

ORDINANCE 05-2022

BOROUGH OF EATONTOWN  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 89, "LAND USE", ARTICLE IX "DESIGN STANDARDS," SECTIONS 89-83 "PLANTING AND LANDSCAPE", ARTICLE X "SUBDIVISION OF LAND AND SITE PLAN", SECTIONS 89-87 "APPLICATION FOR APPROVAL OF PRELIMINARY PLAT OF A MAJOR SUBDIVISION, SECTION 89-90 "APPLICATION FOR APPROVAL OF PRELIMINARY PLAT OF A SITE PLAN", AND ARTICLE VII AREA, BULK AND USE REQUIREMENTS, SECTION 89-39 "LANDSCAPING, BUFFERING AND SCREENING" TO REQUIRE THE USE OF NATIVE PLANTS AND TREE SPECIES

**WHEREAS**, the Borough's Environmental Commission (the "EC") and Shade Tree Commission ("STC") (the EC and STC shall be collectively referred to as the "Environmental Team") have studied and made recommendations to the Borough Council to require the use of native plants and tree species rather than invasive plantings in connection with development applications; and

**WHEREAS**, the planting and/or the growing of invasive species and plants not indigenous to the central New Jersey environment has been found to be destructive to the natural environment, indigenous flora, structures and walks, and properties where invasive species have been planted and/or permitted to grow; and

**WHEREAS**, native plants are localized, hardy and well-adapted to the local soils and climate; have lower maintenance and replacement costs; are more insect and disease resistant; and require less watering and fertilizing than non-native plants; and

**WHEREAS**, wildlife such as birds rely upon native plants with which they co-evolved for food, cover, and rearing their young and native plants have evolved to thrive in a specific region, and within specific ecosystems and support their ecosystems more diversely than exotic plantings;

**WHEREAS**, the planting and growing of invasive species threatens the value and physical integrity of both public and private property in the Borough; and

**WHEREAS** exotic plants may offer a nectar source for wildlife, in many cases their leaves, fruits, pollen and nectar are not the preferred food of our vital native insects and wildlife;

**WHEREAS** the lack of proper habitat and food sources for native birds and insects is one factor in the decline of many of these species in the United States; and

**WHEREAS**, native plants help restore the ecological balance lost through development; and

**WHEREAS**, the Borough Council believes it is in the best interest of its residents to adopt the recommendations of its Environmental Team and prohibit the planting and/or growing of certain non-native invasive species within the Borough to protect and preserve the environment within the Borough of Eatontown;

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Article IX, Design Standards, Section 89-83 and Article X Subdivision of Land and Site Plan, Sections 89-87 and 89-90 as follows:

(additions are underlined deletions are ~~stricken~~):

### **§89-83 Planting and Landscaping**

A. Grading and Selection of Plant Materials shall be amended to include a new subsection A(4) as follows:

- (1) Native species and their cultivars shall be used in all landscape designs brought before the Office of Planning and Zoning including Planning and Zoning Board applications. A list of native plants as well as their list of deer resistant native plants, specifically for Monmouth County published by the Native Plant Society of New Jersey shall be required and incorporated as if fully set forth at length herein, as published in Rutgers New Jersey Agricultural Experiment Station's web site: <https://njaes.rutgers.edu/fs1140/>.
- (2) Non-indigenous Plant Species and Invasive Species shall be prohibited. A list of invasive species and non-indigenous plant species shall be incorporated as if fully set forth at length herein as identified by the New Jersey Department of Environmental Protection, Natural and Historic Resources Group, Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program 2004 publication "An Overview of Nonindigenous Plant Species in New Jersey", or any subsequent revision.
- (3) Under no circumstances shall it be allowable to plant any plants, shrubs, or trees that are listed on the NJ Invasive Species Strike Team's "Do Not Plant" list.

D. Consultation. It is the responsibility of contractor and/or applicant to consult with the Borough Arborist or Borough Engineer, prior to installation, for purpose of comprehension of specifications, plant material or planting details. To avoid monocultures, the following species diversity shall be used: Whenever an application plan calls for 5-10 plantings, two (2) or more different kinds of species shall be planted. If between 11-20 plantings, 4 or more species shall be planted; between 21-35, 5 or more species shall be used; and if more than 36 plantings are to be used, an additional species be provided for every twelve plantings and the minimum diversity amongst plantings shall be 10 percent.

### **§ 89-87 Application for Approval of Preliminary Plat of a Major-Subdivision**

(B)(1) General requirements. All plats containing proposals or designs for drainage, streets and subdivision layouts shall be prepared by a professional engineer licensed to practice in the State of New Jersey and shall bear the address, signature, embossed seal and license number of said professional engineer. The preliminary plat shall be based on a land survey conducted not more than five years prior to the date of application and certified to the subdivider and shall be drawn at a scale of not less than 100 feet to the inch for subdivisions up to 100 acres in size, and not less than 200 feet to the inch for subdivisions over 100 acres in size, and shall show or be accompanied by the following specified information, and the design information and submissions required by the provisions of the design standards portion of this chapter shall accompany the preliminary plat including the number, location and species of all required non-invasive shade trees or other plantings which are set forth at <https://njaes.rutgers.edu>.

### **§ 89-90 Application For Approval Of Preliminary Plat Of A Site Plan**

(B)(26) Landscaping and screening plan showing the location, number, and species of all required non-invasive shade trees or other plantings type in conformance with the list identified at <https://njaes.rutgers.edu>, spacing and number of each type of tree or shrub and the location type and amount of each type of ground cover to be utilized.

### **§89-39 Landscaping Buffering and Screening**

In conjunction with multifamily, commercial, industrial, and residential development, all areas of a lot not occupied by buildings, pavement or other surfacing, or other required improvements, or undisturbed areas in which trees, shrubs, and undercover do not exist in the appropriate quality and quantity, shall be landscaped by planting grass and/or ground cover, shrubs and trees. Such trees and shrubs shall be a type approved by the Shade Tree Commission and the trees shall have a minimum caliper of 2 1/2 inches at a height of one foot. Placement of the plant material shall be appropriate to enhancement of the property and in accordance with a landscape plan approved by the Site and Design Committee Minimum evergreen screening tree size shall be six to eight foot tall. Trees shall be planted four feet minimum with a preference to six feet from sidewalks, pavement, curbs or other

impervious surfaces, except buildings where trees shall be planted a minimum of 10 feet away. All shade trees and screening trees shall be non-invasive species and varieties required by the Borough Code at Section 89-83 and as approved by ~~recommended from the "Eatontown Shade Tree Commission Approved Tree List" (latest version)~~. Only small shade trees shall be planted under or within 15 feet of an overhead utility. No large or medium shade trees will be permitted. (See definition section for size of trees.) No certificate of occupancy shall be given until shade trees are installed as required by approved site plan for that lot. If the site is ready but is not in the proper planting season, a temporary certificate of occupancy (TCO) will be used. Trees must be planted within six months of issuance of TCO. At such time the trees are accepted by the Borough arborist or Borough Engineer, a certificate of occupancy shall be issued. ~~There shall be no more than seven shade or screening trees of one species clumped or in a row together. There shall be no more than 15 shrubs of one species and variety clumped or in a row together.~~ The following species diversity shall be used: Whenever an application plan calls for 5-10 plantings, two (2) or more different kinds of species shall be planted. If between 11-20 plantings, 4 or more species shall be planted; between 21-35, 5 or more species shall be used; and if more than 36 plantings are to be used, an additional species be provided for every twelve plantings and the minimum diversity amongst plantings shall be 10 percent. All shade, ornamental and screening trees shall be balled and burlapped.

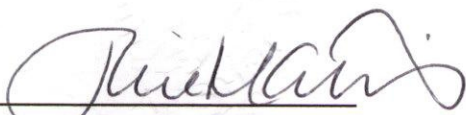
**BE IT FURTHER ORDAINED, that**


- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

DATE INTRODUCED: February 23, 2022  
DATE ADOPTED: March 9, 2022

ATTEST:

APPROVED:

  
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Julie Martin, Municipal Clerk  
Date: 3-10-2022

  
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Anthony Talerico, Jr., Mayor