

35.3.11. ~~Tree Preservation Relief Provisions.~~ Reserved.

- ~~A. The purpose of this provision allows a determination of whether the application of the Denton Development Code 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.~~
- ~~B. A property owner or his authorized agent may file an application for relief under this Subsection following a final decision to deny or conditionally grant an application for a Tree Removal Permit.~~
- ~~C. 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 it is complete and the fee established by the City Council has been paid.~~
- ~~D. 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.~~
- ~~E. A denial of an application for relief by the City Council is a final determination.~~
- ~~F. Criteria for Approval. In 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 the Denton Development Code that apply to tree preservation may deprive the applicant of all economically viable use of the property, based on the following factors:~~
 - ~~1. Whether there is a unique physical circumstance on the property.~~
 - ~~2. Whether the proposed design has minimized the loss of trees to the extent possible.~~
 - ~~3. Whether preservation and/or mitigation unduly burdens the development of the property.~~