when a showing is made that the location of the tree would prevent reasonable access to the property or would preclude reasonable and lawful use of the property. Prior to determining that a protected tree precludes reasonable access or use, design alternatives shall be explored and determined to be inappropriate, impractical and/or cost prohibitive. An applicant shall be responsible for submitting design alternatives and evidence of their impracticality and/or cost prohibitive factors. In all instances, removal of a protected tree shall be approved if it is determined that the tree constitutes a hazard to life or property that cannot reasonably be mitigated without removal, or that the tree is dead, dying or diseased to the point that restoration to sound conditions is not practicable, or that its disease can be expected to be transmitted to other trees and to endanger their health.

E. MITIGATION

When it is deemed necessary to approve an application for protected tree removal, a replacement tree or trees shall be required to be planted on the property where the trees are removed in accordance with the following guidelines. The authority approving removal may stipulate other or lesser replacement requirements after considering the following: the size, value, and other features of trees to be removed; related on-site landscaping, trees, and vegetation; property use, visibility and relationships; and other similar factors. In circumstances where space is limited, tree mitigation can be in the form of a fee in lieu of replacement upon approval of the Municipal Arborist. Fee in lieu of shall be paid for at a rate to be established by the City Council and shall be placed in a Park Improvement Fund. The Director of Parks and Recreation shall administer the Park Improvement Fund to fund landscape improvements, reforestation, and the improvement of parkland projects.

1. ***Approved Replacement Trees*** Trees installed to meet the requirements of this section shall be of a species indicated as replacement trees in 1A-105-1 Tree Schedule, and shall be installed at the minimum

size indicated or larger.

2. ***Planting Requirements*** Tree replacement must occur within at the time of installation of other required landscaping. If no other landscape is required, tree replacement shall occur prior to issuance of any Certificate of Occupancy. Replacement trees which do not survive for a period of at least 12 months shall be replaced until they survive.

3. ***Calculation of Required Replacements*** The replacement requirement shall be calculated as follows:
 - a. When protected size is expressed in trunk diameter, the trunk diameter shall be recorded for each protected tree to be removed, with all the respective trunk diameters being added together to produce a total aggregate value expressed in diameter inches. Where only one protected tree is to be removed, its trunk diameter shall represent the total aggregate value.

 - b. When protected size is expressed in height, the height shall be recorded for each protected tree to be removed, with all the respective heights being added together to produce a total aggregate value expressed in total feet of height. Where only one protected tree is to be removed, its height shall represent the total aggregate value.

 - c. Replacement trees of sufficient number and trunk diameter and/or total height shall be provided to produce a total aggregate value equal to or exceeding the total aggregate value of the tree or trees to be removed. Provided however, that in no case shall the number of replacement trees be required to exceed more than one tree for each 500 square feet of unpaved site area.

F. UNAUTHORIZED REMOVAL

Unauthorized removal of a protected tree is prohibited. A person convicted of violating this provision shall be subject to a fine of up to \$2000 per protected tree removed or seriously injured without authorization, and up to \$2000 per day for any other violation of this section.

G. SPECIAL EXCEPTION FOR TREE PRESERVATION (Ord. 3147/4-7-97)

Where removal of a protected tree would become unnecessary if the development standards required by zoning were modified, the application for removal shall be denied and an application to the Board of Adjustment shall be initiated at no fee. The Board shall be authorized to approve a Special Exception for Tree Preservation which may modify the development standards required. The Board shall consider the value and benefit of tree preservation and may approve such modifications to development standards where it determines that such modification can be accommodated without creating adverse impacts on adjacent properties and that such modification is compatible with the surrounding neighborhood.

1A-500 TREE, SHRUB AND TURFGRASS SCHEDULES

For the purposes of satisfying the Landscaping and Screening Requirements in Section 1A-200 or requirements in other sections of this Code, trees shall be selected from Table 1A-500-1, *Tree Schedule*. Alternatives to trees listed in Table 1A-500-1 may be permitted with approval from the Municipal Arborist. Trees shall be planted per utility spacing requirements.

Table 1A-500-1: Tree Schedule				
Tree Listing		Protected Size	Installation	Buffer Tree Line
Common Name	Scientific Name			
SHADE TREES – LARGE CANOPY				
American Elm	Ulmus Americana	Protected large canopy shade trees shall be any of the species listed which have a trunk diameter of 6-inches or greater, measured at 4.5 feet or diameter at breast height above natural grade.	Any tree of a species marked with an asterisk (*) in the listing of species may be used as a replacement, landscape, or buffer tree. The minimum size required at installation for required replacement, landscape, or buffer trees shall be 3-inch caliper.	Tree lines established using large canopy shade trees shall provide a minimum 40 square feet of pervious area per tree with automatic underground irrigation provided. One tree shall be provided for each 35 linear feet and trees shall be planted no more than 35 feet apart (on center).
Big Tooth Maple*	Acer Grandidentatum			
Black Hickory*	Carya Texama			
Bur Oak*	Quercus Macrocarpa			
Caddo Maple	Acer Saccharin			
Cedar Elm*	Ulmus Crassifolia			
Chinese Tallow	Sapium Seiferum			
Chinkapin Oak*	Quercus Muehlenbergii			
Green Ash*	Fraxinus Pennsylvanica			
Lacebark Elm*	Ulmus Parvifolia			
Lacey Oak	Quercus Laceyi			
Live Oak*	Quercus Virginiana			
Mesquite*	Prosopis Grandulosa			
Pecan-Hickory*	Carya Illinoensis			
Post Oak	Quercus Stellata			
Red Maple*	Acer Rubrum			
Shumard Red Oak*	Quercus Shumardii			
Texas Ash*	Fraxinus Texensis			
Texas Persimmon	Diospyros Texana			
Thornless Honey Locust	Gleditsia Trianthos v. Inermis			
White Oak*	Quercus Alba			
Winged Elm*	Ulmus Alata			
SHADE TREES – SMALL CANOPY				
Bald Cypress*	Taxodium Distichum	Protected small canopy shade trees shall be any of the species listed which have a trunk diameter of 6-inches or greater, measured at 4.5 feet or diameter at breast height above natural grade	Any tree of a species marked with an asterisk (*) in the listing of species may be used as a replacement, landscape, or buffer tree. The minimum size required at installation for required replacement, landscape, or buffer	Tree lines established using small canopy shade trees shall provide a minimum 30 square feet of pervious area per tree with automatic underground irrigation provided. One tree shall be provided for each 25 linear feet
Chinese Pistachio*	Pictacia Chinensis			
Desert Willow*	Chilopsis Linearis			
Ginkgo*	Ginkgo Biloba			
Goldenrain Tree*	Koelreuteria Paniculata			
River Birch*	Betula Nigra			
Southern Magnolia*	Magnolia Grandiflora			

Table 1A-500-1: Tree Schedule

Tree Listing		Protected Size	Installation	Buffer Tree Line
Common Name	Scientific Name			
Sweetgum*	Liquidambar Styraciflua		trees shall be 3-inch caliper.	and trees shall be planted no more than 25 feet apart (on center).
EVERGREEN TREES				
Afghan (Mondell) Pine*	Pinus Eldarica	Protected evergreen trees shall be any of the species listed that measure 8 feet in height or greater.	Any tree of a species marked with an asterisk (*) in the listing of species may be used as a replacement, landscape, or buffer tree. The minimum size required at installation for required replacement, landscape, or buffer trees shall be 8 feet in height.	Tree lines established using evergreen trees shall provide a minimum 30 square feet of pervious area per tree with automatic underground irrigation provided. One tree shall be provided for each 25 linear feet and trees shall be planted no more than 25 feet apart (on center).
Arizona Cypress	Cupressus Arizonica			
Austrian Pine*	Pinus Nigra			
Deodar Cedar*	Cedrus Deodara			
Eastern Red Cedar*	Juniperus Virginiana			
Japanese Black Pine*	Pinus Thunbergiana			
Loblolly Pine	Pinus Taeda			
Slash Pine	Pinus Elliotti			
ORNAMENTAL TREES				
American Smoke Tree*	Cotinus Pbovatus	Protected ornamental trees shall be any of the species listed that measure 8 feet in height or greater.	Any tree of a species marked with an asterisk (*) in the listing of species may be used as a replacement, landscape, or buffer tree. The minimum size required at installation for required replacement, landscape, or buffer trees shall be 8 feet in height.	Tree lines established using ornamental trees shall provide a minimum 20 square feet of pervious area per tree with automatic underground irrigation provided. One tree shall be provided for each 15 linear feet. Trees may be planted in groups or evenly spaced, provided that no tree shall be more than 25 feet (on center) from any other tree.
Aristocrat Pear*	Pyrus Calleryana "Aristocrat"			
Carolina Cherry Laurel*	Prunus Caoliniana "Bright N Tight"			
Crab Apple	Malus spp.			
Crape Myrtle*	Lagerstroemia Indica			
Deciduous Holly*	Ilex Deciduas			
Desert Willow*	Chilopsis Linearis			
Eve's Necklace*	Sophora Affinis			
Flowering Peach	Prunus Persica			
Foster Holly*	Ilex x Atienuata "Fosteri"			
Japanese Maple*	Acer Palmatum			
Little Gem Magnolia*	Magnolia Grandiflora "Little Gem"			
Mexican Buckeye*	Ungnadia Speliosa			
Red Bud*	Cercis Canadensis "Texensis"			
Roughleaf Dogwood*	Cornus Drummondii			
Rusty Blackhaw Viburnum*	Viburnun Rufidulum			

Table 1A-500-1: Tree Schedule				
Tree Listing		Protected Size	Installation	Buffer Tree Line
Common Name	Scientific Name			
Saucer Magnolia*	Mangolia x Soulangeana			
Savannah Holly*	Ilex "Savannah"			
Texas Redbud*	Cercis Canadensis "Texensis"			
Wax Myrtle*	Myrica Cerifera			
Yaupon Holly*	Ilex Vomitoria			
OTHER PROTECTED TREES				
Osage Orange	Maclura Pomifera (fruitless)	Other protected trees shall be any of the species listed which have a trunk diameter of 12-inches or greater, measured at 4.5 feet or diameter at breast height above natural grade		
Pond Cypress	Taxodium Distichum			
Sycamore	Plantanus Occidentalis			
Globe Willow	Salix Matshdana			
Western Soapberry	Sapindus Drummondii			

Table 1A-500-2: Shrub Schedule		
Shrub Listing		Installation
Common Name	Scientific Name	
Acuba	Acuba japonica	Shrubs must be a minimum of 3 gallon and 24" tall at time of planting.
Carissa Holly	Ilex cornuta "Carissa"	
Cast Iron Plant	Aspidistra elatior	
Chinese Fringe Flower	Loropetallia Chinense	
Cleyera	Clevera Japonica	
Daylilly	Hermerocallis "Stella de Oro"	
Dwarf Burford Holly	Ilex cornuta "Burfordii"	
Dwarf Crape Myrtle	Lagerstroemia indica	
Edward Goucher Abelia	Abelia x Grandiflora "EG"	
Elaeagnus	Elaeagnus pungens	
Flowering Quince	Chaenomeles speciosa	
Forsythia	Forsythia sp	
Indian Hawthorne	Raphiolepis indica	
Japanese Aralia	Fatsia japonica	
Knockout Rose	Rosa "Radrazz"	
Nandina	Nandina Domestica	
Spiraea	Spiraea japoinca	
Viburnum	Viburnum tinus	
Ornamental Grass	Miscanthus sp.	

Table 1A-500-3: Turfgrass Schedule		
Turfgrass Listing		Installation
Common Name	Scientific Name	
Buffalograss	Bolitelova Dactyloides	Minimum 1/2 " soil base, like soil. Dense weed free sod.
Celebration Bermuda	Cyniodon Dactylon "Celebration"	
Common Bermuda	Cyniodon Dactylon	
Empire Zoysia	Zoysia Matrella "Empire"	
Floratum St. Augustine	Sitenotaphrun Secundatum	
GN1 Bermuda	Cynodon Dactylon "GNI"	
Grimes EXP Bermuda	Cynodon Dactylon "Grimes"	
Palisades Zoysia	Zoysia Matrella "Palisades"	
Tex Turf Bermuda	Cynodon Dactylon "Tex Turf"	
Tifsport Bermuda	Cynodon Dactylon "Tifsport"	
Tifway 419 Bermuda	Cynodon Dactylon "Tif 419"	

Table 1A-500-4: Non-Recommended Species Schedule	
Species Listing	
Common Name	Scientific Name
NON-RECOMMENDED SHADE TREES	
Arizona Ash	Fraxnus velutina
Cottonwood	Populus deltoides
Hybrid Green Ash	Fraxinus sp.
Pin Oak	Quercus palustris
Silver Maple	Acer saccharinum
Sycamore	Platanus occidentalis
NON-RECOMMENDED ORNAMENTAL TREES	
Afghanistan Pine	Pinus eldarica
Leyland Cypress	Cupressocyparis leylandii
Purple Leaf Plum	Prunus cerasferia
NON-RECOMMENDED SHRUBS	
Azalea	Rhododendron sp.
Boxwood	Abelia chinesis
Dwarf Youpon Holly	Ilex vomitoria "Nana"
Pittosporum	Pittosporium tobira

Table 1A-500-4: Non-Recommended Species Schedule	
Species Listing	
Common Name	Scientific Name
NON-RECOMMENDED TURFGRASS	
Amerishade St. Augustine	Stenotaphrum secundatum "Amerishade"
Cavalier Zoysia	Zoysia japonica "Cavalier"
Common St. Augustine	Stenotaphrum secundatum
Delmar St. Augustine	Stenotaphrum secundatum "Delmar"
El Toro Zoysia	Zoysia japonica "El Toro"
Emerald Zoysia	Zoysia japonica "Emerald"
Jamur Zoysia	Zoysia japonica "Jamur"
Palmetto St. Augustine	Stenotaphrum secundatum "Palmetto"
Premier Bermuda	Cynodon dactylon "Premier"
Raleigh St. Augustine	Stenotaphrum secundatum "Raleigh"
Sapphire St. Augustine	Stenotaphrum secundatum "Sapphire"
Y-2 Zoysia	Zoysia japonica "Y-2"
Zeon Zoysia	Zoysia japonica "Zeon"
Zorro Zoysia	Zoysia japonica "Zorro"