

Update on Ordinance 34-11, “Plantings in Swales”, Related Enforcement, & Impacts on Stormwater Management

EXHIBIT "A"

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Presentation Overview



1. Stormwater Utility
2. Roadside Swales
3. Ordinance 34-11
4. Stormwater Master Plan
5. Examples of Swale Plantings
6. Recommendations
7. Tree Board Presentations



Stormwater Utility



- Manages stormwater runoff
- Improves quality of stormwater discharges
- Protects public/private property from flood damage
- Includes drainage structures, piping, detention/retention areas
- Also includes roadside swales



Roadside Swales



- Publicly-owned rights-of-ways
- Most extensive/common component of stormwater systems
- Town's swale network encompass 2.2M Sq. Ft. (34.7 linear miles)
- Serve to slow and filter stormwater runoff
- Typically sodded to avoid erosion
- Must be recontoured regularly to maintain water conveyance



Ordinance 34-11



- Establishes Town ownership of all swale rights-of-way
- Assigns maintenance responsibility to the property owner
- Establishes permit and fee requirements for swale tree plantings (coordinated through Public Works Department)



Stormwater Master Plan (SWMP)



- Updated in 2019-2020
- Adopted by Town Commission in 2021
- Provided the incremental conversion of 5% roadside swales to green infrastructure (bioswales/biodentention areas)
- Swale Plantings Moratorium implemented in support of SWMP update

Examples of Town Swale Plantings



Recommendations



- a. Complete an exhaustive swale plantings inventory
- b. Adopt policy to grandfather existing trees and begin permitting new plantings, unless specific objective criteria are met for the removal of a tree
- c. Develop and codify a native tree planting list for use on both private and commercial properties
- d. Modify applicable Ordinance to clarify language and increase enforceability
- e. Adopt/update policy to require and promote the planting of native trees and shrubs in Town-owned swales and privately-owned swales

Recommendations



- f. Limit swale's maintenance to those locations with free of tree plantings. Note: This recommendation will prevent the system from achieving maximum water conveyance efficiency
- g. Limit types, quantities, and sizes of tree plantings allowed in swale pursuant to SWMP guidelines and best practices
- h. Develop and publish an educational brochure of the approved native tree planting list; post to Town website and social media
- i. Conduct public meetings and educational campaigns regarding swale plantings; install educational plant markers at various Town locations

Recommendations



- j. Develop and implement swale planting permit form(s) and associated permit fees and fines for violations
- k. Include utility/irrigation systems location clearance as part of permit process
- l. Develop engineering design standard for use in all swale construction/maintenance
- m. Manage tree giveaways and similar initiatives to ensure adherence with Ordinance (ongoing)

Tree Board Presentations



- Item presented to the Tree Board on:
 - **July 12, 2022**
 - **October 19, 2022**
- Summary of Comments provided by Tree Board
- Recommendations have been updated in the Town Commission's version of this Agenda Item to include Tree Board's input



Discussion/Questions