

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2025-33

ORDINANCE AMENDING CHAPTER 270: “LAND DEVELOPMENT” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REVISE AND CLARIFY REGULATIONS PERTAINING TO PLANTING STRIPS.

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey, as follows:

SECTION 1. Chapter 270: “Land Development” of the Revised General Ordinances of the Borough of Bradley Beach is amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 270: “LAND DEVELOPMENT”

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ARTICLE V: “IMPROVEMENTS AND DESIGN STANDARDS”

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§ 270-25 Shade Trees and Grass Planting Strips.

- A. A grass planting strip shall be provided between the curb and sidewalk along all streets in residential zones. The grass planting strip shall be from the back of curb to the edge of sidewalk and shall be used for the planting of ~~required~~-street trees. Planting strips are a part of the property containing the planting strip and property owners are responsible for all maintenance of the contents of the planting strips including grass, trees, and mulch. Mulch is permitted in the planting strip only when surrounding the trees. Artificial grass is not permitted. ~~The Borough will not be liable for any damage accrued to the artificial grass while any work, snow/ice removal or act of God transpires. No prior notification is required by the Borough or contractor for any work being performed.~~ No other equipment or material, including, but not limited to, ~~sprinkler systems,~~ bushes or shrubs, brick or concrete pavers, concrete, asphalt or stones, shall be placed in the planting strip, except that, for properties without driveways, a walkway not more than three feet wide may be placed within the grass planting strip as an extension of the walkway to the dwelling. Should artificial grass, or any other prohibited equipment or material already exist, the Borough will not be liable for any damage accrued to the prohibited items while any work, snow/ice removal or act of God transpires. No prior notification is required by the Borough or contractor for any work being performed by the Borough, or its contractors, in the grass planting strip. For properties with driveways, walkways within the grass planting strip are grandfathered and permitted, but may not be enlarged, if said walkway was in place and aligned with a curb cut as of July 15, 2020.

B. ~~Current properties without natural grass between the curb and sidewalk in residential zones as of date of this adoption shall be grandfathered as the sole responsibility of the property owner, provided however, that no~~ No property with an artificial grass planting strip, or any other prohibited equipment or materials, shall be issued:

(1) A ~~z~~Zoning ~~p~~Permit, unless the application therefor includes provisions for the conversion of the non-conforming planting strip to natural grass, except that the Zoning Officer may grant such an application in his or her discretion upon the property owner's submission of proofs that the costs associated with the subject of the application are ~~less~~ more than ~~\$7,500, \$10,000,~~ or the conversion of the planting strip is otherwise unreasonable, unfeasible, or impossible for reasons beyond the control of the property owner; or

(2) A ~~c~~Certificate of Continued ~~e~~Occupancy for transfer of the property, unless the application therefor includes provisions for the conversion of the non-conforming planting strip to natural grass, except that the ~~Construction Code Enforcement~~ Official may grant such an application in his or her discretion upon the property owner's submission of proofs that the costs associated with the subject of the application are more than \$10,000, or ~~that~~ the conversion of the planting strip is otherwise unreasonable, unfeasible, or impossible for reasons beyond the control of the property owner.

C. Shade trees shall be provided in all major residential subdivisions and site plans. Trees shall be planted within the subdivision along each side of the street at proper intervals and in types, sizes and locations conducive to healthy growth with graded and seeded or sodded planting strips and according to any standards adopted by the governing body or the Shade Tree Commission so as not to interfere with street paving, sidewalks, or utilities.

D. All trees should be of nursery stock of an approved species from the "required tree list for planting strips," a minimum of 2 1/2-inch caliper, grown under the same climatic conditions as at the location of the development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use, durable under the maintenance contemplated, and approved by the Shade Tree Commission.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.

Erica Kostyz, RMC, CMR
Municipal Clerk

Alan Gubitosi
Mayor

Introduced: October 7, 2025

Date of Hearing and Adoption: November 6, 2025