

CODE OF ORDINANCES
CITY OF TYLER, TEXAS
Chapter 10
TYLER UNIFIED DEVELOPMENT CODE
ARTICLE VI.
DEVELOPMENT STANDARDS
DIVISION A.
Landscaping and Tree Preservation

Sec. 10-290. Purpose

This division establishes the procedure, regulations, and standards whereby landscape plans and tree preservation requirements will be reviewed by the city for compliance with this code, and specifies the submittal and content requirements for such landscape plans. (Ord. No. 0-98-90, 11/18/98) (Ord. No. 0-2002-46, 10-9-02)

- a. The purposes of the landscaping and tree preservation division of this code are to:
1. improve the appearance and character of building setbacks and yards in commercial areas, including off-street parking lots and open lot sales and service areas;
 2. implement Tyler 1st Comprehensive Plan policies regarding landscaping and tree planting in parks, open spaces, parkways, scenic views, and roadway corridors; (Ord. No. 0-2014-33; 4/23/14)
 3. protect healthy trees and promote the natural ecological, environmental, and aesthetic qualities of the city;
 4. create sound and visual buffers between adjoining land uses, in particular between residential areas and all nonresidential areas;
 5. protect and increase property values in the city;
 6. maintain and enhance a positive image of Tyler for the attraction of new businesses and residents to the city;
 7. prohibit the indiscriminate clearing of both residential and nonresidential property;
 8. protect trees during construction; and
 9. encourage site design and construction that contributes to the long-term viability of existing trees.

Sec. 10-291. Reserved

Sec. 10-292. Landscaping Requirements

a. The landscape standards in this division apply to all land within the city limits except for areas zoned AG, RE, R-1A, R-1B, R-1C, R-1D, R-2, or R-MH, notwithstanding the requirement that each parcel in the aforementioned districts are required to meet tree planting requirements set forth in Sec. [10-305](#) (C). (Ord. No. 0-2011-45, 6/8/11)

b. Landscape standards in all planned districts will be regulated by the requirements set forth in the final site development plan for each development project. In instances where the base zone landscaping requirements differ from any requirements set forth in a site development plan, the more restrictive regulations will govern.

c. Landscape requirements become applicable to each individual lot at the time a building permit application is made. All landscape requirements of this code will continue after the building permit is issued to any owner or subsequent owner. (Ord. No. 0-98-90, 11/18/98) (Ord. No. 0-2011-45, 6/8/11)

Sec. 10-293. Reserved

Sec. 10-294. Landscape Plan Requirements

A landscape plan is required and must be submitted upon application for a building permit. The landscape plan may be a separate site plan, or when feasible, the landscape plan information may be included on the building site plan. It is recommended that landscape plans be prepared by a professional landscape architect or landscape contractor. The landscape plan must include:

1. The location of existing boundary lines and dimensions of the lot.
2. The location of existing and proposed utility easements on or adjacent to the lot and the location of overhead power lines and any underground utilities.
3. A plant schedule listing the name and size of all plant materials. Botanical nomenclature as well as common names must be listed. All canopy trees must be identified as containerized or balled and burlapped.

4. The location, size, and type of vegetation of new and existing plant materials to be planted or retained in the proposed landscaped areas.

5. An indication of how the developer plans to use protective fencing to barricade existing trees, which are to be retained, in order to prevent damage to the trees during construction. The location and size of the fencing must be indicated.

6. A note indicating the installation of the irrigation system covering the required landscape areas has been completed or a date by which it will be completed.

7. The location of existing development, adjacent land uses, and roadways.

8. Information necessary for verifying whether the minimum required landscaping area has been met under Sec. [10-295](#).

9. A statement of compliance indicating the total square footage of landscaping area required, including the number of trees and shrubs, and a calculation to verify that the number, size, and type of vegetation listed on the plant schedule will render the proposed development to be in compliance with this code.

a. Plan Revisions

Minor revisions to landscape plans are acceptable if there is no reduction in the quality of plant material or no significant change in size or location of plant materials, and if the new plants are of the same general category (i.e., shade, ornamental, or evergreen trees) and have the same general characteristics (mature height, crown spread) as the materials being replaced. Proposed materials must also be compatible with the area to ensure healthy plant growth. If these criteria are not fulfilled, changes to approved plans must be resubmitted and reviewed for approval. (Ord. No. 0-2002-46, 10-09-02)

Sec. 10-295. Landscape Area Requirements

a. The landscaping requirements will be determined by the total square footage of the lot less any areas exempted by phased development or classification as floodway or undisturbed area.

b. The minimum width of required landscaping in the street yard is 10 ft. for properties abutting major arterial streets.

c. The minimum required area of landscaping is 15 percent of the total lot area, except for lots zoned for manufacturing. The minimum area of landscaping for lots zoned M-1 or M-2 is 2½ percent of the total lot area. Each existing tree, which is maintained in a living and growing condition, may be credited towards the required landscaped area according to the following schedule:

Existing Saved Tree	Credit
10" – 12" DBH	200 square feet of landscaped area
15" or greater DBH	250 square feet of landscaped area

Credits may not exceed 25% of the required landscaped area.

d. Required tree plantings.

Option	Tree Requirement/Square Footage	Tree Type
A	One tree/750 square feet	Large Shade Trees
B	One tree/625 square feet	Large Shade Trees, Medium Trees, and Small Trees
C	One tree/500 square feet	Medium Trees and Small Trees

Note: Trees selected for planting must be on the approved tree list set forth in subsection f. (Ord. No. 0-2010-20, 3/10/10)

1. For required tree plantings:

(a) At least 1/3 of the trees planted must be large shade trees, or

(b) At least 1/3 of the trees planted must be medium trees; and

(c) No more than 1/3 of the required tree plantings may be small trees as shown on the approved tree list. A minimum of one tree is required for all developments. All required trees must have a minimum DBH of 2" at the time of planting. Trees with a multiple trunk growth characteristic shall have no more than five main trunks.

2. When planted with large shade trees solely, a minimum of one tree per 750 square feet, or fraction thereof, is required. Trees planted in order to satisfy this requirement must be classified as large shade trees in the approved tree list in subsection f.

3. When planted with a combination of large shade trees, medium trees and small trees, a minimum of one tree per 625 square feet, or fraction thereof, is required. Trees planted in order to satisfy this requirement must include a mixture of shade, medium, and small trees as identified in the approved tree list in subsection f.

4. When planted with a combination of medium trees and small trees, a minimum of one tree per 500 square feet, or fraction thereof, is required. Trees planted in order to satisfy this requirement must include a mixture of shade, medium, and small trees as identified in the approved tree list in subsection f. (Ord. No. 0-2009-32; 3/25/09)

e. Tree credits.

1. Each existing tree which is maintained in a living and growing condition may be credited towards the number of required trees according to the following schedule. (Ord. No. 0-2010-20, 3/10/10)

Existing Saved Trees	Credit
6"-9" DBH	3 Trees
10"- 12" DBH	4 Trees
12" or greater DBH	5 Trees

2. Of the required landscape area, a minimum of one shrub per 200 square feet, or fraction thereof, is required. Shrubs planted to satisfy this requirement must be a minimum size of two gallons.

3. Up to 75 percent of the required shrubs must be planted in the required interior parking lot landscaping islands or be included in the required buffer yards pursuant to [Article VI](#), Division B.

4. Each existing tree or newly planted tree which is maintained in a living and growing condition may be credited towards the required number of shrubs according to the following schedule:

Existing Saved Trees	Credit
3" – 6" DBH	4 shrubs
7" – 9" DBH	6 shrubs
10" – 12" DBH	8 shrubs
15" or greater DBH	10 shrubs

Credit in areas zoned R-MF, AR, PMF, PMXD-1, PMXD-2, and may not exceed 50% of the required trees or shrubs.

Credit for saving an existing tree cannot count toward more than one landscape element for which such credit is granted in this chapter, i.e., double counting of tree credits is not allowed.

5. All mandated buffer yards count towards the requirements. Beyond that, no more than 10 percent of the required landscape area or required number of trees to be planted may be located at the rear of the property. The planning director has the authority to grant an exception to this requirement in situations where tree preservation areas are located at the rear of the property regardless of whether the trees saved are credited toward the tree planting requirement or the trees are saved are supplementing the required number of trees to be planted. (Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2009-32; 3/25/09)

f. Approved Tree List.

Large Shade Trees (50+ ft) Common Name	Scientific Name	Native	Height/Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark/Trunk	Fragrant	Streambank	Wildlife	Drought Tolerance
Ash, green	<i>Fraxinus pennsylvanica</i>			x		y		x			x	x	high
Ash, white	<i>Fraxinus americana</i>			x		p,y		x				x	moderate
Basswood, American	<i>Tilia americana</i>			x		y	x			x		x	moderate
Beech, American	<i>Fagus grandifolia</i>					c,y			x			x	moderate
Birch, river	<i>Betula nigra</i>								x		x	x	moderate
Box elder	<i>Acer negundo</i>					o,y		x			x	x	high
Catalpa, northern	<i>Catalpa speciosa</i>						x	x					high
Catalpa, southern	<i>Catalpa bignonioides</i>						x	x				x	high
Cedar, Japanese *	<i>Cryptomeria japonica</i> *			x	x	c			x				high
Cherry, black	<i>Prunus serotina</i>					o,r,y	x	x	x	x		x	moderate
Cottonwood, eastern	<i>Populus deltoides</i>								x		x	x	moderate
Cypress, bald	<i>Taxodium distichum</i>			x		c,y		x	x		x	x	high
Cypress, pond	<i>Taxodium ascendens</i>			x		c			x		x	x	high
Elm, American	<i>Ulmus americana</i>			x		y					x	x	high
Elm, slippery	<i>Ulmus rubra</i>			x		y					x	x	high
Ginkgo (male only) *	<i>Ginkgo biloba</i> (male only) *			x		y				x			high
Hackberry	<i>Celtis occidentalis</i>					y			x		x	x	high
Hickory, bitternut	<i>Carya cordiformis</i>					y						x	high
Hickory, black	<i>Carya texana</i>					y						x	high
Hickory, mockernut	<i>Carya tomentosa</i>					y						x	high
Hickory, pignut	<i>Carya glabra</i>					y						x	high
Hickory, shagbark	<i>Carya ovata</i>					y			x			x	moderate
Hickory, water	<i>Carya aquatica</i>					y					x	x	high
Kentucky coffee-tree	<i>Gymnocladus dioica</i>			x		y		x	x	x			high

* indicates NOT native to U.S. #
white oak group,
red oak group

c = copper; o = orange; r = red; p
= purple y = yellow

Large Shade Trees (50+ ft) Common Name	Scientific Name	Native	Height/Width Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark/Trunk	Fragrant	Streambank	Wildlife	Drought Tolerance
Magnolia, southern	<i>Magnolia grandiflora</i>	x	60/30		e		x	x		x	x	x	moderate
Magnolia, sweetbay	<i>Magnolia virginiana</i>			x	semi		x	x		x	x	x	moderate
Maple, red	<i>Acer rubrum</i>			x		o,r,y	x	x			x	x	moderate
Maple, silver	<i>Acer saccharinum</i>					y	x	x			x		high
Mulberry, red	<i>Morus rubra</i>							x			x	x	moderate
Oak, black	<i>Quercus velutina</i> ##			x		c,r						x	moderate
Oak, blackjack	<i>Quercus marilandica</i> ##			x		r						x	high
Oak, bur	<i>Quercus macrocarpa</i> #	x	80/80		d	c,y		x	x			x	high
Oak, cherry bark	<i>Quercus falcata</i> var. <i>pagodaefolia</i> ###			x		c						x	moderate
Oak, chinquapin	<i>Quercus Muhlenbergii</i> #	x	80/50	x		o,r,y						x	high
Oak, laurel	<i>Quercus launifolia</i> ##			x		y						x	moderate
Oak, live	<i>Quercus virginiana</i> ##	x	50/50	x	e				x			x	high
Oak, nuttall	<i>Quercus nuttallii</i> ##			x		r					x	x	moderate
Oak, overcup	<i>Quercus lyrata</i> #			x		c		x				x	moderate
Oak, post	<i>Quercus stellata</i> #			x		y			x			x	high
Oak, sawtooth *	<i>Quercus accutissima</i> ### *			x		y		x				x	high
Oak, Shumard red	<i>Quercus shumardii</i> ##	x	80/80	x	d	o,r						x	high
Oak, southern red	<i>Quercus falcata</i> ##			x		c						x	moderate
Oak, swamp chestnut	<i>Quercus michauxii</i> #			x		r		x	x		x	x	moderate
Oak, water	<i>Quercus nigra</i> ##			x		y					x	x	high

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Large Shade Trees (50+ ft) Common Name	Scientific Name	Native	Height/Width Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark/Trunk	Fragrant	Streambank	Wildlife	Drought Tolerance
Oak, white	<i>Quercus alba</i> *			x		r			x			x	moderate
Oak, willow	<i>Quercus phellos</i> **			x		y					x	x	high
Pecan	<i>Carya illinoensis</i>					y			x			x	high
Pine, loblolly	<i>Pinus taeda</i>			x	x			x	x	x	x	x	moderate
Pine, longleaf	<i>Pinus palustris</i>				x			x	x	x		x	high
Pine, shortleaf	<i>Pinus echinata</i>			x	x			x	x	x		x	high
Sugarberry	<i>Celtis laevigata</i>					y			x		x	x	high
Sweetgum	<i>Liquidambar styraciflua</i>					o,p,r,y		x	x		x	x	moderate
Sweetgum, fruitless	<i>Liquidambar styraciflua</i> 'Rotundiloba'			x		o,p,r,y					x		moderate
Sycamore, American	<i>Platanus occidentalis</i>			x		y		x	x		x		high
Tulip poplar (yellow poplar)	<i>Liriodendron tulipifera</i>			x		y	x			x		x	moderate
Tupelo, black (blackgum)	<i>Nyssa sylvatica</i>			x		p,r,y					x	x	high
Tupelo, water	<i>Nyssa aquatica</i>			x		y					x	x	moderate
Walnut, black	<i>Juglans nigra</i>							x			x	x	moderate

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(Ord. No. 0-2009-32: 3/25/09)

Medium Trees (26-49 ft) Common Name	Scientific Name	Native	Height/Width Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark	Fragrant	Streambank	Wildlife	Drought Tolerance
Maple, Florida	<i>Acer barbatum</i>			x		o,y			x				high
Oak, bluejack	<i>Quercus incana</i> ##			x		r			x			x	high
Persimmon, common (female)	<i>Diospiros virginiana (female)</i>					r,y		x	x		x	x	high
Persimmon, common (male)	<i>Diospiros virginiana (male)</i>			x		r,y			x		x		high

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Medium Trees (26-49 ft) Common Name	Scientific Name	Native	Height/Width Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark	Fragrant	Streambank	Wildlife	Drought Tolerance
Maple, Florida	<i>Acer barbatum</i>			x		o,y			x				high
Oak, bluejack	<i>Quercus incana</i> ##			x		r			x			x	high
Persimmon, common (female)	<i>Diospiros virginiana (female)</i>					r,y		x	x		x	x	high
Persimmon, common (male)	<i>Diospiros virginiana (male)</i>			x		r,y			x		x		high

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Medium Trees (26-49 ft) Cont. Common Name	Scientific Name	Evergreen	Height/Width Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark	Fragrant	Streambank	Wildlife	Drought Tolerance
Pistache, Chinese (male only) *	<i>Pistacia chinensis (male only)*</i>		50/30	x	d	o,r,y			x				high
Sassafras	<i>Sassafras albidum</i>			x		o,p,r,y	x	x	x	x		x	high
Silverbell, Carolina	<i>Halesia carolina</i>			x			x	x	x		x		moderate
Scapberry, western	<i>Sapindus saponaria</i>			x				x					high
Sweetleaf, common	<i>Symplocos tinctoria</i>			x	semi		x		x		x	x	high
Tickle-tongue (prickly ash)	<i>Zanthoxylum clava-herculis</i>								x	x	x	x	high
Yellowwood	<i>Cladrastis kentukea</i>			x		c,y	x	x	x	x			moderate

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white oak group, ## red oak group

(Ord. No. 0-2009-32; 3/25/09)

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Small Trees (10-25 ft) Common Name	Scientific Name	Native	Height/Width Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark	Fragrant	Streambank	Wildlife	Drought Tolerance
Alder, hazel	<i>Alnus serrulata</i>		25/20	x	d	o,y		x			x	x	moderate
Buckeye, red	<i>Aesculus pavia</i>			x			x	x				x	moderate
Carolina buckthorn	<i>Rhamnus caroliniana</i>			x		o,r		x				x	high
Chinquapin, Alleghany	<i>Castanea pumila</i>					y	x	x				x	moderate
Crabapple *	<i>Malus spp.*</i>					y	x	x		x		x	moderate
Crape myrtle *	<i>Lagerstroemia spp.*</i>		25/20	x	d	o,r,y	x		x				high
Devil's walkingstick	<i>Aralia spinosa</i>					c,r	x				x	x	moderate
Dogwood, flowering	<i>Cornus florida</i>			x		p,r	x	x				x	moderate
Dogwood, rough-leaf	<i>Cornus drummondii</i>	x	20/20	x	d	p	x	x				x	high
Dogwood, stiff	<i>Cornus foemina</i>			x		p,r	x	x	x		x	x	moderate
Elder, American	<i>Sambucus canadensis</i>					y	x	x			x	x	moderate
Fringetree, American	<i>Chionanthus virginicus</i>			x		y	x	x		x		x	moderate
Hawthorn, mayhaw	<i>Crataegus opaca</i>						x	x	x		x	x	moderate
Hawthorn, parsley	<i>Crataegus marshallii</i>						x	x	x			x	high
Holly, dahoon	<i>Ilex cassine</i>			x	x			x			x	x	moderate
Holly, deciduous (possumhaw) (female)	<i>Ilex decidua (female)</i>	x	20/20	x	d	y		x				x	moderate
Holly, yaupon (female)	<i>Ilex vomitoria (female)</i>	x	20/20	x	e			x			x	x	high
Magnolia, pyramid	<i>Magnolia pyramidata</i>						x	x	x	x	x	x	low
Magnolia, saucer *	<i>Magnolia x soulangiana *</i>			x		y	x		x				moderate
Maple, chalk	<i>Acer leucoderme</i>			x		o,r,y			x		x		high
Maple, Japanese *	<i>Acer palmatum *</i>			x		o,p,r,y			x				moderate
Pawpaw	<i>Asimina trioba</i>					y		x				x	moderate

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Small Trees (10-25 ft) Cont. Common Name	Scientific Name	Native	Height/Width Average Spread	Street/Parking Areas	Evergreen/Deciduous	Fall Color	Attractive Flowers	Showy Fruit	Unique Bark	Fragrant	Streambank	Wildlife	Drought Tolerance
Plum, Chickasaw	<i>Prunus angustifolia</i>						x	x		x		x	high
Plum, flatwoods	<i>Prunus umbellata</i>					y	x	x				x	moderate
Plum, Mexican	<i>Prunus mexicana</i>	x	25/25		d	o	x	x	x	x		x	moderate
Redbud, eastern	<i>Cercis canadensis</i>	x	20/15	x	d	y	x	x					high
Serviceberry, shadeblow	<i>Amelanchier arborea</i>			x		o,r,y	x	x				x	moderate
Silverbell, two-winged	<i>Halesia diptera</i>			x			x	x			x	x	moderate
Snowbell, American	<i>Styrax americanum</i>			x			x			x		x	moderate
Snowbell, bigleaf	<i>Styrax grandifolius</i>			x			x			x		x	moderate
Sparkleberry	<i>Vaccinium arboreum</i>			x		r	x	x	x	x		x	high
Stewartia, Virginia	<i>Stewartia malacodendron</i>						x	x	x				moderate
Sumac, shining	<i>Rhus copallina</i>			x		o,r	x	x				x	high
Sumac, smooth	<i>Rhus glabra</i>			x		o,r	x	x				x	high
Sumac, staghorn	<i>Rhus typhina</i>			x		o,r,y	x	x	x			x	moderate
Viburnum, arrow-wood	<i>Viburnum dentatum</i>			x		o,p,r,y	x	x				x	moderate
Viburnum, blackhaw	<i>Viburnum prunifolium</i>			x		p	x	x				x	moderate
Viburnum, possumhaw	<i>Viburnum nudum</i>			x		p,r	x	x			x	x	moderate
Viburnum, rusty blackhaw	<i>Viburnum rufidulum</i>	x	20/20	x	d	p,r	x	x	x			x	high
Wax-myrtle, southern	<i>Myrica cerifera</i>			x	x			x		x	x	x	moderate
Witch hazel, common	<i>Hamamelis virginiana</i>			x		y	x			x			moderate
Witch hazel, vernal	<i>Hamamelis vernalis</i>			x		y	x			x		x	moderate

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Ord. No. 0-2009-32; 3/25/09)

g. Properties in the DBAC zoning district are not required to have landscaping except when off street parking is installed; however, street trees and plantings in the right-of-way are encouraged where appropriate.

1. Off street parking in DBAC is subject to Section 10-299, Parking Lot Landscaping.
2. A minimum 3' wide landscape strip shall be provided between the parking areas and all public rights-of-way except for alleys.
3. The landscape strip shall include a minimum of 1 tree or shrub for each 15 linear feet of frontage, or portion thereof, measured along the right-of-way adjacent to the parking areas. Plantings shall comply with the requirements in the Approved Tree Form Shrub List for Parking Lot Screening DBAC Zoning District in Section 10-342.d.

4. Multi-story parking structures and enclosed parking areas may be exempt from these requirements if designed to resemble a building front adjacent to the right-of-way, subject to approval of the Planning Director. (Ord. No. 0-2012-38; 4/25/12)

Sec. 10-296. Reduction in Required Landscape Area

The required landscape area can be reduced through the following techniques:

(a) Phased Development

Each phase of a phased project must comply with this code. Phase lines, if drawn, must be drawn 20feet or more from developed site elements (parking, buildings, ponds, etc.). The portion left for subsequent phases must remain of developable size and quality. No building permit will be issued for a subsequent phase of a project until all requirements of this code have been met.

(b) Floodway

On sites where a floodway exists, the floodway area will be subtracted from the total lot area when calculating landscape requirements. Therefore, trees, shrubs, or groundcover in this area will not be applicable in meeting the landscaping requirements for the development of the property.

(c) Street Trees

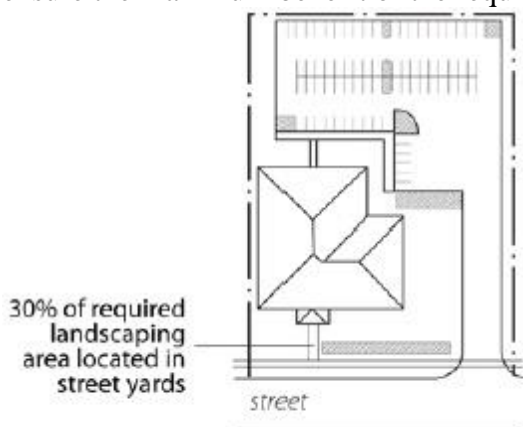
Abutting parkways are required to be planted with grass and left unpaved except for sidewalks and driveways. A one-for-one credit for street trees planted in lieu of onsite trees will be granted for street trees planted at any point along the linear frontage of parcel, including trees planted in the roadway median. In the event that two parcels facing one another across a roadway request credit for street trees planted or saved, each parcel will be granted such credit so long as the trees are in a parkway behind the curb line on the respective sides of the streets. Credit for street trees planted in a roadway median will only be granted once, on a first come, first served basis. Any landscape and tree planting made in the parkway or roadway median must be in conformance with the requirements of the master street plan in Article V, Division A of this code. Such areas must be irrigated. Applicants must enter into a maintenance agreement with the City for on-going tree maintenance.

(d) Undisturbed Area

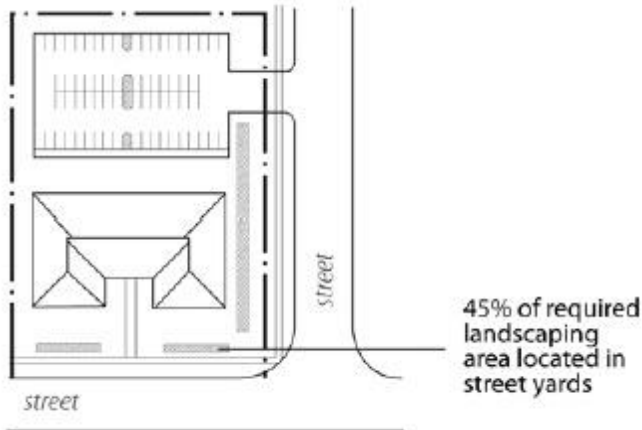
On sites where the planning director has determined that undisturbed area exists, the area will be subtracted from the total lot area when calculating landscape requirements. Therefore, trees, shrubs, or groundcover in this area will not be applicable in meeting the landscape requirements for development of the property. No building permit will be issued for the development within the undisturbed area until all requirements of this code have been met. (Ord. No. 0-98-90, 11/18/98; Ord. No. 0-98-98, 12/23/98)

Sec. 10-297. Landscape Location Requirements

a. For a lot abutting one street, a minimum of 30 percent of the landscaping area must be located in the street yards. The remaining percentage of landscaping must be reasonably dispersed throughout the lot. The distribution of landscaping may be amended at the discretion of the planning and zoning director in order to ensure the maximum benefit of the required landscaping.



b. For a corner lot, a minimum of 45 percent of the landscaping area must be located in the street yards. The remaining percentage of landscaping must be reasonably dispersed throughout the lot. The distribution of landscaping may be amended at the discretion of the planning and zoning director in order to ensure the maximum benefit of the required landscaping.



c. Trees planted in the street yard must be planted, on average, every 40 linear feet, but may be grouped in the street yard in such a way that:

1. they will not block the view of traffic entering or exiting the property
2. the primary building entrance, or indication thereof, is visible from the roadway;
3. and the species of trees selected do not crowd or otherwise inhibit the growth of other trees in the same grouping.

d. For a lot abutting three or more streets, landscaping must be reasonably dispersed so that each street yard has some landscaping.

e. All existing undergrowth in a protected area must remain until construction is complete and may be removed at that time.

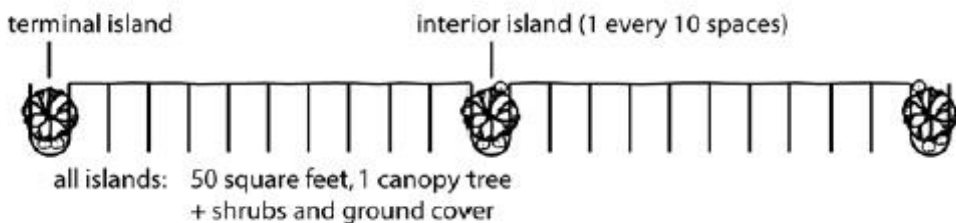
f. Any surface of the street yard not occupied by trees, shrubs, planting beds, signs or other permitted fixtures must be planted with sod or other suitable groundcover.

Sec. 10-298. Irrigation Required

Landscaped areas in all nonresidential developments are required to have an irrigation system in accordance with Section [10-308](#), Irrigation Standards.

Sec. 10-299. Parking Lot Landscaping

- a. Landscaped islands are required in all parking lots parking lots in excess of more than 20 spaces.
- b. One landscaped island is required for every 10 parking spaces and at both ends of each row of 10 or more parking spaces. Islands may be grouped as long as there is no more than 20 parking spaces in a row without a landscape island. (Ord. No. 0/2009/19; 3/11/09)



c. Each landscaped island must be at least 50 square feet; have a minimum dimension of five feet; and must include at least one tree. The remaining area must be landscaping material, including shrubs, turf, or planted groundcover, none of which may exceed three feet in height.

Sec. 10-300. Landscape Requirements for Nonconforming Uses

a. Classification of Nonconforming Developments

Land developed with a building or structure, which is in lawful use at the effective date of this code, which was in lawful use as of September 9, 1992, and land, which does not conform to the landscape requirements of this code, but is subsequently annexed to the city, will have non-conforming use status with respect to this code.

b. Regulation of Nonconforming Developments

1. The lawful use of a building or other development as described in subsection A above may be continued although such development does not comply with the landscape requirements herein. However, voluntary compliance with these landscape requirements and landscape enhancement is encouraged.

2. The repair or restoration of a building or other development to its prior condition after being damaged or destroyed by fire, explosion, wind, flood, tornado or other accident or weather phenomena, will not require that such building or other development comply with the landscape requirements of this code, provided a building permit for the repair or restoration is obtained within 12 months of the date the damage occurred.

3. The expansion of an existing building, or the construction of one or more additional buildings on the same lot as the existing building, will not require compliance with the landscape requirements of this code provided:

(a) That the expansion of the existing building or the construction of the additional building(s) will not result in the encroachment of any wall building line into an existing street yard; or

(b) Where the expansion of the existing building or construction of any additional building(s) will result in the encroachment of a wall building line into an existing street yard, the gross floor area (GFA) of the addition, or the total gross floor area of all buildings to be constructed in the street yard, must not exceed 25 percent of the GFA of the existing building. (Ord. No. 0-98-90, 11/18/98) (Ord. No. 0-2002-46, 10/09/02)

Sec. 10-301. Tree Preservation Requirements

a. Applicability

The requirements of this code regarding clearing of land without a building permit will apply to all land within the city limits, as now or hereafter set, in all multifamily, commercial, office, and manufacturing districts.

b. Trees in Agricultural Zone

There is no tree preservation requirement in the Agricultural Zone.

c. Existing and Approved Right-of-Way, Shared Access Easements, and Public Easements

All construction and maintenance activity within existing or approved (as shown on an approved preliminary plat) public right-of-way, shared access easements, or easements are exempt from the requirements for tree protection and replacement specified herein. (Ord. No. 0-2014-97; 10/22/14)

d. Other Government Entities

The tree preservation requirements apply to all private and institutional developments and all development on city property, including properly within the MU-O Municipal Use Overlay District. The requirements do not apply to property owned by other governmental entities or taxing entities. However, voluntary compliance is encouraged.

e. Franchise and Other Utility Companies

All utility company projects are exempt from the requirements for tree protection and replacement specified herein when clearing public easements and existing right-of-way.

f. Public Tree Care

The city will have the right to plant, prune, and maintain trees, street trees and park trees within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The city may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. The management of trees on City property shall be the responsibility of the City's Parks and Recreation Department. The City's Parks and Recreation Department shall be responsible for the creation and implementation of a five-year management plan for the planting, maintenance, and removal of trees on City property. This management plan is to be updated annually. The City's Parks and Recreation Department shall be responsible for reporting the accomplishments of the five-year plan to the Parks Board on an

annual basis. City owned property does not include publicly dedicated rights-of-way until the City accepts the improvements for maintenance. (Ord. No. 0-2009-88; 8/26/09)

Sec. 10-302. Pre-Development Restrictions on Land Clearing

It is the intent of this Division to minimize the visual impact of tree removal by retaining or replanting tree buffers around property boundaries. A property owner, developer, or contractor must obtain a clearing and grading permit prior to any agricultural timbering, predevelopment clearing, or depositing of fill on an undeveloped site. Properties, other than the minimum buffer area specified herein, may be underbrushed without obtaining a grading permit. For the minimum buffer area specified here, underbrushing may be undertaken as long as no mechanized equipment, other than a chainsaw, is used in the underbrush clearing. In no case may living and healthy trees 6" DBH or larger be removed without a permit. (Ord. No. 0-2009-19; 3/11/09) (Ord. No. 0-2009-88; 8/26/09)

Sec. 10-303. Clearing and Grading Permit Required

Pursuant to Sec. 10-527 of this code, a clearing and grading permit must be obtained from the development services engineer prior to the commencement of any development, excavation, grading, regrading, landfilling, beaming, paving, diking, clearing and grubbing, or other earth changes made to any property within the city. A separate permit is required for each separate, non-contiguous site or lot. (Ord. No. 0-99-19; 2/24/99)

a. Tree Inventory

Accompanying the permit application, a 6" DBH or larger tree inventory shall be submitted according to the following:

1. The approximate location and diameter at breast height (DBH) of all living trees which are six inches in DBH in size or larger when measured at 4 ½ feet above the ground within a 40' buffer area along any street frontage, and 25' buffer area on all other property boundaries.

2. A tree clearing/planting plan shall also be provided detailing the proposed site buffers and remaining trees after clearing. The plan will also list the total number of existing 6" DBH or larger trees and the proposed number of remaining 6" DBH and/or 2" DBH replanted trees after clearing within buffer areas.

b. Approval Criteria for Zoning Requiring Tree Preservation

The Development Services Engineer will approve a clearing and grading permit if the application demonstrates that the following conditions in this subsection will be met.

A 40-foot-wide undisturbed area is left in place along 75 percent of the street frontage, a 25-foot-wide undisturbed area is left along 75 percent of the rear property line, and a 25-foot-wide undisturbed area" is left along 75 percent of the side property lines. The understory growth is to be left intact to enhance the tree buffer. Each "undisturbed area" must contain an average of one tree per 314 square feet. Where trees do not exist to meet this standard, 2" DBH replacement trees of a medium or large size and species from the approved tree list that are highly drought tolerant are to be placed within the buffer within 12 months from permit date. In no event shall the number of tree plantings required within the buffers be greater than the total number of 6" DBH trees removed within the entire property as the applicant may choose to demonstrate by a tree inventory of the remainder of the property. If new plantings are required, the applicant must demonstrate adequate watering methods to ensure survivability. The applicant must replace and ensure survival of any replanted trees that may die within a one year period from the date replanting the buffer takes place. (Ord. No. 0-2009-19; 3/11/09 (Ord. No. 0-2009-88; 8/26/09) (Ord. 0-2011-45, 6/8/11)

Sec. 10-304. Exceptions and Tree removal without a Permit

a. Exceptions. If the property owner, developer, or contractor determines that the restrictions set forth in (1) and (2) above cannot be met, the development services engineer may grant a variance for the pre-development clearing of land if property owner agrees to mitigate the clearing of land by replanting the buffer area as specified above. (Ord. No. 0-2009-88; 8/26/09) (Ord. No. 0-2010-20, 3/10/10)

b. Tree Removal without a Permit. It is unlawful to conduct a tree clearing without a valid Clearing and Grading Permit when required by this Chapter. Where tree clearing takes place in advance of a Clearing and Grading Permit, the owner shall mitigate all tree removal in accordance with this Chapter. Tree planting must occur within six months of any such violation. Additionally, failure to obtain a Clearing and Grading Permit when required may result in a fine pursuant to City Code Section 1-4. (Ord. No. 0-2009-88; 8/26/09) (Ord. No. 0-2010-20, 3/10/10)

Sec. 10-305. Tree Planting Standards and Specifications

a. Plant Criteria

1. All plant materials planted in order to satisfy this code must be of a species, which will conform to the selection criteria of this code.

(a) Plant materials must be either acceptable native plants to the Tyler area, or plants that are known to be acclimated to the East Texas region.

(b) The species of plant chosen must be adaptable to the specific environment and conditions in which it will be planted; i.e., soils, water availability, height limitations and shade.

2. Trees and shrubs planted in order to satisfy this code must conform to the minimum size specified.

(a) Canopy trees must have be a minimum two inches in DBH; a minimum branching height of six feet; and a minimum overall height of eight feet at the time of planting.

(b) Shrubs must be a minimum size of two gallons.

3. Trees must be selected so as to avoid those species known to cause damage to public improvements.

4. Trees selected for planting must be on a list of approved trees that is available from the planning director.

5. Artificial plants are not acceptable in satisfying this code.

b. Planting Requirements

1. A professional horticulturist/nurseryman should be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized. In the event weather conditions are not suitable for planting, with the approval of the planning director, and prior to issuance of a certificate of occupancy, an irrevocable letter of credit assigned to the city must be provided to cover the cost of postponed planting.

2. The owner or contractor must furnish and install and/or dig, ball, burlap, and transplant all plant materials listed on the plant schedule.

3. Trees must not be planted so near to sewers, sidewalks, or other public improvements as to cause damage to such improvements.

4. Sight clearance on all sites must comply with Sec. 18-2 of the Tyler City Code.

5. The owner or contractor must excavate all plant pits, vine pits, hedge trenches and shrub beds as follows:

(a) All pits must be generally circular in outline, with vertical sides. The tree pit must be deep enough to allow one-eighth of the ball to be above the existing grade. Plants must rest on undisturbed existing soil or well-compacted backfill. The tree pit must be a minimum of nine inches larger on every side than the ball of the tree.

(b) If areas are designated as shrub beds or hedge trenches, they must be cultivated to at least 18 inches in depth. Areas designated for ground covers and vines must be cultivated to at least 12 inches in depth.

6. Each tree, shrub, or vine must be pruned in an appropriate manner, in accordance with accepted standard practice. Broken or bruised branches must be removed with clean cuts made on an angle from the bark ridge to the branch collar, no flush cuts, to minimize the area cut. All cuts must be made with sharp tools and all edges should be trimmed smooth.

7. All trenches and shrub beds must be edged and cultivated to the lines shown on the drawing. The area around isolated plants must be edged and cultivated to the full diameter of the pit. Sod that has been removed and stacked must be used to trim the edges of all excavated areas to the neat lines of the plant pit saucers, the edges of shrub areas, hedge trenches, and vine pockets.

8. After cultivation, all plant materials must be mulched with approved material over the entire area of the bed or saucer according to generally accepted landscape practices. (Ord. No. 0-98-90, 11/18/98) (Ord. No. 0-2002-46, 10-09-02)

c. Trees in Residential Zones

Property zoned RE, R-1A, R-1B, R-1C, R-1D, R-2, R-MH, PUR, and PXR are required to provide a minimum one tree per residential lot prior to certificate of occupancy and will be subject to any additional tree requirements in the subdivision standards provided in [Article IV](#) of this code. (Ord. No. 0-2011-45, 6/8/11)

d. Pre-Construction Standards

1. Tree Flagging

All saved trees on the subject property within 40 feet of a construction area or surface improvements such as driveway, walks, etc. must be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk at a height of four feet or more such that the tape is very visible to workers operating construction equipment. This does not include the flagging of all protected trees adjacent to right-of-way within approved residential subdivisions during the construction of the roadway.

2. Open Space Flagging

All trees or groups of trees within areas intended to be saved as open space must be enclosed with fluorescent orange tape along all areas of possible access or intrusion by construction equipment. Tape must be supported at a maximum of 25 feet intervals by wrapping trees or other approved methods. Single incident access for the purposes of clearing underbrush is allowed.

3. Protective Fencing

In those situations where a saved tree is so close to the construction area that construction equipment might infringe on the root system or is within 20 feet of the construction area, a protective fencing will be required between the outer limits of the critical root zone of the tree and the construction activity area. Four foot high protective fencing must be supported at a maximum of 10 foot (intervals by approved methods. All protective fencing must be in place prior to commencement of any site work and remain in place until all exterior work has been completed.

4. Bark Protection

In situations where a saved tree remains in the immediate area of intended construction, the tree must be protected by enclosing the entire circumference of the tree with 2" x 4" lumber encircled with wire or other means that do not damage the tree. The intent here is to protect the bark of the tree against incidental contact by large construction equipment.

e. Tree Preservation and Care During Construction

1. Each individual tree or shrub may be credited only once.

2. Existing trees to be preserved for landscape credit must be clearly marked.

3. The following activities are prohibited within areas to be preserved or the limits of the critical root zone of any tree to be saved for landscape credit:

(a) Material Storage

No materials intended for use in construction or waste materials accumulated due to excavation or demolition may be placed within the limits of the critical root zone of any protected tree.

(b) Equipment Cleaning/Liquid Disposal

No equipment may be cleaned or other liquids deposited or allowed to flow overland within the limits of the critical root zone of a protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar, or similar materials.

(c) Tree Attachments

No signs, wires, or other attachments, other than those of a protective nature, may be attached to any protected tree. Fencing attached to a tree via "U" nails or bent nails when only at points of tangency with the tree are allowed.

(d) Vehicular Traffic

No vehicular and/or construction equipment traffic or parking may take place within the limits of the critical root zone of any protected tree other than on an existing street pavement. This restriction does not apply to signing incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

(e) Grade Changes

No grade changes may be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are approved by the planning director or if grading is as directed by the development services engineer.

(f) Impervious Paving

No paving with asphalt, concrete or other impervious materials in a manner which may reasonably be expected to kill a tree may be placed within the limits of the critical root zone of a protected tree except as otherwise allowed in this code.

(g) Saved Trees

A saved tree will be considered to be preserved only if a minimum of 75 percent of the critical root zone is maintained at undisturbed natural grade and no more than 25 percent of the canopy is removed due to building encroachment.

(h) Barricaded Areas

Areas to remain preserved are to be barricaded so that construction practices in the field will protect existing trees from compaction of soil, changes in grades and damage from machines.

f. Permanent Construction Methods

1. Boring

Boring of utilities under saved trees is required in those circumstances where it is not possible to trench around the critical root zone of the saved tree. When required, the length of the bore must be the width of the critical root zone at a minimum and must be a minimum depth of 48 inches.

2. Grade Change

In the event the grade change within the critical root zone of a protected tree exceeds the limits noted in subsection (E)(3)(e) herein, the procedures noted in the Design Guidelines will be required.

3. Trenching

Trenching across the critical root zone of any saved tree must be avoided. Although this subsection is not intended to prohibit the placement of underground services such as electric, phone, gas, etc., the placement of these utilities is encouraged to be located outside of the critical root zone of saved trees. Irrigation system trenching must be placed outside of the critical root zone with only the minimum required single head supply line allowed within that area placed radially to the tree trunk.

4. Root Pruning

All roots two inches or larger in diameter which are exposed as a result of trenching or other excavation must be cut off square with a sharp medium tooth saw and covered with pruning compound within two hours of initial exposure.

g. Maintenance

1. The owner or agent is responsible for the maintenance of all landscaping, which must be maintained in good condition so as to present a healthy, neat and orderly appearance, and must be kept free from refuse and debris. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within 120 days after death, season permitting.

2. The owner or agent is responsible for replacement of dead landscaping material. Replacement must occur within 120 days, season permitting, of notification by the planning director or designee. Replacement material must be of similar character as the dead landscaping material.

3. The owner or agent is responsible for any damage or interference with utility lines or other utility facilities resulting from the negligence of the property owner, agents or employees in the installation and maintenance of required landscaping. If a utility crew disturbs a landscaped area in a utility easement, it must make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work is completed. If nonetheless some plant materials die, it is the obligation of the owner or agent to replace the dead plant materials.

4. Nothing in this code will prohibit or restrict a public utility company from trimming or removing trees or other plant materials that are a hazard to its employees, the public or its facilities, or that threaten to interfere with the provision of continuous service. (Ord. No. 0-2002-46, 10-09-02)

Sec. 10-306. Tree Preservation for Nonconforming Uses

a. Land that is under lawful development at the effective date of the tree preservation requirements or that is under lawful development at the effective date of annexation of such land, in this division as of April 24, 2008 will have nonconforming status with respect to tree preservation requirements.

b. Any land in an area that has been annexed, and where no lawful development has occurred, must comply with the requirements of this ordinance and will not be granted nonconforming status with respect to tree preservation requirements.

c. If a person has begun the process of developing land by obtaining one or more licenses, certificates, permits, approvals or other forms of city authorization prior to the effective date of the tree preservation requirements in [Article VI](#), Division A, or by obtaining one or more licenses, certificates, permits, approvals or other forms of city authorization prior to annexation of such land, then said development will have non-conforming status with respect to said tree preservation requirements.

Sec. 10-307. Landscaping and Tree Preservation Compliance

- a. All required landscaping and screening must be installed as part of the project construction.
- b. All tree planting and plant screening required by this code must be installed prior to the issuance of a certificate of occupancy, where required, or prior to the commencement of use.
- c. All landscaping must be installed in a sound manner and in accordance with accepted planting procedures.
- d. All elements of landscaping must be installed so as to meet all other applicable city ordinances and policies.
- e. Landscape areas, both those proposed and those to be retained, must be protected from vehicular encroachment during and after the construction phase by appropriate barriers.
- f. All landscape requirements of this code will continue after the building permit is issued to any owner or subsequent owner. (Ord. No. 0-98-90, 11/18/98) (Ord. No. 0-2002-46, 10/9/02).

Sec. 10-308. Irrigation Standards

- a. Irrigation must comply with the Texas Water Code.
- b. One of the following irrigation methods must be used to ensure survival of the required plant material in landscaped areas:
 - 1. Conventional System
An automatic underground irrigation system which may be a conventional spray or bubbler type heads.
 - 2. Drip or Leaky-Pipe System
An automatic underground irrigation system in conjunction with a water-saving system such as a drip or a leaky pipe system.
 - 3. Temporary and Above-Ground Watering
Landscape areas using drought resistant plants and installation techniques, including areas planted with native grasses, wildflowers, and trees may use a temporary and above ground system, and are required to provide irrigation for the first three growing seasons.
- c. Irrigation is not required for undisturbed natural areas or undisturbed existing trees. Must have a water source consisting of a hose bib accessible to each area within parking lots.
- d. All irrigation systems must be equipped with freeze and rain indicators as specified in the Texas Water Code.