

ORDINANCE NO. _____

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.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens, certain amendments to Article II.2.1, “Definitions”, Section VIII.3.2, “Applicability”, Section VIII.3.3, “Landscaping Standards”, Exhibit VIII.3.3-2 “Approved Shade Trees”, Chapter VIII.4, “Tree Preservation”, and Chapter X.1, “Parkland Dedication, Improvement and Park Fee Requirements”, of Volume II of the Lewisville City Code, known as the Unified Development Code (UDC), are necessary; and

WHEREAS, heritage trees offer large-scale ecosystem services such as higher oxygen output and higher carbon sequestration but are not currently specifically protected in the UDC; and

WHEREAS, bois d’arc and cottonwood trees are native Texas trees and therefore recognizing these species as valuable native assets supports the City’s goals of preserving biodiversity, promoting environmental resilience, and maintaining a healthy and sustainable urban forest canopy; and

WHEREAS, sawtooth oak is included in the City’s approved shade tree list but is no longer recommended for planting in the United States by the National Park Service and U.S. Fish and Wildlife Service; and

WHEREAS, the Healthy Infrastructure Plan’s Tree Study showed more than 60% of Lewisville’s canopy consists of trees under 6” diameter at breast height (DBH) and therefore the City Council wishes to decrease the current 8” minimum DBH for protected trees in order to protect more of the City’s tree canopy; and

WHEREAS, updating minimum park improvement standards ensures higher-quality and more accessible parks by protecting all protected and heritage trees, and mandating sidewalk construction; and

WHEREAS, the addition of a Heritage Tree Mitigation Fee establishes a clear and consistent mechanism for valuing the City's most significant trees, thereby encouraging preservation, and supporting reinvestment in the community's urban forest; and

WHEREAS, the proposed amendments will improve Parks and Recreation Department administrative efficiency by streamlining review procedures, creating clearer requirements for applicants, and reducing ambiguity in the parkland dedication and improvement process; and

WHEREAS, these updates will result in smoother and more predictable parkland dedication negotiations, ensuring high-quality park improvements and more accessible public spaces for all residents; and

WHEREAS, the City Council of the City of Lewisville, Texas, has determined that for the health, welfare, and safety of its citizens, certain amendments to the Fee Schedule of the City of Lewisville, as incorporated by reference into Section 2-201 of the Code of Ordinances of the City of Lewisville, Texas, are necessary,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS:

SECTION 1. Section II.2.1., "Definitions", of Chapter II.2., "Terms Defined", is hereby amended to delete the current definition of "Tree, Protected" and add the following definitions:

Tree, Heritage - A Post Oak or Blackjack Oak tree of 12 inches or greater and any tree of 26 inches or greater, except for species deemed invasive.

Tree, Protected - Bois d’Arc and Cottonwood trees, Hackberry trees twelve (12) inches in DBH and any other tree six (6) inches in DBH except for trees with the common names of Chinese pistache, junipers, mesquite, all Callery pear cultivars, and any tree species determined to be invasive by the Parks and Recreation Director.

SECTION 2. Section VIII.3.2., “Applicability” of Chapter 3, “Landscaping Standards”, is hereby deleted in its entirety and replaced with a new Section VII.3.2, to read as follows:

Section VIII.3.2. - Applicability

The standards of this Chapter shall apply to new development and redevelopment, except as otherwise specifically set forth herein.

SECTION 3. Article VIII.3.3., “All Uses” of Chapter 3, “Landscaping Standards”, is hereby deleted in its entirety and replaced with a new Section VII.3.3, to read as follows:

Section VIII.3.3. - All Uses

These standards shall apply to all uses.

A. A landscape plan in accordance with the requirements set forth in Article III.4.3 and III.4.4 shall be submitted for:

1. All non-residential uses;
2. Multi-family dwelling uses;
3. Mixed-use developments; and
4. Open space in residential subdivisions.

B. Required landscaping must be maintained in a healthy growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning and other maintenance of all landscaping. Property owners in Lewisville must replace dead or damaged required landscaping with materials listed on the city's current shrub, understory and shade tree list, and maintain adhere to the quantities and locations spatial layout of the original landscape plan at a minimum.

SECTION 4. Exhibit VIII.3.3-2, "Approved Shade Trees" is hereby amended by deleting the Sawtooth Oak from the Approved Shade Tree List.

SECTION 5. Chapter VIII.4, "Tree Preservation" is hereby deleted in its entirety and replaced with a new Chapter VIII.4, "Tree Preservation", as set forth in **Exhibit A** hereto.

SECTION 6. Chapter X.I, "Parkland Dedication and Improvement and Park Fee Requirements", is hereby deleted in its entirety and replaced with a new Chapter X.I, "Parkland Dedication and Improvement and Park Fee Requirements", as set forth in **Exhibit B** hereto.

SECTION 7. The City of Lewisville Fee Schedule is hereby amended by adding the following fee for heritage tree mitigation in the "Parks and Recreation" section:

Heritage Tree Mitigation Fee	\$300.00 Per Caliper Inch
------------------------------	---------------------------

SECTION 8. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

SECTION 9. SAVINGS CLAUSE. Nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 10. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 11. PENALTY. Any person, firm or corporation who violates any provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the municipal court, shall be subject to a fine of not more than \$500.00 for each offense, and every day such offense is continued shall constitute a separate offense.

SECTION 12. EFFECTIVE DATE. This ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE 1st DAY OF DECEMBER, 2025.

ORDINANCE NO. _____

Page 7

APPROVED:

TJ Gilmore, MAYOR

ATTEST:

Jennifer Malone-Ippolito, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY