

MEMORANDUM

TO: Claire Powell, City Manager

FROM: Stacie Anaya, Director of Parks and Recreation

DATE: December 1, 2025

SUBJECT: **Public Hearing:** Consideration of an Ordinance of the Lewisville City Council Amending Certain Portions of Volume II of the Lewisville City Code, Known as the Unified Development Code, Including Section II.2.1., ‘Definitions’, by Adding a Definition for “Heritage Tree” and Amending the Definition of “Protected Tree” to Decrease the Minimum Diameter at Breast Height (DBH) Required and by Removing Bois D’arc and Cottonwood Trees from the List of Exempted Trees; Amending Section VIII.3.2, ‘Applicability’, to Clarify the Applicability of Chapter VIII.3; Amending Section VIII.3.3, ‘All Uses’, to Require Replacement of Dead or Damaged Required Landscaping with Materials From the City’s Current Shrub, Understory and Shade Tree List; Amending Exhibit VIII.3.3-2 to Remove the Sawtooth Oak From the Approved Shade Tree List; Amending Chapter VIII.4, ‘Tree Preservation’, to add Protections for Heritage Trees, Reduce the Minimum Survey DBH for Inclusion in Tree Preservation Plans, Eliminate the Requirement for Tree Removal Permits in Certain Cases, and Remove the Additional Tree Credit for Protected Post Oaks and Blackjack Oaks; and Amending Chapter X.1, ‘Parkland Dedication, Improvement and Park Fee Requirements’ by Amending the Process for Park Development Agreements, Amending Certain Minimum Park Improvement Standards, Requiring Parks to be Labeled as “City Park” on Final Plats, and Clarifying the Timeline to Request a Refund of Cash-in-Lieu or Park Development Fees; and Amending the Fee Schedule of the City of Lewisville to Include a Fee for Heritage Tree Mitigation; Providing for a Repealer, a Savings Clause, Severability, a Penalty, and an Effective Date.

BACKGROUND

During the February 2025 City Council Retreat, the Parks and Recreation Department (PARD) briefed the City Council on potential updates to the Unified Development Code (UDC) related to Parkland Dedication. With limited undeveloped land remaining, rising park development costs, and increased infill pressures, the current UDC provisions do not provide enough safeguards nor partnership options for the City’s goal of ensuring every resident has a park within a 10-minute walk. Recent developer agreements, while helpful, have proven inconsistent and difficult to

negotiate, underscoring the need for clearer standards on park identification and required amenities in residential developments.

In May 2025, PARD worked with Dr. Lauren Fischer and her students from the University of North Texas to provide a summary of the Lewisville Tree Equity Policy Report to the City Council. The report includes a policy analysis and preliminary recommendations developed as part of the Tree Equity and Human Healthy Grant funded through Texas Forest Service. The purpose of the study was to determine how specific enhancements to Lewisville landscaping, tree preservation and land use policies, as well as educational programs could preserve and strengthen the City's tree canopy. Areas identified for improvement included revising outdated ordinances that allow for the reintroduction of invasive species in commercial properties, updating the size of a tree to be surveyed for tree mitigation plans, reconsidering a tree credit system for the preservation of protected trees that is actually causing a greater loss of canopy, and increasing the cost of mitigating the removal of a protected tree to reflect current replacement costs.

Since the City Council Retreat and Workshop, PARD has been working with the Planning and Legal Departments to draft updates to the UDC and Code of Ordinances that reflect the recommendations in the study and guidance provided by the City Council. PARD presented the proposed changes to the UDC and Code of Ordinance to the Parks Advisory Board on October 8, 2025, and to the Planning and Zoning Commission on October 21, 2025. Feedback received from both bodies was integrated into the proposed updates that were presented at the City Council workshop on November 3, 2025, with no further direction for changes. A formal motion of support from the Planning and Zoning Commission occurred at the November 4, 2025, meeting.

With the exception of the Heritage Tree mitigation fee, recommendations for existing fees pertaining to parkland dedication and tree mitigation have already been addressed in the FY26 budget process. The City Council approved fee adjustments of the parkland development fee from \$1,100 to \$1,682, and the tree mitigation fee from \$150 to \$200. Both increases were driven by increases in the cost of building parks and planting trees. These fees became effective on October 1, 2025.

ANALYSIS

The proposed change to Chapter VIII.3.3 Landscaping Standards of Subpart 3 of the UDC includes a provision for commercial property owners to replace dead or damaged landscaping with materials listed on the City's current shrub, understory and shade-tree list. This is aimed at preventing the reintroduction of invasive materials that may have been approved in original landscape plans years ago and give commercial property owners more flexibility in their replacement selection. This will be the first step in the development of a commercial Roots for Wings program. The changes also remove the Sawtooth Oak from the Approved Shade Tree Recommendation List as it is a nonnative invasive species that is no longer recommended for planting in the US by the National Park Service and U.S. Fish and Wildlife Service.

The proposed changes impacting Tree Preservation and Mitigation involve two areas of the UDC and another in the Code of Ordinances. Proposed changes to Section II.2.1 – Definitions include:

- the addition of Heritage Trees defined as “a Post Oak or Blackjack Oak tree 12 inches or greater, and any tree 26 inches or greater, except for species deemed invasive.”
- removal of Bois D’Arc and Cottonwood trees from the list of trees exempted from Protected Tree status.

The changes are proposed because Heritage Trees offer large-scale ecosystem services such as higher oxygen output, higher carbon sequestration and difficulty of cultivating these trees that are unique to our region; and Bois D’Arc and Cottonwood trees are native to Texas.

Proposed changes to Chapter VIII.4 Tree Preservation of Subpart 3 include:

- Reducing the minimum survey size for inclusion in tree preservation plans from eight inches (8”) to six inches (6”) DBH (Diameter at Breast Height). The Healthy Infrastructure Plan’s Tree Study shows more than 60% of Lewisville’s canopy consists of trees under 6”. In addition, a benchmark analysis of peer communities found that one city begins protecting trees at 4” DBH, 13 cities at 6” DBH, and three cities, including Lewisville, at 8” DBH. A copy of this list is attached.
- Removing the option for developers to earn two inches of tree credit for protected post oaks and blackjack oaks to eliminate that unintended loophole in the credit structure that in practice incentivizes removal of protected trees.
- Adding Heritage Trees requirements for City approval for removal, inclusion in credit calculations, and protective measures during construction to be consistent with the protected tree status.

Also proposed is the creation of an elevated tree mitigation fee of \$300 per inch for all Heritage Trees to be reflected in Chapter 2, Article VIII, Section 2.201 – Fee Schedule of the Code of Ordinances. Heritage Trees have a slow replacement rate and have a higher cost for cultivating than other protected trees.

The proposed changes to Chapter X.1 Parkland Dedication and Improvement and Park Fee Requirements of Subpart 4 of the UDC will enhance tree preservation practices, improve park accessibility and enhance PARD Administrative efficiency. Changes include:

- Updates to minimum park improvement standards, including the addition of a provision to preserve all protected and Heritage Trees, and requiring the construction of sidewalks
- Modification of the mechanism for park development agreements to include a system for escrowing park development fees after department approval of park plans.

- Requiring parks to be labeled as “City Parks” on final plats to eliminate confusion of ownership and responsibility.
- Clarifying a timeline of ten years for developers to request a refund of cash-in-lieu or development fees if a park has not been developed to serve the area.

Additionally, the Legal Department has prepared a standardized template for park development agreements. That form is attached but may be updated by legal in the future. This tool will create consistency, increase predictability for developers, and expedite agreement execution.

CITY STAFF’S RECOMMENDATION

That the City Council approve the ordinance as set forth in the caption above.