

The City of Daytona Beach
AGENDA SUMMARY
June 3, 2026 - City Commission



TITLE: Growth Management & Planning Department - Tree Preservation Land Development Code Text Amendment DEV2025-642
DEPARTMENT: Planning Department
STAFF CONTACT: Dennis Mrozek, Planning Director
ACTION: Ordinance - Introduction on first reading

Second Meeting Date: June 17, 2026

REQUEST:

Introduction of Ordinance on first reading amending Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation. Applicant: Growth Management and Planning Department, Planning Division.

Action: Commission comments and questions only.

Note: Public Hearing and final action on June 17, 2026.

CONSIDERATION/BACKGROUND:

A request by the Growth Management and Planning Department, Planning Division, to amend Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation.

Staff is proposing a text amendment to the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation. These changes are intended to remove the conflicting and unclear requirements and provide more concise directives for applicants to use when preparing development plans.

RECOMMENDATION:

At the March 26, 2026 Planning Board meeting the Board recommended approval of the request 6-to-0. Staff supports the Planning Board's recommendation to the City Commission.

ATTACHMENTS:

[Summary of Board Action](#)
[Staff Report - Tree Preservation](#)
[Excerpt Minutes](#)
[Amended BIS for compliance](#)

Dennis Mrozek, Planning Director
David Russell, Assistant City Attorney

Approved - May 18 2026
Approved - May 19 2026

Benjamin Gross, City Attorney
Jennifer Marquart, Deputy City Clerk
Dru Driscoll, Deputy City Manager/Fire Chief

Approved - May 22 2026
Approved - May 19 2026
Approved - May 27 2026

Development and Administrative Services Department Summary of Board Action

Project: Tree Preservation Land Development Code Text Amendment DEV2025-642

<u>Board</u>	<u>Date of Action</u>	<u>Recommendation</u>
Planning Board	March 26, 2026	Recommended Approval 6-to-0

Agenda Item 4.B. (Legislative Hearing)
LDC Text Amendments – Tree Preservation
DEV2025-642
Amending Articles 4, 6, and 11 of the LDC

STAFF REPORT

DATE: March 17, 2026
TO: Planning Board Members
FROM: Danalee Petyk, AICP, Senior Planner

AMENDMENT REQUEST

A request by the Growth Management and Planning Department, Planning Division, to amend Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation.

SUMMARY REQUEST

Staff is proposing a text amendment to the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation. These changes are intended to remove the conflicting and unclear requirements and provide more concise directives for applicants to use when preparing development plans.

PROPOSED LDC TEXT AMENDMENT

Staff is requesting to amend Articles 4, 6, and 11 of the Land Development Code, as shown in the LDC attached text and summarized below. The following proposed changes to the LDC are shown below in underline and ~~strikethrough~~ format from current LDC regulations.

Article 4 – Zoning Districts

1. Section 4.9.D - Scenic Thoroughfare Overlay (STO) District

The purpose of the Scenic Thoroughfare Overlay (STO) district is to provide for continuous, neat, aesthetically pleasing landscaped frontages along the City's main travel routes. This is accomplished through preservation of existing vegetation and supplemental plantings where necessary. The requirements for the STO buffers are unclear if certain requirements in other sections of the code are applicable. The proposed change amends Section 4.9.D.3.b.iii – Design Criteria to remove the language referring to removal of pine trees to instead encourage their preservation where possible and clarifies the application of palm trees for any new trees planted within an STO buffer.

- (c) Decisions on which trees may be removed shall conform to the requirements noted in this Code and to the following criteria:
 - (1) Save the minimum number of trees based on the quantity table;
 - (2) Save hardwood species as priority ~~before pines~~;
 - (3) Save large trees over small trees;
 - (4) Save trees that are healthy and well-shaped;
 - ~~(5) Allow the removal of pines in favor of planting new hardwood species.~~
- (d) Existing healthy four-inch-caliper hardwood trees may be preserved to satisfy the tree requirements as long as they conform to the spacing requirements and design intent.
- (e) Any new trees required to be planted to meet the requirements of this subsection shall have a minimum caliper of four inches and a minimum height of 16 feet and shall be selected for the U.S. Department of Agriculture, Florida 9a/9b Hardiness Zone. The material shall provide a year-round density of screening consistent with the purposes of this district. Cypress trees shall be restricted to no more than ten percent in the tree material mix and shall only be located on the interior sites within STO buffers. Palm trees shall be restricted to no more than 25% of the tree material mix and when used to satisfy any portion of the tree requirement, palms shall be planted in pairs, and one pair of palm trees shall be equivalent to one shade tree.

Article 6 – Development Standards

1. Section 6.4 - Landscaping

The Landscaping section of the LDC provides minimum standards for the design, installation, and maintenance of landscaping within the City. The proposed changes are to remove inconsistencies with this section and other sections related to landscaping and tree preservation. The proposed changes are as follows:

Amending Section 6.4.D.2.g to allow perimeter landscape strips of any type to be credited towards required perimeter buffers.

- g. *Adjacent to Perimeter Buffers.* Perimeter landscaping strips ~~associated with a vehicle use area~~ may be credited towards perimeter buffer standards (see Section 6.6, Perimeter Buffers), provided the minimum buffer standards of this section are met.

Amending Section 6.4.E.1.b.vi to clarify this specific language refers to the requirements of the landscaping section only. Language referencing similar allowances for the use of palm trees has been added to other sections of the code with this text amendment.

- vi. Palm trees may satisfy no more than 25 percent of the required tree count for the required landscaping in this section, except that palms may be used exclusively on sites subject to salt spray exposure. When used to satisfy any portion of the tree requirement, palms shall be planted in pairs, and one pair of palm trees shall be equivalent to one shade tree.

2. Section 6.15.A – Tree Preservation

The Tree Preservation section of the LDC is intended to encourage preservation of existing vegetation and ensure a minimum amount of trees are preserved or planted on each development. The proposed changes clarify how the palm trees, existing and planted, are to be used to meet the requirements of this section. The proposed changes areas follows:

Amending 6.15.A.5.a.i to allow all existing palm inches to be counted towards the minimum tree inch requirements on site if they are preserved.

5. *Retention of Existing Tree Canopy.*

- a. *Multifamily, Mixed-Use, and Nonresidential Development.* All multifamily, mixed-use, and nonresidential development shall retain existing tree canopy in accordance with the following standards:

- i. At least six diameter inches of existing trees shall be retained and preserved for every 2,500 square feet of the total development site or tract. All existing trees, including palm trees, (except historic trees or nuisance trees) with a minimum DBH of two and one-half inches may be used in meeting this requirement so long as they are existing trees to be preserved.

Amending Section 6.15.A.6.a to revise the definition of the types of trees considered specimen trees. Specifically, palm trees will no longer be required to be counted as specimen trees and instead pine trees will be counted as specimen trees. The purpose of this is to encourage the preservation of native established hardwood trees, such as the slash pine and longleaf pine. Palm trees, which are not hardwood trees and do not increase in diameter, often fall at or above the 12” minimum diameter requirement to be a specimen tree. Counting palm trees as specimen trees can unnecessarily burden a site with regards to preservation and mitigation.

6. *Retention of Specimen Trees.*

- a. *Specimen Trees Defined.* For the purposes of this Code, a "specimen tree" is defined as any existing, healthy trees (except nuisance trees and ~~pine-palm~~ trees) with a DBH of 12 inches or greater.

Amending Section 6.15.A.9 to add a definition of “replacement tree” and clarify mitigation requirements. The proposed changes will provide applicants with clearer guidance on how and when to calculate mitigation for specimen trees removed from a property and further clarifies what is considered a “replacement tree”.

9. *Replacement/Mitigation Standards.* Damage or removal of trees within a tree protection zone, or removal of trees required to be retained by this section, shall require reforestation of the lot or development site in accordance with these standards.
- a. *Removal or Damage in Violation.* If trees required to be protected by this section are damaged or removed without a permit or otherwise in violation of this Code, or when work is done contrary to the permit or this Code, the City shall notify those conducting the work, the landowner, or the agent, and work shall stop immediately. Following notification of violation, the landowner or agent shall have up to two weeks to submit a restoration plan in accordance with provision [b] below.
 - b. *Restoration Plan Required.* A restoration plan—including a narrative describing the reforestation proposed and a schedule for restoration efforts—shall be completed prior to the final site inspection or 30 days from submittal of the restoration plan when no final site inspection is required.
 - c. *Replacement Requirements.*
 - i. For every caliper inch of specimen trees that is removed or damaged, and is required to be preserved in accordance with Section 6.15.A.6.b, two caliper inches of replacement trees are required.
 - ii. For every caliper inch of trees comprising required existing tree canopy that is removed or damaged, including specimen trees allowed to be removed in accordance with Section 6.15.A.6.b, one caliper inch of replacement trees is required.
 - iii. For the purposes of this section, a “replacement tree” is a shade tree with a minimum two and one-half inches (2.5”) caliper and a minimum height of ten feet at the time of planting, and shall be species capable of reaching a minimum height of 30 feet and a minimum crown spread of 35 feet at maturity. Small trees may be planted at a rate of 1.5 small trees, with a minimum of one and one-half inches (1.5”) caliper at planting, for every 2.5” of replacement tree required. Small trees may be used to satisfy no more than 25% of the total tree replacement inches required. Palm trees, if used as replacement stock, may be used to satisfy no more than 25% of the total tree replacement inches required.
 - iv. Existing trees on site with a minimum DBH of two and one half inches (2.5”) in excess of the minimum retention of existing tree canopy requirements of Section 6.15.A.5 may be used towards the replacement tree inches required.

Article 11 – Definitions and Interpretations

1. Section 11.5 – Terms and Uses Defined

The proposed change to this section updates the definition of “specimen tree” to be consistent with the change proposed to Article 6, above.

Specimen Tree. Any existing, healthy tree (except nuisance trees and ~~pine palm~~ trees) with a DBH of 12 inches or greater.

TEXT AMENDMENT REVIEW STANDARDS

The purpose of a Text Amendment, as detailed in Section 3.4.B.1 of the LDC, is to provide a uniform means for amending the text of the LDC whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

The advisability of amending the text of this Code is a matter committed to the legislative discretion of the City Commission and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Commission shall weigh the relevance of and consider whether and the extent to which the proposed amendment:

a. Is consistent with the Comprehensive Plan;

Staff has reviewed the proposed text amendments to the LDC and has determined that they are consistent with the Comprehensive Plan.

b. Is in conflict with any provision of this Code or the Code of Ordinances;

The proposed text amendments are not in conflict with the LDC or the Code of Ordinances.

c. Is required by changed conditions;

The proposed LDC amendments are intended to remove the conflicting and unclear requirements related to tree preservation and mitigation and provide more concise directives for applicants to use when preparing development plans.

d. Addresses a demonstrated community need;

The proposed LDC amendments are intended to clarify inconstant standards related to tree preservation and mitigation in the community.

e. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;

The proposed LDC text amendments are consistent with the purpose and intent of the zoning districts in the LDC.

f. Would result in a logical and orderly development pattern; and

The proposed amendments will continue to allow for logical and orderly development patterns.

g. Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Staff does not have any indication that the proposed text amendments will result in significantly adverse impacts on the natural environment, and the text amendments have the potential to enhance the natural environment by encouraging preservation of existing vegetation.

RECOMMENDATION

Staff recommends approval the request to amend Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation.

A majority vote of the Planning Board members present and voting is required to recommend approval to the City Commission.

The item is tentatively scheduled to be heard by the City Commission for first reading on **June 3, 2026**, and second reading (public hearing) on **June 17, 2026**.

Planning Board
The City of Daytona Beach
MINUTES

(Excerpts from the March 26, 2026 Planning Board Meeting)

4B. Tree Preservation Land Development Code Text Amendment DEV2025-642

A request by the Growth Management and Planning Department, Planning Division, to amend Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation.

Staff Presentation:

Danalee Petyk, Senior Planner, presented the staff report which was included as part of the package. A request by the Growth Management and Planning Department, Planning Division, to amend Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation.

Mr. John Nicholson, 413 N. Grandview Avenue is in favor of this text amendment.

Board Action:

A motion was made by Mr. Barhoo, seconded by Ms. Washington, to approve Tree Preservation Land Development Code Text Amendment DEV2025-642. The motion carried (6-0) with the breakdown as follows:

Tony Barhoo	Yes
Scott Lee	Yes
Milverton Robinson	Yes
Tony Servance	Yes
Cathy Washington	Yes
Vernon Weatherholtz	Yes

Business Impact Estimate

Directions: Pursuant to F.S. s. 166.041(4), as most recently amended by Ch. 2023-145, Laws of Florida, the City is required to prepare a Business Impact Statement for a range of ordinances. A list of ordinance exemptions is provided below. Please check all exemption boxes that apply to the proposed ordinance, and provide the name/title date where indicated below.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in Fla. Stat. s. 163.3164;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application submitted by a private party other than the municipality;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

Prepared by: Vanessa Trimble / Planning Technician / Planning Dept. Date: 05-18-2026
Printed Name/Title/Department

Regardless of whether any of the boxes are checked, Include this completed page in the agenda packet.

*If none of the boxes above are checked, complete the attached Business Impact Statement and include the completed Business Impact Statement as part of the agenda package. **The completed Statement must be posted on the City of Daytona Beach web site not later than the time notice of the proposed ordinance is published.***

BUSINESS IMPACT STATEMENT

This Business Impact Estimate is provided in accordance with s. 166.041(4), Florida Statutes. This Business Impact Estimate may be revised following its initial posting.

ORDINANCE TITLE Ordinance on first reading to amend Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation. Applicant: Growth Management and Planning Department, Planning Division.

ORDINANCE SUMMARY (*must include a statement of the public purpose, such as serving the public health, safety, morals and welfare*): A request by the Growth Management and Planning Department, Planning Division, to amend Articles 4, 6, and 11 of the Land Development Code (LDC) to modify the requirements for landscaping, tree preservation, and mitigation. Staff is proposing a text amendment to Land Development Code (LDC) to the requirements for landscaping, tree preservation, and mitigation. These changes are intended to remove the conflicting and unclear requirements and provide more concise directives for applicants to use when preparing development plans.

ESTIMATE OF THE DIRECT ECONOMIC IMPACT OF THE PROPOSED ORDINANCE ON PRIVATE, FOR-PROFIT BUSINESSES IN THE CITY OF DAYTONA BEACH, IF ANY: **Potential to reduce costs for potential landscape improvements.**

ESTIMATE OF DIRECT COMPLIANCE COSTS THAT BUSINESSES MAY REASONABLY INCUR: **NA**

DESCRIPTION OF NEW CHARGES/FEEES IMPOSED BY THE PROPOSED ORDINANCE OR FOR WHICH BUSINESSES WILL BE FINANCIALLY RESPONSIBLE: **No new charges/fees imposed.**

ESTIMATE OF THE CITY'S REGULATORY COSTS, INCLUDING ESTIMATED REVENUES FROM ANY NEW CHARGES OR FEES TO COVER SUCH COSTS: **No new charges/fees imposed.**

GOOD FAITH ESTIMATE OF THE NUMBER OF BUSINESSES LIKELY TO BE IMPACTED BY THE PROPOSED ORDINANCE:

ADDITIONAL INFORMATION THE GOVERNING BODY DEEMS USEFUL (IF ANY): Signature

Vanessa Trimble

Date: 05-18-2026