

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Stacie Anaya, Director

DATE: October 27, 2025

SUBJECT: Support Amending the Unified Development Code Sections Pertaining to Parkland Dedication and Tree Mitigation, the City Code of Ordinances Pertaining to Commercial Landscaping and Tree Mitigation Fees.

BACKGROUND

During the February 2025 City Council Retreat, the Parks and Recreation Department 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 determining 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 Areas identified for improvement included revising outdated ordinance that allow for the reintroduction of invasive species in commercial properties, updating the size of a tree to be surveyed for tree mitigation plans,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 and the Planning and Zoning Commission on October 21. Feedback received from both bodies has been integrated into the proposed updates.

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.

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. 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.

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).
- Removing the option for developers to earn two inches of tree credit for protected post oaks and blackjack oaks.
- Adding heritage trees requirements for City approval for removal, inclusion in credit calculations, and protective measures during construction.

PARD also proposed 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.

The proposed changes to Chapter X.1 Parkland Dedication and Improvement and Park Fee Requirements of Subpart 4 of the UDC 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. This tool will create consistency, increase predictability for developers, and expedite agreement execution.

PARD presented the proposed amendments to the City Council workshop on November 3, 2025 and plans to pursue formal action at the December 1 City Council meeting.

RECOMMENDATION

Support recommendations for changes to the UDC and Code of Ordinances to be approved by the City Council as set forth in the caption.