



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Meeting Agenda

### Development Code Review Committee

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Monday, March 9, 2026

3:00 PM

Development Service Center

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After determining that a quorum is present, the Development Code Review Committee of the City of Denton, Texas will convene in a Regular Meeting on Monday, March 9, 2026, at 3:00 p.m. in Training Rooms 3, 4, and 5, at the Development Service Center, 401 N. Elm Street, Denton, Texas, at which the following items will be considered:

#### 1. ITEMS FOR CONSIDERATION

- A. [DCRC26-013](#) Consider approval of the minutes of the February 23, 2026 Development Code Review Committee Regular Meeting.

Attachments: [Exhibit 1 - February 23, 2026 DCRC Minutes](#)

- B. [DCRC26-011](#) Receive a report, hold a discussion, and give staff direction regarding a proposed new Contractor Services use.

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Proposed Redline Markups](#)

- C. [DCRC25-095](#) Receive a report, hold a discussion, and give staff direction regarding proposed Code amendments related to Tree Preservation.

[L](#)

Attachments: [Exhibit 1 - Agenda Information Sheet](#)

[Exhibit 2 - Redline Markup \(DDC 7.7.4.H, J, and K\)](#)

[Exhibit 3 - Draft Presentation](#)

#### 2. DEVELOPMENT CODE REVIEW COMMITTEE PROJECT MATRIX

- A. [DCRC26-014](#) Hold a discussion regarding the Development Code Review Committee Project Matrix.

Attachments: [Exhibit 1 - DCRC Matrix](#)

#### 3. CONCLUDING ITEMS

A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Development Code Review Committee or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

CERTIFICATE

I certify that the above notice of meeting was posted on the official website (<https://tx-denton.civicplus.com/242/Public-Meetings-Agendas>) and bulletin board at City Hall, 215 E. McKinney Street, Denton, Texas, on March 3, 2026, in advance of the three (3) business day posting deadline, as applicable, and in accordance with Chapter 551 of the Texas Government Code.

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OFFICE OF THE CITY SECRETARY

NOTE: THE CITY OF DENTON'S DESIGNATED PUBLIC MEETING FACILITIES ARE ACCESSIBLE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY WILL PROVIDE ACCOMMODATION, SUCH AS SIGN LANGUAGE INTERPRETERS FOR THE HEARING IMPAIRED, IF REQUESTED AT LEAST TWO (2) BUSINESS DAYS IN ADVANCE OF THE SCHEDULED MEETING. PLEASE CALL THE CITY SECRETARY'S OFFICE AT 940-349-8309 OR USE TELECOMMUNICATIONS DEVICES FOR THE DEAF (TDD) BY CALLING 1-800-RELAY-TX SO THAT REASONABLE ACCOMMODATION CAN BE ARRANGED.

MINUTES  
DEVELOPMENT CODE REVIEW COMMITTEE  
February 23, 2026

After determining that a quorum is present, the Development Code Review Committee of the City of Denton, Texas will convene in a Regular Called Meeting on Monday, February 23, 2026, at 3:03 p.m. in Training Rooms 3, 4, and 5 at the Development Services Center, 401 N. Elm Street, Denton, Texas, at which the following items will be considered:

PRESENT: Chair Brian Beck, and Members: Vicki Byrd, Lisa Dyer, Clay Riggs, Eric Pruett, and Suzi Rumohr

ABSENT: None

**REGULAR MEETING**

**1. ITEMS FOR CONSIDERATION**

**A. DCRC26-009:** Consider approval of the minutes of the February 9, 2026 Development Code Review Committee Regular Meeting.

AYES (5): Chair Brian Beck, and Members: Vicki Byrd, Suzi Rumohr, Eric Pruett, and Lisa Dyer

NAYS (0): None

ABSENT FOR VOTE (1): Riggs

Member Rumohr moved to approve the minutes as presented. Motion seconded by Member Pruett. Motion carried (5-0-1).

**B. DCRC26-008:** Receive a report, hold a discussion, and give staff direction regarding proposed Code amendments related to the Table of Allowed Uses, Use Specific Standards, and Definitions Sections of the Denton Development Code.

Member Riggs joined at 3:07 p.m.

Angie Manglaris, Assistant Planning Director, presented the item.

The Committee discussed Staff's proposed timeline for reviewing these amendments. The Committee indicated a general interest in trying to ensure uses are not added to the Code without a clear rationale and express need and asked that Staff ensure these changes not unintentionally create nonconformities.

**C. DCRC26-010:** Receive a report, hold a discussion, and give staff direction regarding proposed Code amendments related to Tree Preservation.

Bryce Van Arsdale, Assistant Planner, presented the item.

The Committee provided consensus in support of an incentive for additional Upland Habitat preservation. Discussion occurred as to whether the incentive could be expanded to include the City's Wildlife Corridor Map.

The Committee provided consensus in support of an incentive related to building height.

The Committee provided consensus in support of an incentive related to invasive species removal.

The Committee provided consensus in support of an incentive related to protection of understory vegetation.

The Committee confirmed previously indicated consensus regarding proposed mitigation and preservation ratios.

## **2. DEVELOPMENT CODE REVIEW COMMITTEE PROJECT MATRIX**

**A. DCRC26-010:** Hold a discussion regarding the Development Code Review Committee Project Matrix.

Angie Manglaris, Assistant Planning Director, presented the item. Discussion followed.

The proposed Code amendments related to the Table of Allowed Uses, Use Specific Standards, and Definitions Sections of the Denton Development Code will be discussed again at the March 23, 2026, DCRC meeting.

Member Rumohr requested a previously provided Legal Status Report be shared with her.

## **3. CONCLUDING ITEMS**

With no further business, the Regular Meeting was adjourned at 4:25 p.m.

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Brian Beck  
DCRC Chair

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Vanessa Esparza  
Administrative Assistant

Minutes approved on: \_\_\_\_\_





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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**DCM:** Cassey Ogden

**DATE:** March 9, 2026

### **SUBJECT**

Receive a report, hold a discussion, and give staff direction regarding a proposed new contractor services use.

### **BACKGROUND**

At the February 23, 2026, Development Code Review Committee (DCRC) meeting, Staff introduced the Table of Allowed Uses, Use Specific Standards, and Definitions Sections of the Denton Development Code (DDC) topic, and discussed areas of the Code proposed to be refined as part of this amendment. As part of this ongoing topic, Staff is bringing forward a discussion item to incorporate a new use into the DDC: Contractor Services.

The proposed Contractor Services use would encompass a number of types of services, not clearly classified elsewhere in the DDC, which are primarily offsite manual labor services, and which often need an indoor storage area for supplies and equipment. This land use may include accessory uses such as sales or service offices, outdoor storage, and display or showroom areas for services provided or products installed by the service provider. Common examples of this use would include plumbing and electrical contractors, pool and landscape maintenance services, and equipment repair businesses.

This use is being brought forward because, in the absence of the proposed use, contractor services have historically been classified in a variety of complicated and potentially inconsistent ways, such as “professional office with accessory indoor storage” or “office with accessory sales use” that do not fully capture the use or that may not capture key aspects and impacts of the use. Additionally, classifying contractor services businesses as a type of Office has the potential to permit these businesses by right in areas – where a typical professional Office use makes sense, but certain types of contractor service business – such as those with extensive company vehicle parking or non-traditional hours of operation -- do not make sense due to their potential impacts. This is particularly true in areas zoned Residential 7 (R7), which includes single-family residential neighborhoods, in which Office uses are generally appropriate, but in which many types of contractor services businesses would not be appropriate, due to their impacts. Adding the proposed Contractor Services use allows Staff to properly guide where these uses are permitted, assign appropriate use-specific standards, and reduces uncertainty in the use classification process.

At the March 9, 2026 DCRC meeting, Staff will present proposed amendments to DDC Subchapter 5: Use Regulations, and DDC Subchapter 9: Definitions to incorporate Contractor Services as an allowed use. Following discussion, Staff will seek consensus or additional direction from the Development Code Review Committee.

**EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Proposed Redline Markups

Respectfully submitted:  
Hayley Zagurski, AICP  
Planning Director

Prepared by:  
Sean Jacobson  
Associate Planner

## DRAFT Changes to DDC to Create Contractor Services Use:

Add the following to DDC 9.2 Definition:

### **Contractor Services**

A business that specializes in providing services not classified elsewhere, which involve primarily offsite manual labor, including, but not limited to, plumbing, electrical, office cleaning, heating and air conditioning, construction, office equipment repair, pool maintenance, and landscape maintenance services. May primarily function as an indoor storage area for supplies and equipment used by the business in providing the service.

Accessory uses may include sales or service offices, outdoor storage, and display or showroom areas for services provided or products installed by the service provider.

Excludes vehicle leasing, sales, or repair; distribution warehouse; wholesale facility; and all manufacturing uses.

Add the following to DDC 7.9.4 - Table 7.9-I Minimum parking:

<b>Table 7.9-I: Minimum Required Off-Street Parking</b>	
DU = dwelling unit    sq ft = square feet    GFA = gross floor area	
<b>OFFICE, BUSINESS, AND PROFESSIONAL SERVICES</b>	
Administrative, Professional, and Government Office	1 space per 450 sq ft GFA
Bank or Financial Institution	
Musician Studio	
Credit Access Business	
Printing, Copying, and Publishing Establishment	
<u>Contractor Services</u>	<u>1 space per 250sf for showrooms, display areas, and other customer service areas, plus 1 space per every 1 employee working primarily onsite on largest shift and 1 space per commercial vehicle stored on site (shall include any motor vehicle owned by, or bearing the logo of, or used in the operation of the business, that is parked on the property for at least 8 hours every day and/or overnight).</u>
<b>PERSONAL SERVICES</b>	

Add the following to DDC 5.3.5 - Use-Specific Standards:



## **Add the following to 5.4.4D Outdoor Storage, Accessory**

### **D. Outdoor Storage, Accessory**

In addition to complying with all EPA regulations, the International Fire Code, and all other applicable ordinances, statutes, rules and regulations, outdoor storage:

1. Shall be limited to materials sold or used on the premises as part of the principal use of the property.
2. With the exception of accessory outdoor storage of commercial vehicles as permitted by DDC 5.3.5AA Contractor Services, shall not be located between the front building façade and the adjacent street frontage.
3. Materials shall not be stored in areas intended for vehicular or pedestrian circulation.
4. Materials stored outdoors shall be setback at least five feet from all property lines.
5. Within the HC and GO Zoning Districts outdoor storage shall be maintained entirely within an enclosed structure or shall be opaquely screened from all rights-of-way, residential zoning districts, and residential uses with a minimum eight (8) foot tall wall or fence of masonry, elevated and sealed wood or a combination of such materials.
6. Within the LI, HI and PF Zoning Districts outdoor storage shall be opaquely screened from all rights-of-way, residential zoning districts, and residential uses, and shall comply with standards in Subsection 7.7.8: Walls, Fences, and Screening.



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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**DCM:** Cassey Ogden

**DATE:** March 9, 2026

### **SUBJECT**

Receive a report, hold a discussion, and give staff direction regarding proposed Code amendments related to Tree Preservation.

### **BACKGROUND**

In late 2024, City Council prioritized a review of the Tree Preservation Code, and on December 9, 2024, the Development Code Review Committee (DCRC) held a discussion regarding prioritizing future potential Denton Development Code (DDC) amendment topics and similarly provided direction to staff regarding the prioritization of amendments to the DDC related to Tree Code. Staff has been tasked with assessing the current DDC Tree Code standards and presenting amendments to the DDC where appropriate.

The proposed amendments Staff has identified relate to industry best practices, improving clarity, and simplification of implementation of regulations for applicable development. Examples of sections that Staff is proposing to amend for clarifications include Tree Protection Requirements During Construction, Minimum Preservation Requirements, and Tree Replacement.

At the May 12, 2025, DCRC meeting, Staff introduced the current Tree Preservation Code regulations in DDC Subsection 7.7.4 and provided an overview of current standards. The discussion included an array of topics including but not limited to tree removal requirements, mitigation and replacement requirements, and City canopy goals.

At the June 23, 2025, DCRC meeting, Staff presented background on the City of Denton's Tree Code ordinance and how it relates to various provisions in the Texas Local Government Code, including discussions on vesting and state law relating to a city's authority to regulate tree preservation. A portion of the discussion regarding state law was held in a Closed Session meeting. The discussion on TLGC 212.905 was continued in closed session along with an overview of takings law at the July 14, 2025 DCRC Meeting.

Also at the July 14, 2025 DCRC meeting, Staff began the discussion of proposed Tree Code amendments; specifically, amendments to Subsection 9.2: Definitions. Following an overview of the proposed amendments, Staff requested consensus and opened the floor for additional feedback from the Committee regarding the proposed edits to the DDC.

At the September 22, 2025 DCRC meeting, Staff continued discussion of proposed amendments to the Tree Code, and revisited Subsection 9.2: Definitions, taking into consideration feedback gathered from the Committee at the July 14, 2025 meeting. Following the presentation of the proposed amendments, Staff

presented proposed amendments to Subsection 7.7.4.A and B: Purpose and Intent and Applicability and Exemptions.

At the October 13, 2025 DCRC meeting, Staff presented proposed amendments to Subsections 7.7.4.C through E. Specifically, these amendments addressed tree removal permits, tree protection during construction, and tree preservation plans.

At the October 27, 2025 DCRC meeting, Staff provided an overview of the Tree Preservation Plan (TPP) review process. This demonstration included a brief overview of a TPP and the associated Tree Inventory Excel file, as well as a brief overview of common issues that are found on TPP's. This presentation demonstrated how a TPP evolves over the course of a project.

At the November 17, 2025 DCRC meeting, staff presented amendments to Subsections 7.7.4.F and 7.7.4.G, Alternative TPP's and Minimum Preservation Requirements. Following this discussion, Staff requested feedback from the Committee regarding proposed replacement rates, reaching a consensus in agreement with Staff's recommendation. In addition, the Committee asked staff to research methods which could be codified to provide flexibility for infill and encumbered sites without requiring Director or City Council approval.

At the December 8, 2025 DCRC meeting, Staff introduced results from testing related to the guidance previously provided by the Committee regarding replacement rates. Following this discussion, Staff requested feedback from the Committee regarding higher mitigation replacement rates and tree preservation credits.

At the February 9, 2026 DCRC meeting, Staff presented Tree Code amendments and incentives related to infill development. Following this discussion, Staff presented results from the testing of higher mitigation rates and replacement rates, receiving confirmation on these items from the Committee.

At the February 23, 2026 DCRC meeting, Staff introduced amendments to DDC 7.7.4.M, Incentives for Tree Preservation. Following this discussion, Staff presented summarized data related to the DCRC recommended replacement rates and preservation credits, as well as the overall impact to tree mitigation. The DCRC provided confirmation of these findings with no further revisions required.

At the March 9, 2026 DCRC meeting, Staff will present proposed amendments to DDC 7.7.4.H, Tree Replacement, DDC 7.7.4.J, Tree Preservation Relief Provisions, and DDC 7.7.4.K, Alternatives to Tree Replacement. These are the final items left for presentation to the DCRC related to DDC 7.7.4, Tree Preservation

A draft presentation is provided as Exhibit 3. The presentation is still being refined, and a finalized version will be shared at the meeting.

## **EXHIBITS**

Exhibit 1 – Agenda Information Sheet

Exhibit 2 – Redline Markup (DDC 7.7.4.H, J, and K)

Exhibit 3 – Draft Presentation

Respectfully submitted:

Hayley Zagurski, AICP  
Planning Director

Prepared by:  
Bryce Van Arsdale  
Assistant Planner

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## 7.7.4 Tree Preservation.

### H. Tree Replacement.

1. In the event that it is necessary to remove a protected tree(s) as allowed in this section, the applicant shall be required to replace the tree(s) being removed with healthy trees or pay a mitigation fee as explained hereafter.
  - a. If it is determined that tree replacement is required, the tree preservation/replacement plan must be approved prior to approval of a final plat or replat and a note shall be placed on that plat referencing the approved tree replacement plan.
  - b. If platting is not required, the tree replacement plan shall be included as part of a site plan approval or tree removal permit.
2. In accordance with TLGC, § 212.905, as amended, replacement trees must:
  - a. Be planted on property in which they were removed; or
  - b. Be planted at a location mutually agreed upon by the city and the property owner; and
  - c. Measure at least two inches ~~dbh~~ DBH when planted.
3. In order to ensure biodiversity and protect against tree diseases, if 20 or more replacement trees are planted, no one species of tree may exceed ~~30~~ 20 percent of the total new trees on the site, and no more than 30 percent of the same genus may be planted on-site.
4. To determine the replacement inches required by this section, the applicant shall inventory and combine the total inches of ~~dbh~~ DBH of all protected trees that are to be removed and that are located within the development impact area.
6. The total of the required inventories represents the replacement inches that shall be replaced through new tree plantings or preservation of existing trees. New trees required to satisfy the landscaping provisions of this section shall be counted towards satisfying this requirement.
7. Once each tree on the site is inventoried, tree mitigation shall be calculated as follows and as shown in Table 7.C: Sample Tree Mitigation Worksheet. The calculated ~~dbh~~ DBH of each tree shall be the ~~dbh~~ DBH of the tree multiplied by the appropriate classification ratio as described in paragraph 4 above. The total calculated ~~dbh~~ DBH shall be the sum of all these trees.
8. ~~In accordance with TLGC, § 212.905, as amended, a credit of 50 percent shall automatically be given to the total calculated dbh DBH for all residential development, and 40 percent for nonresidential development. The preliminary mitigation dbh DBH is 50 percent of the total calculated dbh DBH for all residential, or 40 percent for nonresidential. Mixed-use developments shall be credited at the residential rate of 50 percent.~~

Trees proposed to be credited against the required mitigation total shall be:

  - a. Of a native species and categorized as a large or medium canopy tree.
  - b. Planted in an area with a minimum soil surface area of 450 square feet
9. After calculating the preliminary mitigation ~~dbh~~ DBH and subtracting the preserved credits, any remaining ~~dbh~~ DBH is defined as the mitigation ~~dbh~~ DBH. The mitigation ~~dbh~~ DBH is required to be

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satisfied either by the planting of new trees on-site ~~with an equivalent total dbh~~ or by using one of the alternative methods described in Subsection 7.7.4J.

10. If any preserved and/or replacement tree(s) dies or shows signs of decline within ~~three~~ five years of initial planting or issuance of certificate of occupancy, the current property owner shall be subject to the same replacement requirements per these requirements, unless otherwise exempt or deemed a non-protected tree.

J. **Tree Preservation Relief Provisions.**

1. **Purpose.** The purpose of this provision allows a determination of whether the application of this DDC, as applied to a tree removal application and related development applications, would if not modified or other relief granted, may unreasonably burden the development of the property.
2. **Review Procedure.**
  - a. A property owner or his authorized agent may file an application for relief to the Board of Adjustment, in accordance with Subsection 2.8.1: Variance and the criteria below, to remove up to 100% of trees on-site in exchange for paying the assessed mitigation fee as noted in 7.7.4.G.1.b.ii.a. Trees to be preserved shall be credited against the mitigation total in accordance with 7.7.4.I. ~~under this subsection following a final decision to deny or conditionally grant an application for a tree removal permit.~~
  - b. ~~The Director has the authority to establish requirements for applications for tree preservation relief in the Application Criteria Manual.~~ No application shall be accepted for filing until the following have been completed:
    - i. Payment of the fee established by the City Council ~~has been paid;~~
    - ii. Submittal of a tree survey of the subject property prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, registered landscape architect, or a professional land surveyor in coordination with an ISA certified arborist, TFA Accredited Forester, or an ASCA registered arborist; and
    - ii. Submittal of a written narrative describing how the criteria for approval are met.
  - c. ~~Upon approval of an application for relief in whole or in part by the City Council, the Director shall process the tree removal permit and related development applications pursuant to the relief granted on the application for relief approved by the City Council.~~ Staff shall review the application and recommend approval or denial of the relief request to the Board of Adjustment.
  - d. ~~A denial of an application for relief by the City Council is a final determination.~~ A denial of an application for relief by the Board of Adjustment may be appealed to a district court or county court of law within 10 days after the date the decision is filed in accordance with TLGC, Chapter 211, pursuant to Subsection 2.8.1.
3. **Criteria for Approval.** The Board of Adjustment shall consider the criteria in Subsection 2.8.1D: Variance Approval Criteria. ~~In addition to deciding whether to grant relief to the applicant, the City Council shall consider whether there is any evidence from which it can reasonably conclude that the application of all or a part of the provisions of this DDC that apply to tree preservation may deprive the applicant of all economically viable use of the property, based on the following factors:~~
  - a. ~~Whether there is a unique physical circumstance on the property.~~
  - b. ~~Whether the proposed design has minimized the loss of trees to the extent possible.~~
  - c. ~~Whether preservation and/or mitigation unduly burdens the development of the property.~~

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K. **Alternatives to Tree Replacement Requirements.** In order to satisfy the mitigation ~~dbh~~ [DBH](#), the property owner may use any combination of alternative methods of compliance listed below. These alternative methods may also be used in combination with or in lieu of tree replacement, so long as the total replacement ~~dbh~~ [DBH](#) is satisfied by one or all methods

2. **Tree Donation.** The developer may donate, [plant, irrigate, and warranty at the property owner's expense](#), the replacement tree(s) to the City's Parks Department for planting within the city, with the approval of the Parks Director.
3. **Conservation Easement.** The property owner may request to grant a conservation easement by plat to the city that includes protected trees and non-protected trees beyond the minimum preservation amount, and with a combined ~~dbh~~ [DBH](#) equal to or exceeding the ~~dbh~~ [DBH](#) for which mitigation is being requested.
  - a. In addition to the tree survey and preservation/replacement plan, a detailed baseline document describing the property's physical and biological condition, the general age of any tree stands, locations of easements and construction, [conservation easement maintenance plan](#), and the conservation values protected by the easement, shall be required.
  - b. The city may decline the request for a conservation easement for any reason; however a request so declined will not satisfy the mitigation requirement and mitigation must be achieved in a different manner as described above.

# DCRC25-0095L Tree Code Definitions

Bryce Van Arsdale  
Assistant Planner

March 9, 2026



## 7.7.4.H Tree Replacement

3. In order to ensure biodiversity and protect against tree diseases, if 20 or more replacement trees are planted, no one species of tree may exceed ~~30~~ 20 percent of the total new trees on the site, and no more than 30 percent of the same genus may be planted on-site.

## 7.7.4.H Tree Replacement

~~8. In accordance with TLGC, § 212.905, as amended, a credit of 50 percent shall automatically be given to the total calculated dbh DBH for all residential development, and 40 percent for nonresidential development. The preliminary mitigation dbh DBH is 50 percent of the total calculated dbh DBH for all residential, or 40 percent for nonresidential. Mixed-use developments shall be credited at the residential rate of 50 percent.~~

Trees proposed to be credited against the required mitigation total shall be:

- a. Of a native species and categorized as a large or medium canopy tree.
- b. Planted in an area with a minimum soil surface area of 450 square feet

## 7.7.4.K Alternatives to Tree Replacement Requirements

~~8. In accordance with TLGC, § 212.905, as amended, a credit of 50 percent shall automatically be given to the total calculated dbh DBH for all residential development, and 40 percent for nonresidential development. The preliminary mitigation dbh DBH is 50 percent of the total calculated dbh DBH for all residential, or 40 percent for nonresidential. Mixed-use developments shall be credited at the residential rate of 50 percent.~~

Trees proposed to be credited against the required mitigation total shall be:

- a. Of a native species and categorized as a large or medium canopy tree.
- b. Planted in an area with a minimum soil surface area of 450 square feet

## 7.7.4.J Tree Preservation Relief Provisions

1. **Purpose.** The purpose of this provision allows a determination of whether the application of this DDC, as applied to a tree removal application and related development applications, would if not modified or other relief granted, may unreasonably burden the development of the property.

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- a. A property owner or his authorized agent may file an application for relief to the Board of Adjustment, in accordance with Subsection 2.8.1: Variance and the criteria below, to remove up to 100% of trees on-site in exchange for paying the assessed mitigation fee as noted in 7.7.4.G.1.b.iii.a. Trees to be preserved shall be credited against the mitigation total in accordance with 7.7.4.I. ~~under this subsection following a final decision to deny or conditionally grant an application for a tree removal permit.~~

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- b. ~~The Director has the authority to establish requirements for applications for tree preservation relief in the Application Criteria Manual.~~ No application shall be accepted for filing until the following have been completed:
  - i. Payment of the fee established by the City Council ~~has been paid.~~;
  - ii. Submittal of a tree survey of the subject property prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, registered landscape architect, or a professional land surveyor in coordination with an ISA certified arborist, TFA Accredited Forester, or an ASCA registered arborist; and
  - ii. Submittal of a written narrative describing how the criteria for approval are met.

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- c. ~~Upon approval of an application for relief in whole or in part by the City Council, the Director shall process the tree removal permit and related development applications pursuant to the relief granted on the application for relief approved by the City Council.~~  
Staff shall review the application and recommend approval or denial of the relief request to the Board of Adjustment.

# 7.7.4.J Tree Preservation Relief Provisions

## 2. Review Procedure.

- d. A denial of an application for relief by the Board of Adjustment may be appealed to a district court or county court of law within 10 days after the date the decision is filed in accordance with TLGC, Chapter 211, pursuant to Subsection 2.8.1.

## 7.7.4.J Tree Preservation Relief Provisions

3. **Criteria for Approval.** The Board of Adjustment shall consider the criteria in Subsection 2.8.1D: Variance Approval Criteria. ~~In addition to deciding whether to grant relief to the applicant, the City Council shall consider whether there is any evidence from which it can reasonably conclude that the application of all or a part of the provisions of this DDC that apply to tree preservation may deprive the applicant of all economically viable use of the property, based on the following factors:~~
- ~~a. Whether there is a unique physical circumstance on the property.~~
  - ~~b. Whether the proposed design has minimized the loss of trees to the extent possible.~~
  - ~~c. Whether preservation and/or mitigation unduly burdens the development of the property.~~

# Next Meeting

April 13<sup>th</sup>, 2026 DCRC meeting:

- Landscape and Tree Code summaries
- Public engagement conversation

## Running Topic List

*\*The following includes a list of running topics the DCRC has identified as items for discussion as well as a list of topics staff is monitoring and may require DCRC review.*

Running DCRC Priorities	Topics Being Monitored
Access and Circulation	Food Trucks
Affordable and Missing Middle Housing	
Definitions	
Detention Basins	
Land Disturbance and ESAs	
Land-use and Land-preservation	
Low-intensity Neighborhood Commercial (ACUs)	
Site and Building Design	
Subdivision Design Improvements	
Table of Allowed Uses and Use-Specific Standards	

**DCRC Matrix**

*\*The below is an estimated timeline to discuss the DCRC's top priorities.  
Dates subject to change based upon the amount of time it takes to discuss  
each topic.*

<b>Meeting Date</b>	<b>Topic</b>
9-Mar-26	Tree Code Continued Definitions/Table of Allowed Uses
23-Mar-26	Definitions/Table of Allowed Uses
13-Apr-26	Tree and Landscape Code - Recap Definitions/Table of Allowed Uses