



CITY COUNCIL CONSIDERATION ITEM
CITY OF FAIR OAKS RANCH, TEXAS
July 6, 2023

AGENDA TOPIC: Consideration and possible action approving the first reading of an ordinance amending the City of Fair Oaks Ranch Code of Ordinances, Chapter 1 “General Provisions,” Article 1.07 “Trees And Shrubs” to include updated definitions, and to add new sections defining the authority and responsibility of public trees

DATE: July 6, 2023

DEPARTMENT: Public Works

PRESENTED BY: Kelsey Delgado, Environmental Program Manager

INTRODUCTION/BACKGROUND:

On April 20, 2023, staff presented a draft ordinance amending Chapter 1 “General Provisions,” Article 1.07 “Trees And Shrubs” for City Council consideration. Based on feedback received, the following changes have been incorporated into the proposed ordinance:

- Replaced “parkway” with “unimproved shoulder” in the list of definitions.
- Added “unimproved shoulder” exhibits to provide examples typically found throughout the city. Examples include Battle Intense, Post Oak Trail and Fair Oaks Parkway.
- Clarified the City is responsible for the maintenance of public trees, including those located in unimproved shoulder areas.

The City’s Public Works Department currently maintains most trees within the City’s rights-of-way, parkways, and public properties to ensure there are no obstructions to driver sight distance, pedestrian walkways, or other safety hazards. With the adoption of this ordinance, HOAs and adjacent property owners may continue to maintain trees in the vicinity of their subdivisions or properties. This includes unimproved shoulder areas and islands. Depictions of unimproved shoulder areas are included in the proposed ordinance attached as **Exhibit A**.

No new enforcement mechanisms will be implemented as a result of the adoption of the new Article sections. The Public Works Department will continue to notify and request HOAs and property owners trim trees on their property that become an obstructions or safety hazards prior to taking any action.

By amending Chapter 1 Article 1.07 to include the authority and responsibility for trees on public properties, the City is one step closer to obtaining Tree City USA® recognition.

POLICY ANALYSIS/BENEFIT(S) TO CITIZENS:

- Advances Strategic Action Plan Priority 2.5 to Develop, Implement and Update Environmental Sustainability Programs.
- Solidifies the responsibility of public trees.
- Helps obtain Tree City USA® recognition for the city from the Arbor Day Foundation.

- Protects trees on public properties and helps maintain the rural hill country aesthetic for which the city is known.
- Shows the City's commitment to environmental stewardship.

LONGTERM FINANCIAL & BUDGETARY IMPACT:

Currently not anticipated.

LEGAL ANALYSIS:

City Attorney has reviewed and approved the ordinance as to form.

RECOMMENDATION/PROPOSED MOTION:

I move to approve an ordinance amending the City of Fair Oaks Ranch Code of Ordinances Chapter 1 "General Provisions," Article 1.07 "Trees and Shrubs" to include updated definitions, and to add new sections defining the authority and responsibility of public trees.