

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.