

# Housing Element and Fair Share Plan

*Prepared for:*

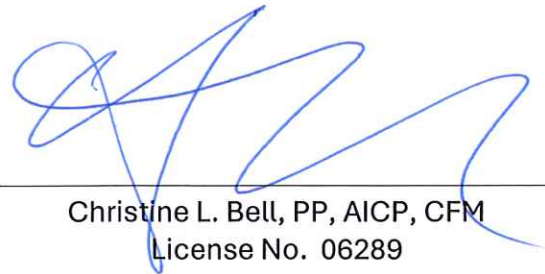
**The Borough of Avon-by-the-Sea  
Monmouth County, New Jersey**

**Adopted:  
June 23, 2025**

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## CONTENTS

INTRODUCTION .....	1
MUNICIPAL SUMMARY .....	3
DEMOGRAPHIC CHARACTERISTICS .....	4
POPULATION.....	4
Population Composition by Age .....	4
Households.....	6
Income.....	7
Household Costs.....	8
EXISTING HOUSING CONDITIONS.....	9
Housing Unit Data.....	9
Housing Type and Size .....	10
Housing Values and Contract Rents .....	11
Housing Conditions.....	12
Projected Housing Stock.....	13
EMPLOYMENT DATA.....	13
Lands Most Appropriate for Affordable Housing.....	18
Infrastructure .....	18
Water and Sewer .....	18
Anticipated Demand and Land Use Patterns .....	18
Residential .....	18
Non-Residential .....	19
Environmental Constraints .....	19
Historic .....	19
Existing Land Use Designations .....	19
Consistency with the State Plan .....	20
FAIR SHARE PLAN .....	22
Fair Share Obligation Summary.....	22
Satisfaction of the Borough's Realistic Development Potential .....	23
Satisfaction of the Borough's Unmet Need.....	23
Appendices .....	26
Appendix A. Vacant Land Adjustment	
Appendix B. Spending Plan	
Appendix C. 801 Main St. Resolution	

Appendix D. Mandatory Set Aside Ordinance	
Appendix E. R- Single Family Accessory Apartment Ordinance	
Appendix F. GC, M-O/R, and DC Accessory Apartment Ordinance	
Appendix G. Redevelopment Plan	
Appendix H. Development Fee Ordinance	
Appendix I. Administrative Agent Ordinance	
Appendix J. Municipal Housing Liaison Ordinance	

## List of Tables

TABLE 1: POPULATION TRENDS, 1930-2023.....	4
TABLE 2: POPULATION BY AGE COHORT, AVON-BY-THE-SEA, 2010-2023.....	5
TABLE 3: POPULATION BY AGE COHORT, MONMOUTH COUNTY, 2000-2023.....	5
TABLE 4: MEDIAN AGE.....	6
TABLE 5: HOUSEHOLD CHARACTERISTICS.....	6
TABLE 6: HOUSEHOLDS BY TYPE (2023) .....	7
TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME .....	7
TABLE 8: HOUSEHOLD INCOME DISTRIBUTION .....	8
TABLE 9: MONTHLY OWNER COSTS AS A.....	9
TABLE 10: GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023 .....	9
TABLE 11: HOUSING UNIT DATA, 2023.....	10
TABLE 12: HOUSING UNITS BY TYPE, 2023.....	11
TABLE 13: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023 .....	11
TABLE 14: GROSS RENT PAID .....	12
TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS .....	12
TABLE 16: BUILDING PERMITS AND DEMOLITION .....	13
TABLE 17: EMPLOYMENT STATUS .....	14
TABLE 18: CLASSIFICATION OF WORKERS IN AVON-BY-THE-SEA, 2023.....	14
TABLE 19: WORKFORCE BY SECTOR.....	15
TABLE 20: COMPARISON OF WORKFORCE BY SECTOR.....	16
TABLE 21: OCCUPATIONS BY TYPE .....	16
TABLE 22: PROJECTED EMPLOYMENT, MONMOUTH COUNTY, 2032.....	17
TABLE 23: FAIR SHARE OBLIGATION SUMMARY .....	22
TABLE 24: SATISFACTION OF THE RDP .....	23

## **INTRODUCTION**

In the case of Southern Burlington County NAACP v. the Township of Mount Laurel, (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for the construction of low and moderate income housing in their communities. In its Mount Laurel decision, decided on January 20, 1983 (Mount Laurel II), the Supreme Court expanded the Mount Laurel doctrine by stating that this constitutional responsibility extended to all municipalities in New Jersey. The Court also established various remedies, including the “builder remedy” or court-imposed zoning, to ensure that municipalities affirmatively addressed this obligation.

In response to the Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985 (Chapter 222, Laws Of New Jersey, 1985). The Fair Housing Act established a Council on Affordable Housing (COAH) as an administrative alternative to the courts. COAH was also given the responsibility of establishing various housing regions in the state, determining regional and municipal fair share affordable housing obligations, and adopting regulations establishing the guidelines and approaches that municipalities may use in addressing their affordable housing need.

Under COAH’s regulations, low income households are defined as those with incomes no greater than 50 percent of the median household income, adjusted for household size, of the housing region in which the municipality is located, and moderate-income households are those with incomes no greater than 80 percent and no less than 50 percent of the median household income, adjusted for household size, of the housing region. For the Borough of Avon-by-the-Sea, the housing region is defined by COAH as Region 4 and is comprised of Mercer, Monmouth, and Ocean counties. In 2024, the Region 4 median income for a four-person household was \$130,054; the moderate-income limit was \$104,043, the low-income limit was \$65,027, and the very-low-income limit was \$39,016.

Pursuant to both the Fair Housing Act and the Municipal Land Use Law (MLUL), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to provide for methods of achieving the goal of access to affordable housing to meet the municipality’s low- and moderate-income housing needs. The statutory required contents of the housing element are:

- An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing; and
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.



## **MUNICIPAL SUMMARY**

Avon-by-the-Sea is a historic seaside Borough, located in southeastern Monmouth County, New Jersey. The Borough covers approximately 0.54 square miles and is known for its scenic views, seashore style architecture, residential areas, and beach and boardwalk. Avon-by-the-Sea was originally developed in the late 19<sup>th</sup> century as a seaside summer destination. The Borough was officially incorporated as Avon-by-the-Sea in 1900. Over time, the Borough has evolved into a primarily year-round residential community with a significant amount of summer visitors.

Today, Avon-by-the-Sea has little vacant or unused space. With residential spaces taking up a majority of the Borough, mixed use commercial spaces can be found along Main Street and Ocean Avenue. Additional features have been included in the Borough including a boardwalks, a library, beach access, public parks are amongst other varieties of public amenities provided. These features cater towards residents located year-round, as well as tourists. Avon-by-the-Sea is bordered by Bradley Beach to the north, Neptune City and Shark River to the west, the Borough of Belmar to the south, and the Atlantic Ocean to the east.

The current year-round population of Avon-by-the-Sea is estimated at 1,801 (ACS 2023 5-year data), swelling substantially in the summer months. The Borough has a population density of 3,335 persons per square mile. The Borough grew older by 3.6 years between 2010 and 2023, with a current median age of 55.3 years of age. Avon-by-the-Sea's 2023 median household income estimate of \$109,113, was lower than that of Monmouth County (\$122,727) and higher than that of the State of New Jersey (\$101,050).

In the guidelines established by COAH, Avon-by-the-Sea Borough is located in affordable housing Region 4 which is comprised of Monmouth, Mercer, and Ocean Counties.

## DEMOGRAPHIC CHARACTERISTICS

### POPULATION

In 2023, the Borough of Avon-by-the-Sea had a total population of 1,801. This number represented an increase of 70 individuals or 4.0 percent since 2020, when the total population was 1,731 individuals. The Borough of Avon-by-the-Sea's population peaked in 1980 at 2,337 residents. Since that time, the general population trend within the Borough has been of decline between 1980 and 2023, with a slight increase in population between 2020 and 2023. The total population pattern for both Avon-by-the-Sea and Monmouth County are detailed below.

**TABLE 1: POPULATION TRENDS, 1930-2023**

Year	Avon-by-the-Sea			Monmouth County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	1,220	-	-	147,209	-	-	4,041,334	-	-
1940	1,211	-9	-0.7%	161,238	14,209	9.50%	4,160,165	118,831	2.94%
1950	1,650	439	36.3%	225,327	64,089	39.70%	4,835,329	675,164	16.22%
1960	1,707	57	3.5%	334,401	109,074	48.40%	6,066,782	1,231,453	25.46%
1970	2,163	456	26.7%	461,849	127,448	38.10%	7,171,112	1,104,330	18.20%
1980	2,337	174	8.0%	503,173	41,324	8.90%	7,365,011	463,899	6.46%
1990	2,165	-172	-7.4%	553,124	49,951	9.90%	7,730,188	365,177	4.95%
2000	2,244	79	3.6%	615,331	62,207	11.24%	8,414,350	684,162	8.85%
2010	1,901	-343	-15.3%	628,112	12,811	2.0%	8,721,577	307,227	3.6%
2020*	1,731	-170	-8.9	620,821	-7,291	1.2%	8,885,418	163,841	1.9%
2023*	1,801	70	4.0%	643,615	22,794	3.67%	9,267,014	381,596	4.29%
2050^	1,972	171	9.4%	669,624	48,559	4.0%	-	-	-

Sources: U.S. Census Bureau Decennial Census (table DP-1)  
 \*U.S. Census Bureau, 2020, 2023 ACS 5-Year Estimates (table B01003)  
 ^ Population Projections from North Jersey Transportation Planning Authority (NJTPA)

### POPULATION COMPOSITION BY AGE

The age composition of Avon-by-the-Sea has shifted noticeably since 2010. According to the American Community Survey 5-Year Estimates, 2023, significant changes occurred in many age groups. The number of children under the age of 18 have decreased significantly while, the number of adults ages 25 to 34 and over the age of 60 have increased over this time period. The greatest percentage increases occurred in the 25 to 34 years age cohort, which increased by 35.9 percent, and the 65 to 74 years age cohort which grew by 21.3 percent over the same timeframe.

**TABLE 2: POPULATION BY AGE COHORT, AVON-BY-THE-SEA, 2010-2023**

Population	2010		2023		Change 2010-2023
	Number	Percent	Number	Percent	
Total population	2,097	100.0%	1,801	100%	-14.1%
Under 5 years	30	1.4%	5	0.3%	-83.3%
5 to 9 years	66	3.1%	23	1.3%	-65.1%
10 to 14 years	118	5.6%	103	5.7%	-12.7%
15 to 19 years	95	4.5%	90	5.0%	-5.2%
20 to 24 years	205	9.8%	123	6.8%	-40.0%
25 to 34 years	184	8.8%	250	13.9%	35.9%
35 to 44 years	222	10.6%	84	4.7%	-62.1%
45 to 54 years	268	12.8%	208	11.5%	-22.4%
55 to 59 years	203	9.7%	176	9.8%	-13.3%
60 to 64 years	188	9.0%	165	9.2%	-12.2%
65 to 74 years	258	12.3%	313	17.4%	21.3%
75 to 84 years	185	8.8%	196	10.9%	5.9%
85 years and over	75	3.6%	65	3.6%	-13.3%
U.S. Census Bureau, American Community Survey 2010, 2023, 5- Year Estimates (table DP-05)					

Monmouth County also experienced shifts in the age make-up of its population. The County experienced a significant decrease in children under the age of 18. The 20 to 24-year-old and 55 and over age cohorts experienced population increases between 2010 and 2023, with the largest increases in the older age cohorts, suggesting that the County has an aging population.

**TABLE 3: POPULATION BY AGE COHORT, MONMOUTH COUNTY, 2010-2023**

Population	2010		2023		Change 2010- 2023
	Number	Percent	Number	Percent	
Total population	630,380	100.0%	643,615	100.0%	2.5%
Under 5 years	34,755	5.5%	32,114	4.9%	-11.05%
5 to 9 years	41,128	6.5%	37,390	5.8%	-13.9%
10 to 14 years	45,551	7.2%	39,484	6.1%	-12.5%
15 to 19 years	44,044	7.0%	42,163	6.6%	-5.7%
20 to 24 years	34,185	5.4%	37,390	5.8%	13.99%
25 to 34 years	64,860	10.3%	70,569	10.9%	11.8%
35 to 44 years	86,499	13.7%	75,860	11.8%	-18.8%
45 to 54 years	110,979	17.6%	88,083	13.7%	-18.9%
55 to 59 years	44,570	7.1%	50,654	7.8%	18.9%
60 to 64 years	37,118	5.9%	50,797	7.8%	48.4%
65 to 74 years	44,342	7.0%	71,107	11.04%	70.4%
75 to 84 years	28,598	4.5%	33,953	5.3%	15.9%
85 years and over	13,751	2.2%	14,423	2.2%	14.9%
U.S. Census Bureau, American Community Survey 2010, 2023 5- Year Estimates (table DP-05)					

The median age of Avon-by-the-Sea residents has increased between 2010 and 2023. This trend is consistent with the general “graying” of America as the Baby Boom generation continues to age. While the State, County, and Borough have all experienced increases in median age between 2010 and 2023, the Borough’s median age increased more than the State of New Jersey’s and Monmouth County. Additionally, the median age of residents in Avon-by-the-Sea is considerably higher than that of the County or the State.

**TABLE 4: MEDIAN AGE**

Year	Avon-by-the-Sea	Monmouth County	New Jersey
2010	51.7	40.6	38.5
2023	55.3	43.2	40.1
Change	3.6	2.6	1.6
U.S. Census Bureau, American Community Survey 2010 and 2023 5- Year Estimates (table DP-05)			

## HOUSEHOLDS

A household is defined as one or more persons, either related or not, living together in a housing unit. 2023 ACS 5-Year Estimates note that there were approximately 878 households in the Borough. Approximately 79.9 percent of the Borough’s households were comprised of one or two persons, and only 14.2 percent of all Borough households consisted of four (4) or more persons. Approximately 59 percent of Monmouth County households were comprised of one and two-person households. While the majority of households in both the Borough and the County were comprised of one and two person households, the Borough’s percentage of smaller households was greater than the County. This is also illustrated by Avon-by-the-Sea’s average household size of 2.04 compared to the County’s average household size of 2.64 according to these estimates.

**TABLE 5: HOUSEHOLD CHARACTERISTICS  
AVON-BY-THE-SEA AND MONMOUTH COUNTY, 2023**

	Avon-by-the-Sea		Monmouth County	
	Number	Percent	Number	Percent
Total Households	878	100%	250,195	100.0%
1-person	340	38.7%	66,589	26.6%
2-persons	362	41.2%	81,289	32.4%
3-persons	51	5.8%	40,929	16.4%
4 or more persons	125	14.2%	61,388	24.5%
Average Household Size	2.04		2.55	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (tables S2501 & B25010)				

Family households are defined as two or more persons living in the same household,

related by blood, marriage or adoption. Most households in Avon-by-the-Sea were families, comprising 56.8 percent of all households. Approximately 92.2 percent of all family households were family households with married couple householders, while 0 percent and 7.8 percent of family households respectively were family households consisting of single parent male or female householders. The average family size in Avon-by-the-Sea was 2.74 persons. Of all Borough households, 43.2 percent were non-family households.

**TABLE 6: HOUSEHOLDS BY TYPE (2023)**

Households	Total	Percent
	878	100%
Average Household Size	2.04	
Average Non-Family Household Size	1.10	
Family households	499	56.8%
Married Couple Family	460	92.2%
With own children under 18 years	87	18.9%
No children under 18 years	373	81.1%
Other Family	39	7.8%
Male householder, no spouse present	0	0.0%
With own children under 18 years	0	0.0%
No own children under 18 year	0	0.0%
Female householder, no spouse present	39	7.8%
With own children under 18 years	12	30.8%
No own children under 18 year	27	69.2%
Nonfamily Households	379	43.2%
Average Family Size	2.74	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table S1101)		

## INCOME

Avon-by-the-Sea experienced a 51.3 percent increase in per capita income between 2010 and 2023, while Monmouth County experienced a 59.9 percent increase, and the State's per capita income increased by 52.3 percent increase over the same period. The Borough's per capita income of \$87,829 is much higher than the County's \$65,545 per capita income figure and is substantially more than the State's \$53,118 per capita income.

**TABLE 7: PER CAPITA INCOME AND MEDIAN HOUSEHOLD INCOME**

	2010 Per Capita Income	2023 Per Capita Income	Percent Change	2010 Median Household Income	2023 Median Household Income	Percent Change
Avon-by-the-Sea	\$58,063	\$87,829	51.3%	\$83,333	\$109,113	30.9%
Monmouth	\$40,976	\$65,545	59.9%	\$64,271	\$122,727	90.9%
New Jersey	\$34,858	\$53,118	52.3%	\$55,146	\$101,050	83.2%
U.S. Census Bureau, American Community Survey 2010, 2023 5-Year Estimates (tables S1902 and S1903)						

The income distribution for the Borough is similar to that of the County. In both Avon-by-the-Sea and the County, the \$200,000+ plus range income bracket contained the largest percentage of households. The percentage of households in this income bracket was slightly smaller in Avon-by-the-Sea than in the County as overall. However, the second largest percentage of household income for the County was the \$150,000 to \$199,999 income bracket, while the \$100,000 to \$124,999 range represented the second largest percentage in the Borough. The median income in Avon-by-the-Sea was \$109,113, approximately \$13,614 less than the county median household income and \$8,063 more than the state median household income. Between 2010 and 2023, the median household income in Avon-by-the-Sea increased 30.9 percent, a much smaller percentage than the increase seen in Monmouth County ( 90.9 percent) and the State overall 83.2 percent).

**TABLE 8: HOUSEHOLD INCOME DISTRIBUTION  
AVON-BY-THE-SEA AND MONMOUTH COUNTY, 2023**

	Avon-by-the-Sea		Monmouth County	
	Number	Percent	Number	Percent
<b>Total Households</b>	<b>878</b>	<b>100%</b>	<b>250,195</b>	<b>100.0%</b>
Less than \$10,000	20	2.3%	8,165	3.2%
\$10,000 to \$14,999	11	1.2%	5,319	2.1%
\$15,000 to \$19,999	18	2.0%	5,203	2.1%
\$20,000 to \$24,999	5	0.6%	5,578	2.2%
\$25,000 to \$29,999	6	0.6%	5,530	2.2%
\$30,000 to \$34,999	9	1.0%	5,175	2.1%
\$35,000 to \$39,999	33	3.8%	5,648	2.3%
\$40,000 to \$44,999	24	2.7%	5,544	2.2%
\$45,000 to \$49,999	44	5.0%	6,198	2.5%
\$50,000 to \$59,999	23	2.6%	9,995	3.9%
\$60,000 to \$74,999	106	12.0%	15,158	6.1%
\$75,000 to \$99,999	76	8.7%	25,542	10.2%
\$100,000 to \$124,999	169	19.2%	24,161	9.7%
\$125,000 to \$149,999	62	7.0%	19,756	7.9%
\$150,000 to \$199,999	75	8.5%	33,996	13.6%
\$200,000 or more	197	22.4%	69,227	27.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B19001)				

## HOUSEHOLD COSTS

The tables below show housing expenditures for owner- and renter-occupied units in Avon-by-the-Sea in 2023. The first table shows the housing costs of owner occupants as a percentage of total income. A total of 182 households (31.5%) were devoting more than 30 percent of their annual income to housing costs. The State affordability threshold for housing as a percent of income suggests that not more than 28 percent of gross income

should be allocated for housing costs.

The second table shows rental costs as a percentage of household income. A total of 104 households renting in Avon-by-the-Sea, or 34.5 percent, were spending over 30 percent of their incomes on rent. The State affordability threshold for housing as a percent of income suggests that not more than 30 percent of gross income should be allocated for rent.

**TABLE 9: MONTHLY OWNER COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023**

	Avon-by-the-Sea		Monmouth County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	577	100.0%	188,578	100.0%
Less than 15%	181	31.4%	61,170	32.4%
15 to 19%	83	14.3%	31,997	16.9%
20 to 24%	56	9.7%	25,780	13.7%
25 to 29%	75	12.9%	16,946	8.9%
30 to 34%	14	2.4%	10,722	5.7%
35% or more	168	29.1%	40,650	21.6%
Not computed	0	0%	1,313	0.69%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25091)				

**TABLE 10: GROSS RENT AS A PERCENTAGE OF HOUSEHOLD INCOME, 2023**

	Avon-by-the-Sea		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter-Occupied Housing Units	301	100.0%	61,617	100.0%
Less than 15%	24	7.9%	7,106	11.5%
15 to 19%	38	12.6%	6,970	11.3%
20 to 24%	61	20.3%	6,927	11.2%
25 to 29%	60	19.9%	6,419	10.4%
30 to 34%	14	4.6%	4,751	7.7%
35% or more	90	29.9%	26,025	42.2%
Not computed	14	4.6%	3,419	5.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table B25070)				

## **EXISTING HOUSING CONDITIONS**

### **HOUSING UNIT DATA**

Avon-by-the-Sea's housing stock is predominantly owner occupied, and slightly more than half was built prior to 1950. According to the 2023 ACS, the Borough had a total of 878 occupied housing units. Most occupied units (65.7%) were owner-occupied, while 34.3 percent were renter-occupied. The median year a structure was built in Avon-by-the-Sea is 1948.

**TABLE 11: HOUSING UNIT DATA, 2023**

<b>Housing Units in Avon-by-the-Sea</b>	<b>Number</b>	<b>Percent</b>
Total Housing Units	1,254	100%
Vacant Housing Units	376	29.9%
Occupied Housing Units	878	70.0%
Owner Occupied	577	65.7%
Renter Occupied	301	34.3%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

	Number	Percent
Built 1939 or earlier	554	44.2%
Built 1940 to 1949	91	7.3%
Built 1950 to 1959	93	7.4%
Built 1960 to 1969	119	9.5%
Built 1970 to 1979	153	12.2%
Built 1980 to 1989	41	3.3%
Built 1990 to 1999	53	4.2%
Built 2000 to 2009	84	6.7%
Built 2010 or later	66	5.2%
Total	1,254	100.0%
Median Year Structure Built	1948	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04 and B25035)		

## HOUSING TYPE AND SIZE

The majority (68.6%) of housing stock in Avon-by-the-Sea consists of single-family detached dwellings. Multi-family dwellings consisting of 20 or more units, comprised 11.6% of the Borough's housing stock and buildings containing two (2) units comprised 5.9% of the Borough's housing stock. The median number of rooms per unit was 5.9.



**TABLE 12: HOUSING UNITS BY TYPE, 2023**

Units in Structure	Total	Percent
Total	1,254	100.0%
1 Unit, detached	860	68.6%
1 Unit, attached	71	5.7%
2 Units	74	5.9%
3 or 4 Units	36	2.9%
5 to 9 Units	19	1.5%
10 to 19 Units	49	3.9%
20 Units or more	145	11.6%
Mobile home	0	0.0%
Boat, RV, van, etc.	0	0.0%
Rooms	Total	Percent
1 room	48	3.8%
2 rooms	40	3.2%
3 rooms	86	6.9%
4 rooms	139	11.1%
5 rooms	254	20.3%
6 or more rooms	687	54.7%
Median number of rooms	5.9	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (DP04)		

**HOUSING VALUES AND CONTRACT RENTS**

According to ACS 5-Year Estimates, most housing units in Avon-by-the-Sea (68.3%) were valued at over \$1,000,000. Table 13 provides a breakdown of home values for owner-occupied units within the Borough. Only five (5) owner-occupied housing units in Avon-by-the-Sea were worth less than \$50,000. The median value of an owner-occupied housing unit was \$1,349,000 at the time of the survey.

**TABLE 13: VALUE OF OWNER-OCCUPIED HOUSING UNITS, 2023**

	Avon-by-the-Sea		Monmouth County	
	Number	Percentage	Number	Percentage
Total	577	100%	188,578	100%
Less than \$50,000	5	0.9%	3,202	1.6%
\$50,000 to \$99,999	9	1.6%	2,703	1.4%
\$100,000 to \$149,999	5	0.9%	1,760	0.9%
\$150,000 to \$199,999	0	0.0%	2,797	1.4%
\$200,000 to \$299,999	0	0.0%	12,780	6.8%
\$300,000 to \$499,999	44	7.6%	55,119	29.2%
\$500,000 to \$999,999	120	20.8%	88,909	58.4%
\$1,000,000 or more	394	68.3%	21,308	11.3%
Median Value	\$1,349,000		\$566,500	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

With respect to renter-occupied units, there are a range of rents, with most rental units in the Borough carrying rental costs either within the \$1,500 to \$1,999 and \$2,000 to \$2,499 range per month. At the time of the ACS 5-Year Estimates, the median gross rent in Avon-by-the-Sea was \$1,891. Only seven (7) units in the Borough carried rental costs less than \$1,000 per month, and zero (0) units did not require cash rent payments.

**TABLE 14: GROSS RENT PAID**

	Avon-by-the-Sea		Monmouth County	
	Number	Percentage	Number	Percentage
Total Renter Occupied Units	287	100%	59,223	100%
Less than \$500	0	0.0%	4,045	6.8%
\$500 to \$999	7	2.4%	3,453	5.8%
\$1,000 to \$1,499	70	24.4%	13,711	23.1%
\$1,500 to \$1,999	85	29.6%	15,499	26.1%
\$2,000 to \$2,499	85	29.6%	10,920	18.4%
\$2,500 to \$2,999	19	6.6%	6,150	10.3%
\$3,000 or more	21	7.3%	5,445	9.1%
No cash rent	0	0.0%	0	0.0%
Median Contract Rent	\$1,891		\$1,372	
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)				

## HOUSING CONDITIONS

According to the 2023 ACS, there were a minimal number of units exhibiting overcrowding (more than one person per room), and do not lack in complete plumbing facilities or complete kitchen facilities. Table 15 details the condition of housing within Avon-by-the-Sea based on plumbing facilities, kitchen facilities, and overcrowding. These factors are utilized in determining housing deficiency and general housing problems and are used as the basis to calculate the municipal rehabilitation obligation. According to the data, 0.9 percent of occupied housing units experienced over-crowding, zero percent of occupied units lacked complete plumbing facilities, and 0 percent of units lacked complete kitchen facilities.

**TABLE 15: HOUSING DEFICIENCY CHARACTERISTICS**

	Count	Percent
<b>Housing Units with 1.01 or More Persons Per Room</b>		
1.01 to 1.5 occupants per room	0	0.0%
1.51 or more occupants per room	8	0.9%
<b>Plumbing Facilities</b>		
Total Occupied Housing Units	878	100%
Lacking complete plumbing facilities	0	0.0%
<b>Kitchen Equipment</b>		
Total Occupied Housing Units	878	100%
Lacking complete kitchen facilities	0	0.0%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP04)		

## PROJECTED HOUSING STOCK

According to New Jersey Department of Community Affairs, the Borough of Avon-by-the-Sea has issued building permits for 272 residential dwelling units between 2000 and 2023. During that same time period, the Borough issued 261 residential demolition permits. The Borough has added 11 dwelling units over this time period. Building permit data by year is summarized in Table 16 below.

**TABLE 16: BUILDING PERMITS AND DEMOLITION  
PERMITS ISSUED, 2000 - 2023**

Year	Residential Building Permits Issued	Residential Demolitions	Total Added
2000	5	0	5
2001	5	0	5
2002	7	4	3
2003	10	8	2
2004	14	22	-8
2005	15	13	2
2006	10	11	-1
2007	20	10	10
2008	17	5	12
2009	10	8	2
2010	12	7	5
2011	2	2	0
2012	7	3	4
2013	13	85	-72
2014	24	24	0
2015	17	7	10
2016	15	3	12
2017	19	15	4
2018	6	4	2
2019	17	8	9
2020	22	19	3
2021	2	1	1
2022	2	1	1
2023	1	1	0
<b>Total</b>	<b>272</b>	<b>261</b>	<b>11</b>

Source: New Jersey Department of Community Affairs Construction Reporter

## EMPLOYMENT DATA

The 2023 ACS reports on work activity of residents aged 16 years and older. While the Borough's working age population was 1,637 residents, Avon-by-the-Sea had an approximate labor force of 1,036 residents. Approximately 36.7 percent of the Borough's working age residents were not participating in the labor force at the time of the estimates. The vast majority of the Borough's labor force was employed in civilian jobs, with only six (6) residents reporting being members of the armed forces. Approximately 4.5 percent of

Borough residents reported being unemployed, higher than the estimated unemployment rate of Monmouth County overall (3.5%).

**TABLE 17: EMPLOYMENT STATUS**

	Avon-by-the-Sea		Monmouth County	
	Number	Percent	Number	Percent
Population 16 years and over	<b>1,637</b>	<b>100%</b>	526,352	100.0%
In labor force	1,036	63.3%	349,815	66.5%
Civilian Labor Force	1,030	62.9%	349,355	66.4%
Employed	957	58.5%	331,018	62.9%
Unemployed	73	4.5%	18,337	3.5%
Armed Forces	6	0.4%	460	0.1%
Not in labor force	601	36.7%	176,537	33.5%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)				

Approximately 84.3 percent of the Borough's workers were employed in private wage and salary positions, while 3.3 percent of workers are self-employed. Government workers comprise about 12.1 percent of the Borough's workforce. Table 18 provides a breakdown of worker classifications.

**TABLE 18: CLASSIFICATION OF WORKERS IN AVON-BY-THE-SEA, 2023**

	Number	Percent
Total	957	100%
Private Wage and Salary Worker	807	84.3%
Government Worker	116	12.1%
Self-Employed Worker	32	3.3%
Unpaid Family Worker	2	0.2%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

An analysis of employees (over the age of 16) by economic sector indicates that employed working age individuals in Avon-by-the-Sea were involved in a range of economic sectors. As depicted in Table 19 below, the highest concentration of workers (26.2%) are employed in the educational services, health care, and social assistance. The Professional, scientific, and management, and administrative and waste management, and Arts, entertainment, and recreation, and accommodation and food services sectors each employ more than 10 percent of the Borough's workforce and employ the next highest concentrations of Borough workers respectively.

**TABLE 19: WORKFORCE BY SECTOR**

<b>Sector</b>	<b>Number</b>	<b>Percent</b>
Civilian employed population 16 years and over	957	100%
Agriculture, forestry, fishing and hunting, mining	0	0.0%
Construction	15	1.6%
Manufacturing	25	2.6%
Wholesale Trade	22	2.3%
Retail Trade	51	5.3%
Transportation and Warehousing, and Utilities	59	6.2%
Information	56	5.9%
Finance and insurance, and real estate and rental and leasing	93	9.7%
Professional, scientific, and management, and administrative and waste management services	191	20.0%
Educational services, and health care and social assistance	251	26.2%
Arts, entertainment, and recreation, and accommodation and food services	140	14.6%
Other Services, except public administration	19	2.0%
Public administration	35	3.7%
U.S. Census Bureau, American Community Survey 2023 5-year estimate (table DP03)		

Table 20 provides a percentage comparison of the Borough's workforce against that of the County. The Borough's profile of employment by sector generally mirrors that of the County. Both the Borough and the County have the highest percentage of the workforce employed in the Educational services, and health care and social assistance sector, followed by the Professional, scientific, and management, and administrative and waste management services sector.

**TABLE 20: COMPARISON OF WORKFORCE BY SECTOR  
AVON-BY-THE-SEA BOROUGH AND MONMOUTH COUNTY, 2023**

<b>Sector</b>	<b>Avon-by-the-Sea</b>	<b>Monmouth County</b>
Civilian employed population 16 years and over	979	331,018
Agriculture, forestry, fishing and hunting, mining	0.0%	0.4%
Construction	1.6%	6.9%
Manufacturing	2.6%	6.2%
Wholesale Trade	2.3%	2.4%
Retail Trade	5.3%	10.4%
Transportation and Warehousing, and Utilities	6.2%	4.4%
Information	5.9%	3.2%
Finance and insurance, and real estate and rental and leasing	9.7%	10.3%
Professional, scientific, and management, and administrative and waste management services	20.0%	15.5%
Educational services, and health care and social assistance	26.2%	24.3%
Arts, entertainment, and recreation, and accommodation and food services	14.6%	7.7%
Other Services, except public administration	2.0%	3.7%
Public administration	3.7%	4.3%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

Table 21 provides a breakdown of occupations by type for the Borough's employed civilian labor force. Almost half of the Borough's employed civilian labor force was employed in management, professional, or related occupations while a less than two percent of the Borough's employed civilian labor force was employed in natural resources, construction, and maintenance occupations.

**TABLE 21: OCCUPATIONS BY TYPE**

<b>Occupation</b>	<b>Number</b>	<b>Percent</b>
Employed Civilian population 16 years and over	957	100%
Management, business, science and arts occupations	478	49.9%
Service occupations	186	19.4%
Sales and office occupations	232	24.2%
Natural resources, construction and maintenance occupations	16	1.7%
Production Transportation and material moving occupations	45	4.7%
U.S. Census Bureau, American Community Survey 2023 5-Year Estimates (table DP03)		

As indicated in Table 22 below, it is projected that Monmouth County will add 24,100 jobs by 2032. The Ambulatory Health Care Services, Transportation and Warehousing, and Management of Companies and Enterprises sectors are poised to experience the greatest

increase in number of jobs over the course of the projection period.

**TABLE 22: PROJECTED EMPLOYMENT, MONMOUTH COUNTY, 2032**

Industry Title	2022 Actual Employment	2032 Projected Employment	Numeric Change	Annual Growth Rate	Percent Change	Outlook
Mining	0	50	13.6	0.0	0.0%	Stable
Utilities	16,250	16,900	650	4.1	4.0%	Growing
Construction	1,300	1,400	100	6.9	7.8%	Growing
Manufacturing	9,700	10,250	550	5.9	5.6%	Growing
Wholesale Trade	8,900	9,200	300	3.5	3.3%	Growing
Retail Trade	36,450	36,700	250	0.7	1.5%	Growing
Transportation and Warehousing	6,100	7,100	1,000	16.6	16.3%	Growing
Postal Service	1,050	1,000	-50	-6.8	-4.7%	Declining
Information	6,050	6,950	900	14.8	14.8%	Growing
Finance and Insurance	10,950	11,050	100	0.9	0.9%	Growing
Real Estate and Rental and Leasing	4,150	4,300	150	4.0	3.6%	Growing
Professional, Scientific, and Technical Services	21,850	22,650	800	3.9	3.6%	Growing
Management of Companies and Enterprises	4,150	4,800	650	15.3	15.7%	Growing
Administrative and Support and Waste Management and Remediation Services	14,650	15,450	800	5.4	5.4%	Growing
Educational Services	25,800	27,350	1,550	6.0	6.0%	Growing
Health Care and Social Assistance	51,200	57,750	6,550	12.7	12.7%	Growing
Ambulatory Health Care Services	24,450	29,550	5,100	20.8	20.9%	Growing
Hospitals	11,250	11,600	350	3.2	3.1%	Growing
Nursing and Residential Care Facilities	8,150	8,400	250	3.0	3.1%	Growing
Social Assistance	7,350	8,200	850	11.4	11.5	Growing
Arts, Entertainment, and Recreation	8,150	9,700	1,550	19.4	13.9%	Growing
Accommodation and Food Services	28,750	30,650	1,900	6.7	6.6%	Growing
Other Services (except Government)	14,150	15,450	1,300	9.1	9.2%	Growing
Government	14,350	15,150	800	5.3	5.5%	Growing
Total Federal Government Employment	1,950	1,900	-50	-3.3	-2.5%	Declining
State Government, Excluding Education and Hospitals	1,300	1,200	-100	-7.3	-7.6%	Declining
Local Government, Excluding Education and Hospitals	11,100	12,050	950	8.3	8.6%	Growing
Federal Government, Excluding Post Office	900	900	0	0.8	0	Stable
Total Self Employed and Unpaid Family Workers, All Jobs	18,700	19,950	1,250	6.5	6.6%	Growing
<b>Total All Industries</b>	<b>302,150</b>	<b>323,550</b>	<b>21,400</b>	<b>7.1</b>	<b>7.0%</b>	<b>Growing</b>

Source: 2022-2032 Industry Employment Projections, NJ Department of Labor and Workforce Development

## **Lands Most Appropriate for Affordable Housing**

An analysis was conducted to determine which areas of the Borough could accommodate developments that address affordable housing need. This analysis reviews the Borough's existing zoning and planned zoning changes and outlines the Borough's capacity to accommodate residential and non-residential growth projections. The following are included:

- An analysis of the available existing and planned infrastructure;
- The projected demand for types of uses permitted by zoning based on present and anticipated future demographic characteristics of the Borough and anticipated land use patterns; and
- Factors, such as environmental conditions, that present constraints on development.

## **INFRASTRUCTURE**

### **WATER AND SEWER**

The Borough of Avon-by-the-Sea is located within public water and sewer service areas. Sewer service and public water are both provided and owned by the Borough of Avon-by-the-Sea. The Avon-by-the-Sea Water Department manages the water system throughout the Borough. Their water is sourced from the Mon Laurel-Wenonah aquifer as well as the Upper Potomac-Raritan-Magothy aquifer. The Neptune Sewerage Authority provides secondary sewer treatment to the wastewater produced by the Borough.

## **ANTICIPATED DEMAND AND LAND USE PATTERNS**

Avon-by-the-Sea Borough is predominantly residential, featuring single-family homes, public parks, mixed-use areas, and public recreation spaces. Commercial activities are mainly concentrated in designated retail and general commercial zones. As a fully developed municipality with limited vacant land, Avon-by-the-Sea anticipates addressing future population and employment changes through redevelopment opportunities as they arise. According to the North Jersey Transportation Planning Authority (NJTPA), Avon-by-the-Sea's population is expected to remain relatively stable in the coming decades, with a slow increase in population. Projections for 2050 estimated a population of approximately 1,972.

### **RESIDENTIAL**

Currently, the Borough is predominantly zoned for Single Family housing in the R Single-Family Residential Zone District. The R zone covers almost the entire Borough, from the a lot or two in on the east side of State Route 71 to the Beach. The M-O/R Mixed Office Residential Zone, located in the southwestern portion of the Borough permits garden



apartments and townhouses are principally permitted uses, as well as accessory apartments located above the first floor.

### **NON-RESIDENTIAL**

Avon-by-the-Sea Borough features well-defined commercial areas identified as GC General Commercial and DC Downtown Commercial areas, these are located to the western portion of the Borough, along State Route 71. The GC General Commercial Zone District is located along both sides of Route 71 from Woodland Avenue to the northern municipal boundary with Bradley Beach. The DC Downtown Commercial Zone is located on both sides of Route 71, from Woodland Avenue to the M-O/R Zone Boundary, south of Lincoln Avenue. The DC Zone District continues along the NJ Transit ROW to the M-O/R Zone boundary to the south.

The B Beach Zone is located to the east of Ocean Avenue and contains the beach and boardwalk.

### **ENVIRONMENTAL CONSTRAINTS**

Avon-by-the-Sea enjoys many natural environmental amenities, including the Atlantic Ocean coastline to the east, Sylvan Lake to the north and the Shark River to the south. Due to this proximity to coastal waters, the Borough is highly susceptible to coastal flooding, storm surges, and natural disasters like hurricanes. Along with stream corridors, the Borough also contains habitats of endangered and threatened species along the shoreline. These natural features and environmental constraints must be taken into consideration when contemplating future development within the Borough of Avon-by-the-Sea.

### **HISTORIC**

Two properties within Avon-By-The-Sea are listed on the State Register of Historic places: the New York and Long Branch Railroad Historic District, and the State Highway Route 71 (Main Street) Bascule Bridge over Shark River). Historic status is not generally a major source of development constraint in Avon-By-the-Sea.

### **EXISTING LAND USE DESIGNATIONS**

The Borough's land use designations have been continually examined and updated through the Master Plan Reexamination process. The last Reexamination Report was prepared June 2018.

The following districts comprise the Borough's **residential** zones:

#### *R Single Family Residential Zone*

The majority of residential development within Avon is located in the R Single Family Residential District. Permitted uses within this zone include: single-family detached

dwelling units and public playgrounds, parks and public purpose uses. Accessory apartments for low and moderate income households in single family homes and accessory buildings are permitted as a conditional use in this Zone District

#### *M-O/R Mixed Office/Residential District*

The Borough designated the M-O/R Mixed Office/Residential District to maintain the existing character of the southern end of the Main Street corridor, to maintain the mix of office and residential uses that has defined that section of roadway; to provide general and professional office uses that are compatible with residential uses; and to provide adequate off-street parking for all permitted uses. Permitted uses within this zone include: garden apartment and townhouse uses; banks, including drive-thru facilities; offices and office buildings; and public purpose uses. Permitted conditional uses include: public utility uses; marinas that provide docks, berths, slips, or tie-up for boats and small pleasure craft; and accessory apartments.

In addition to its residential zones, Avon-by-the-Sea has established the following **non-residential zones** where the main purpose is to accommodate non-residential uses, but **where dwelling units are permitted as a conditional use:**

#### *DC Downtown Commercial Zone*

The purpose of the DC Downtown Commercial Zone to substantially upgrade the appearance of the Main Street corridor; to provide a community oriented downtown commercial district; and to provide adequate off-street parking for all permitted uses. Permitted uses within this zone include: a variety of retail sales of goods and services uses, as well as public purpose uses. Permitted conditional uses include public utility uses and accessory apartments.

#### *GC General Commercial Zone*

The purpose of the General Commercial Zone to substantially upgrade the appearance of the northern one-third of the Main Street Corridor; to provide neighborhood type retail services oriented to the needs of the residents of the Borough; to provide general and professional office uses to compliment the retail uses; and to provide adequate off-street parking for all permitted uses. Permitted uses within this zone include a variety of retail sales of good and services uses and public uses. Permitted conditional uses include restaurants (sit down only), taverns, public utility uses; and accessory apartments.

### **CONSISTENCY WITH THE STATE PLAN**

This Borough of Avon-by-the-Sea remains consistent with the plans and policies of the New Jersey State Development and Redevelopment Plan (SDRP). The Borough is located within the PA 1 – Metropolitan Planning Area. According to the State Plan, most of the communities within the PA1 planning area are fully developed or almost fully developed with little vacant

land available for new development. This planning area includes a variety of communities and is intended to provide for future redevelopment and revitalize the communities, promote growth in compact forms, stabilize older suburbs, redesign areas of sprawl and protect the character of existing stable communities. This plan is consistent with the State Plan by preserving and protecting the established residential character, preserving and upgrading the existing utility infrastructure, providing adequate open space facilities, and preserving and protecting valuable natural features within the Borough.

Avon-By-The-Sea's planning documents are consistent with the State's goals for Stormwater Management, including the Stormwater Management Information guide for the public, Stormwater Pollution Prevention plan, as well as a Municipal Stormwater Management Plan. Municipal strategies to implement stormwater management strategies are in compliance with State requirements.

Public transportation is provided throughout Avon-By-The-Sea via NJ Transit Bus Routes. While the NJ Transit North Jersey Coast Commuter Rail Line forms the western boundary of the Borough, there is no station within Avon-by-the-Sea, and the closest train stations are located in Belmar to the south and Bradley Beach to the north.

## **FAIR SHARE PLAN**

### **FAIR SHARE OBLIGATION SUMMARY**

The Fourth Round (2025-2035) housing obligation is based upon the figures calculated in the NJ Department of Community Affairs Affordable Housing Obligations for the 2025-2035 (Fourth Round) Methodology. The Borough's housing obligation is outlined in Table 23, below:

**TABLE 23: FAIR SHARE OBLIGATION SUMMARY**

<b>Obligation Component</b>	<b>Number of Credits Required</b>
Present Need	5
Prior Round Obligation (1987-1999)	20
Third Round "Gap" and Prospective Need (1999-2025)	173
Fourth Round Prospective Need (2025-2035)	29
Realistic Development Potential (1987-2035)	6

The following sections outline how the Borough will comply with its Fair Share Obligation.

### **Lack of Developable Vacant Land**

From the outset of the Mount Laurel affordable housing program, the Borough of Avon-by-the-Sea has continually had to contend with the reality that it is a built-out municipality with virtually no available developable vacant land upon which to construct new affordable housing units.

Given the Borough's lack of sufficient vacant and developable land, the Borough's ability to satisfy its State-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, submitted as part of this plan as Appendix A. The Borough continues to exhibit a lack of vacant developable land, with redevelopment over time presenting itself as the principal vehicle for accomplishing projects with affordable housing. The prepared VLA illustrated a lack of vacant land and a Realistic Development Potential (RDP) of 6 affordable units.

### **Satisfaction of the Borough's Rehabilitation/Present Need Obligation**

The Borough of Avon by the Sea will participate in Monmouth County Housing Improvement Program, which is administered by the Monmouth County Community Development Block Grant (CDBG) program through an intergovernmental agreement between the Borough and the County. The Borough will fund the program until such time as the funds become

available in the Affordable Housing Trust Fund. The Borough anticipates completing one (1) rehabilitation every other year to satisfy its obligation.

### **Satisfaction of the Borough's Realistic Development Potential**

The Borough's RDP is 6. The Borough proposes to address this RDP through the following inclusionary projects:

#### ***801 Main Street***

The 801 Main Street project area is located on Block 3, Lots 5.01 and 5.02 in the North End Redevelopment Area. This project will consist of fifteen townhouse units and four affordable housing units, split into four (4) buildings. Building A will consist of 5 three-bedroom units, Building B will consist of seven (7) three-bedroom units, Building C will consist of three (3) three-bedroom units, and Building D will consist of two (2) affordable one-bedroom units and two (2) affordable two- bedroom units. 45 Parking spaces will be provided, inclusive of EV spaces for the project. As this project is located within a redevelopment area, the Borough will also seek credit for 1.5 bonus credits for this project, the maximum number of credits permitted based on the Borough's Prospective Need. This project was heard by the Planning Board and a resolution of approval was adopted on February 9, 2023. The resolution is included herein as Appendix C.

#### ***719 Main Street***

The 719 Main Street project area is located on Block 4.01, Lots 1 and 2 in the North End Redevelopment Area. This project will consist of seven (7) 2.5-story townhouses with attached 2 car garages and front porch access and two (2) 1-story elevated affordable apartment units, as well as an 8-space parking lot. The two (2) affordable units are proposed to be 2-bedroom units.

**TABLE 24: SATISFACTION OF THE RDP**

<b>Project</b>	<b>Affordable Units</b>	<b>Bonus Credits</b>	<b>Total Credits</b>
801 Main Street	4	1.5	5.5
719 Main Street	2		2
<b>Total</b>	<b>6</b>	<b>1.5</b>	<b>7.5</b>

Avon by the Sea will have a surplus of 1.5 credits to be utilized for future housing obligations.

### **Satisfaction of the Borough's Unmet Need**

The Borough's unmet need is 23 units based on the Round Four (4) Obligation (2025-2035). The Borough proposes to implement the following mechanisms to address its unmet need:

### *Mandatory Set-Aside Ordinance (“MSO”)*

The Borough will adopt a Borough-wide Mandatory Set-Aside Ordinance (“MSO”). The MSO will require a 20 percent (20%) affordable housing set-aside for all developments comprised of five or more dwelling units. The MSO will require that to the extent possible, in all inclusionary developments, low and moderate income units shall be integrated with market units.

The MSO will ensure that the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Avon-by-the-Sea or its boards to grant such rezoning, variance, redevelopment designation or other relief. The existing ordinance with proposed amendments is included herein as Appendix D.

### *R- Single Family Residential Accessory Apartments*

The R- Single Family Residential Zone District permits Accessory apartments for low- and moderate-income households in single family homes and accessory buildings as a conditional use. The conditional use requirements will be modified to ensure that all affordable units generated are done so in compliance with UHAC standards and Borough requirements for affordability and income limits. The existing ordinance with proposed amendments is included herein as Appendix E.

### *Accessory Apartment Conditional Uses*

The GC General Commercial, M-O/R Mixed Office/ Residential, and DC Downtown Commercial Zone Districts permit accessory apartments as a conditional use. The conditional use requirements will be amended to require at least 20% of apartments generated will be designated as affordable units, with a minimum of one (1) affordable unit, in conformance with UHAC standards and all Borough requirements for affordability and income limits. The existing ordinance with proposed amendments is included herein as Appendix F.

### *North End Redevelopment Plan*

The Borough of Avon-by-the-Sea adopted a Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02, Block 4.01, Lots 1, 2, and 3, and Block 4.02, Lots 1, 2.01, and 2.03 through 2.15, and Field Street and Snyder Lane in August of 2020, later amended in March 2021. The Redevelopment Plan constitutes an overlay to the existing GC General Commercial Zone District within the Redevelopment Area and permits townhouse development with an affordable housing set-aside, reserving 15% of the total units for low- and moderate-income households where the affordable units are to be provided as rental housing and a 20% set aside where the affordable units are to be for sale units. Affordable units may be developed as apartment flats within a single townhouse unit so long as the exterior façade of the townhouse unit is designed in manner consistent with the architectural design of the other

townhouse units within the development. The Redevelopment Plan is included herein as Appendix G.

*Development Fee Ordinance*

The Borough adopted a development fee ordinance on March 24, 2025, for all new non-residential development and new non-inclusionary residential development. The ordinance also requires residential development fees be collected for all residential expansions that increase density pursuant to N.J.S.A. 40:55D-70d(5). The adopted ordinance can be found in Appendix H.

## **Appendices**



**APPENDIX A. VACANT LAND ADJUSTMENT**

# **Vacant Land Inventory and Analysis Report**

**Prepared for:**  
**Borough of Avon-by-the-Sea**  
**Monmouth County, New Jersey**

**June 2025**

Prepared By:



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License No. 06289

## **I. INTRODUCTION**

As noted in N.J.A.C. 5:93, “there may be instances where a municipality can exhaust an entire resource (land, water or sewer) and still not be able to provide a realistic opportunity for addressing the need for low and moderate income housing.” In recognition of the need to provide for the opportunity to adjust municipal affordable housing obligations, N.J.A.C. 5:93 outlines standards and procedures for municipalities to demonstrate that a municipal response to its housing obligation is limited by lack of land, water or sewer. This report outlines the vacant land analysis methodology and summarizes the results of the vacant land analysis prepared on behalf of the Borough of Avon-by-the-Sea by Leon S. Avakian Inc (Avakian).

### *Previous Housing Rounds and Vacant Land Analyses*

The Borough of Avon-by-the-Sea is a fully developed coastal community located along the Atlantic Ocean and bounded by the Shark River Inlet to the south and Sylvan Lake to the north in Monmouth County. The Borough has not participated in prior housing rounds.

### *Current Housing Round and Vacant Land Assessment*

Given the Borough’s relative lack of vacant and developable land, the Borough’s ability to satisfy its Court-determined affordable housing obligation is limited. To demonstrate its continued lack of vacant developable land, the Borough has prepared an updated Vacant Land Adjustment analysis in accordance with N.J.A.C. 5:93:4.2, which includes the following components:

- An inventory of all vacant parcels in accordance with N.J.A.C. 5:93-4.2(b), included as Attachment A.
- A Vacant Land Map depicting vacant properties within the Borough, included as Attachment B.
- An existing land use map for the Borough in accordance with N.J.A.C. 5:93-4.2(a), included as Attachment C.

The realistic development potential (RDP) of the Borough’s vacant land was analyzed in accordance with the provisions of Subchapter 4 of N.J.A.C. 5:93 based on the most recently available data. After following the procedures as outlined, the analysis shows that the Borough has two (2) suitable sites available for development, and consequently, has an RDP new construction obligation of six (6) affordable units.

## **II. PERMITTED EXCLUSIONS**

N.J.A.C. 5:93 establishes criteria by which sites, or portions thereof, in a municipal land inventory may be excluded from a municipality’s RDP. Environmentally sensitive areas, including flood hazard areas, areas within Environmentally Sensitive Planning Areas according to the State Plan Policy Map, areas outside of the Sanitary Sewer Service Area (SSA), wetlands, and areas characterized by steep slopes of greater than 15 percent that render a site unsuitable for affordable housing may be excluded from consideration. In addition, small, isolated lots lacking

sufficient acreage to generate an affordable housing set-aside as part of an inclusionary development may also be excluded. Vacant lots under development or properties for which site plan approval has been granted may also be excluded. Finally, landlocked parcels or sites with limited or no access may also be excluded from the calculation of the Borough's RDP.

The vacant land inventory table in Attachment A provides a parcel-by-parcel description of exclusions that have been made pursuant to N.J.A.C. 5:93.

It should be noted that the Borough is permitted to reserve up to three percent of its total developed and developable acreage, less existing active municipal recreation areas, for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing pursuant to N.J.A.C. 5:93-4.2(e)4. Any such site designated for active recreation in accordance with this section must be purchased and limited to active recreational purposes within one year of substantive certification. Although this calculation has not been completed as part of this analysis, the Borough reserves the right to revise this analysis to complete this calculation.

### **III. Summary and Conclusion**

Based on the procedures for municipal adjustments provided in N.J.A.C. 5:93, the Borough of Avon-by-the-Sea's RDP has been determined to be six (6) affordable units. This finding is consistent with the Borough's current development conditions.

## **ATTACHMENT A: VACANT LAND INVENTORY** **TABLE**

Borough of Avon-by-the-Sea  
Vacant Land Adjustment  
June 2025

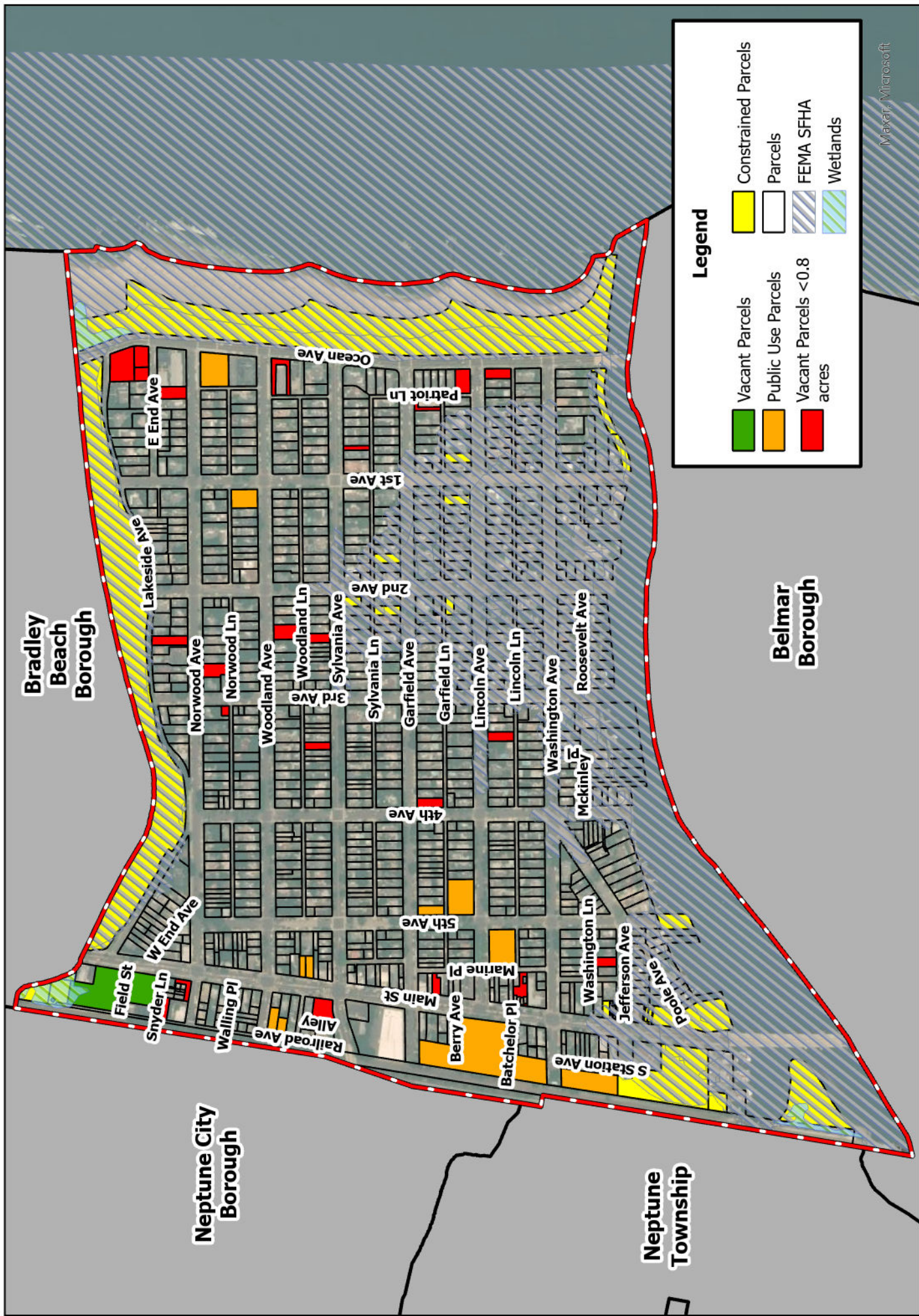
Block	Lot	Class	Location	Owner Name	Area	Constrained Acres	Unconstrained Acres	Developable Acres	Reason for Exclusion	Total Units	Affordable Units
3	6.02	1	801 Main Street	AVON LAKEVIEW 2, LLC	1.04	0.00	1.04	1.04	included - approved development	15.00	4.00
3	1	15C	Main Street	BORO OF AVON-BY-THE-SEA	0.35	0.35	0	0	recycling center	0.00	0.00
3	2	15C	817 Main Street	BORO OF AVON-BY-THE-SEA	0.31	0.31	0	0	recycling center	0.00	0.00
3	3	15C	815 Main Street	BORO OF AVON-BY-THE-SEA	0.07	0.07	0	0	recycling center	0.00	0.00
4.01	1	4B	719 Main Street	719 MAIN STREET AVON, LLC	0.57	0.00	0.57	0.57	included application pending, includes lot 2	7.00	2.00
4.02	2.15	15F	707 MAIN STREET	707 MAIN STREET, LLC	0.26	0.00	0.26	0	Common Element	0.00	0.00
6	7	1	216 Norwood Avenue	MEURER, RICHARD F & KAREN	0.22	0.22	0	0	less than 0.8 acres	0.00	0.00
8	6.01	1	801 Ocean Avenue	LEMOS, NUNO	0.17	0.17	0	0	less than 0.8 acres	0.00	0.00
8	6.02	1	20 East End Avenue	RUSSELL, LORRAINE	0.15	0.15	0	0	less than 0.8 acres	0.00	0.00
8	5	15F	809 OCEAN AVENUE	RESIDENCES AT AVON-BY-THE-SEA, LLC	0.50	0.00	0.5	0	Common Element	0.00	0.00
9	13	15F	709 OCEAN AVENUE	OCEANVIEW CONDOMINIUM ASSOCIATION	0.24	0.00	0.24	0	Common Element	0.00	0.00
13.01	9	15C	11 Stanton Place	BORO OF AVON-BY-THE-SEA	0.00	0.00	0	0	Water Supply	0.00	0.00
13.01	2	15F	501 MAIN STREET	AVON-BY-THE-SEA VILLAS, LLC	0.34	0.00	0.34	0	Common Element	0.00	0.00
13.02	1	15C	605 Woodland Avenue	BORO OF AVON-BY-THE-SEA	0.18	0.18	0	0	Water Tower Booster	0.00	0.00
13.02	2.02	15C	507 Railroad Avenue	BORO OF AVON-BY-THE-SEA	0.12	0.12	0	0	Water Tower Building	0.00	0.00
14	8.01	15C	510 Main Street	BORO OF AVON-BY-THE-SEA	0.11	0.11	0	0	Municipal Parking Lot	0.00	0.00
14	8.04	15D	520 Main Street	AVON FIRST AID SQUAD	0.09	0.09	0	0	First Aid Squad Building	0.00	0.00
16	9.02	1	615 Third Avenue	MICHAUD, CHARLES D. JR.	0.05	0.05	0	0	less than 0.8 acres	0.00	0.00
17	1.03	1	227 Norwood Avenue	PETER, THOMAS & MAUREN O.	0.22	0.22	0	0	less than 0.8 acres	0.00	0.00
18	16	1	318 Sylvania Avenue	GAYNOR, THOMAS J JR & KILLEEN, KAREN	0.13	0.13	0	0	less than 0.8 acres	0.00	0.00
19	4.02	1	215 Woodland Avenue	MCGREEVY, MATTHEW & JESSICA	0.26	0.26	0	0	less than 0.8 acres	0.00	0.00
19	14	1	218 Sylvania Avenue	BAROFSKY, JONATHAN & DAWN RACHEL	0.16	0.16	0	0	less than 0.8 acres	0.00	0.00
20	15	15D	110 Woodland Avenue	ST JOHN EPISCOPAL CHURCH	0.32	0.32	0	0	Church	0.00	0.00
21	15	15C	609 Ocean Avenue	BORO OF AVON-BY-THE-SEA	0.61	0.61	0	0	Rec Building Municipal Pool	0.00	0.00
23	14	15F	521 OCEAN AVENUE	AVON-BY-THE-SEA CONDO ASSOCIATION	0.22	0.00	0.22	0	Common Element	0.00	0.00
27	3	15C	311 Main Street	BORO OF AVON-BY-THE-SEA	2.89	2.89	0	0	Municipal Building	0.00	0.00
28.01	4	1	316 Main St	SANCAP PARTNERS, LLC	0.11	0.11	0	0	less than 0.8 acres	0.00	0.00
29	1	15C	5Th & Garfield	BORO OF AVON-BY-THE-SEA	0.16	0.16	0	0	Library	0.00	0.00
29	14	15D	424 Lincoln Avenue	ST ELIZABETH CHURCH	0.64	0.64	0	0	Church	0.00	0.00
31	6	1	201 Sylvania Avenue	ALBERTS, DAVID	0.11	0.11	0	0	less than 0.8 acres	0.00	0.00
31	13	1	204 Garfield Avenue	HAMWI, GREGORY HENRY & LEONARDA CUR	0.16	0.16	0	0	less than 0.8 acres	0.00	0.00
32	1	15F	341 GARFIELD AVENUE	GEIGER, ARTHUR R & MARGARET A	0.16	0.00	0.16	0	Common element	0.00	0.00
33	17.01	1	307 Second Avenue	HIGGINS, THOMAS	0.10	0.10	0	0	less than 0.8 acres	0.00	0.00
34	12	1	130 Garfield Avenue	130 GARFIELD AVE AVON, LLC	0.16	0.16	0	0	less than 0.8 acres	0.00	0.00
35	3	1	37 Sylvania Avenue	PINK HOUSE PROPERTIES LLC	0.08	0.08	0	0	less than 0.8 acres	0.00	0.00
36	13.02	1	100A Lincoln Avenue	LOURES, CHRISTINE	0.16	0.16	0	0	less than 0.8 acres	0.00	0.00
37	9.02	1	34 Lincoln Avenue	OC UNIT 502, LLC	0.16	0.16	0	0	less than 0.8 acres	0.00	0.00
37	18.03	1	301 Ocean Avenue	WNOROWSKI, GARY & MITSKAVICH, MARY	0.23	0.23	0	0	less than 0.8 acres	0.00	0.00
37	18.04	15C	301 Garfield Lane	BOROUGH OF AVON-BY-THE-SEA	0.01	0.01	0	0	Sewer Plant	0.00	0.00
37	8	15F	15 GARFIELD AVENUE	GARFIELD CONDOMINIUM ASSOCIATION	0.09	0.00	0.09	0	Common Element	0.00	0.00
38	4.02	1	215 S Station - Rear	UNKNOWN OWNER	0.00	0.00	0	0	landlocked, undersized	0.00	0.00
39	9	15A	Fifth & Lincoln	BD OF ED - PUBLIC SCHOOL	0.64	0.64	0	0	School	0.00	0.00
39.01	6.01	15F	212 MAIN STREET	VICTORIA SQUARE CONDO ASSOCIATION	0.17	0.00	0.17	0	Common Element	0.00	0.00
40.01	1	15C	South Station Avenue	BORO OF AVON-BY-THE-SEA, NJ	0.69	0.69	0	0	Playground/Rec Center	0.00	0.00
41	17	1	510 Jefferson Avenue	NAUDZIN, LOUIS & MADELINE	0.16	0.16	0	0	less than 0.8 acres	0.00	0.00
41.01	7	15F	520 JEFFERSON AVENUE	COLONIAL GARDENS CONDO ASSOCIATION	0.09	0.09	0	0	Common Element, on SFHA	0.00	0.00
42	4	1	3 Main Street	JCP&L %FIRST ENGERY SERVICE CO	0.23	0.23	0	0	Utility Building	0.00	0.00
42	2	15C	25 Main Street	BORO OF AVON-BY-THE-SEA	2.55	2.55	0	0	Rec Center	0.00	0.00
43.01	3.01	1	40 Main St Unit A	MAIN STREET 4 DAUGHTERS 2021, LLC	0.06	0.06	0	0	Condo	0.00	0.00
43.01	3.02	1	40 Main St Unit B	MAIN STREET 4 DAUGHTERS 2021, LLC	0.06	0.06	0	0	Condo	0.00	0.00
43.01	2	15F	30 MAIN STREET	AVON TOWNHOMES, LLC	0.30	0.30	0	0	Common Element, on SFHA	0.00	0.00
43.01	3.03	15F	40 MAIN ST	MAIN STREET 4 DAUGHTERS 2021, LLC	0.11	0.11	0	0	Condo Common Element, on SFHA	0.00	0.00
43.02	1	15C	2 Main Street	BORO OF AVON-BY-THE-SEA	0.79	0.79	0	0	Marina	0.00	0.00

Borough of Avon-by-the-Sea  
Vacant Land Adjustment  
June 2025

43.02	11.02	15C	Jefferson Avenue	BORO OF AVON-BY-THE-SEA	0.33	0.33	0	0		Dock Bulkhead	0.00	0.00
45	6	15F	311 LINCOLN AVENUE	VALVANO, ROBERT	0.16	0.00	0.16	0		less than 0.8 acres	0.00	0.00
53	4	1	203 Ocean Avenue	CLARK-SORIANO, MARGARET	0.17	0.17	0	0		less than 0.8 acres	0.00	0.00
54	11.01	15F	98 OCEAN AVENUE	STATE OF NEW JERSEY	0.25	0.25	0	0		Shark River, on SFHA	0.00	0.00
54	13.03	15F	42 FIRST AVENUE	STATE OF NEW JERSEY	0.38	0.38	0	0		Shark River, on SFHA	0.00	0.00
56	1	15C	400 Ocean Avenue	BORO OF AVON-BY-THE-SEA	27.44	27.44	0	0		Beach	0.00	0.00
57	1	1	Island	BURTON, WILLIAM S.	0.90	0.90	0	0		wetlands, underwater at high tide	0.00	0.00
58	1	15C	Lakeside Avenue	BORO OF AVON-BY-THE-SEA	9.86	9.86	0	0		Sylvan Lake	0.00	0.00
										Developable Units:	22.00	6.00

## **ATTACHMENT B: VACANT LAND MAPPING**





LEON S. AVAKIAN, Inc.

Consulting Engineers

This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized or endorsed.



## Vacant Land and Constraints

Vacant Land Adjustment  
Borough of Avon-by-the-Sea  
Monmouth County, New Jersey

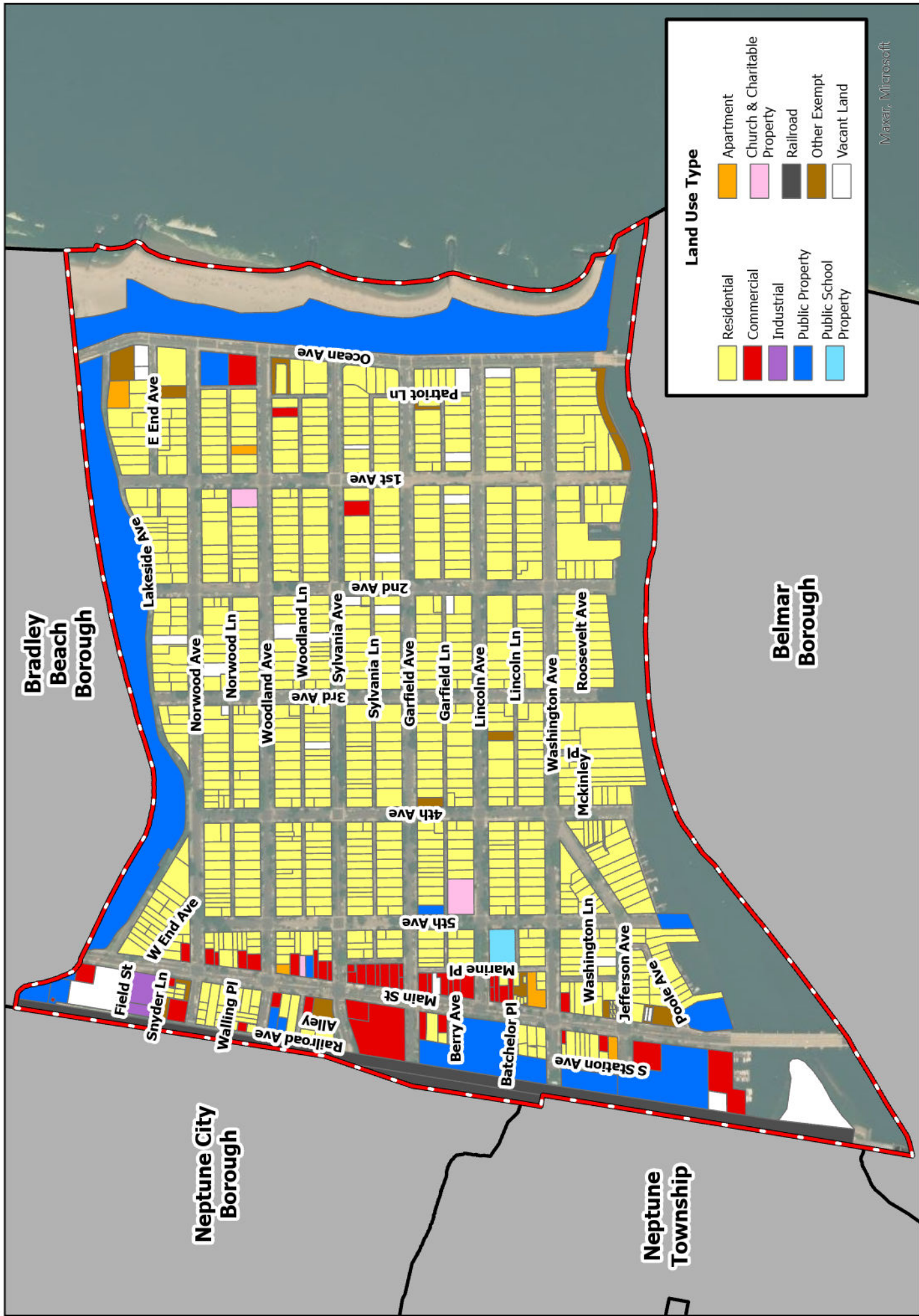
Source: LSA, NAD83, and Monmouth County GIS.  
Revised: April 25, 2025



Maxar, Microsoft

## **ATTACHMENT C: EXISTING LAND USE MAP**





## Existing Land Use

Vacant Land Adjustment  
Borough of Avon-by-the-Sea  
Monmouth County, New Jersey

**APPENDIX B. SPENDING PLAN**

**AVON-BY-THE-SEA BOROUGH**  
**AFFORDABLE HOUSING TRUST FUND SPENDING PLAN**  
**June 2025**

The Borough has prepared a Fourth Round Housing Element and Fair Share Plan that advances a comprehensive strategy for meeting its regional share of affordable housing need in accordance with the intent of the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301), and in accordance with the procedural and substantive requirements of N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91-1 et seq. The Borough has actively participated in the Fourth Round compliance process.

The Borough has adopted a development fee ordinance, codified as part of the Borough's Revised General Ordinances, to require and regulate the collection of residential and non-residential development fees as revenue for the Borough's affordable housing trust fund at a percentage of 1.5% for residential development and 2.5% for non-residential development. The sections below outline the Borough's plan for the administration and use of collected development fee revenues as per the requirements of N.J.A.C. 5:93-5.1(c).

**I. Projected Revenues 2025 through 2035**

A projection of anticipated revenues to be collected during the tenure of the Fourth Round has been calculated based on historical annualized trends in average increase in value of structures after being knocked down and rebuilt in Avon-by-the-Sea. Avon-by-the-Sea is a fully developed community, in which all development occurs through the removal of a previously existing structure.

Multiplying the average development fee by the average number of rebuilds per year provides a reasonable estimate for the anticipated annual development fee revenues through 2035. We estimate that Avon-by-the-Sea should generate approximately \$87,237.75 in development fees each year.

The Borough has not collected any revenue in the form of payments in lieu of construction of affordable units.

**II. Administrative Mechanisms for Collecting and Distributing Revenues**

The Borough's Development Fee Ordinance will be recorded in Chapter 115 of Avon-by-the-Sea's General Ordinance. Procedures for collection, administration, and distribution of development fees as affordable housing trust fund revenues are fully established in this section. The Borough's ordinance complies with P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).

The Development Fee Ordinance covers the following general topics:

1. Determination of residential development fees;
2. Determination of non-residential development fees;
3. Fee collection procedures;
4. Operation of the affordable housing trust fund;
5. Permitted uses of funds;
6. Monitoring; and
7. Ongoing collection of fees as related to affordable housing compliance.

### **III. Anticipated Use of Development Fees**

As per the Borough's ordinance, development fees shall be used for the sole purpose of providing low- and moderate-income housing. Funding mechanisms can be set up as a grant or revolving loan program to cover costs associated activities including, but not limited to, the following:

1. Preservation or purchase of housing for maintaining or implementing affordability controls;
2. Rehabilitation grants;
3. New construction of affordable housing units and related costs;
4. Implementing accessory apartment, market to affordable, or regional housing partnership programs;
5. Conversion of existing non-residential buildings to create new affordable units;
6. Green building strategies designed to be cost saving and in accordance with accepted national or State standards;
7. Purchase of land or improvement of land to be used for affordable housing;
8. Extensions or improvements of roads and infrastructure to affordable housing sites;
9. Financial assistance designed to increase affordability; and
10. Administration necessary for implementation of the Housing Element and Fair Share Plan.

#### **(A) Anticipated Rehabilitation and New Construction Projects**

As discussed in the Housing Element and Fair Share Plan, Avon-by-the-Sea has a rehabilitation present need obligation of zero (0) units in the Fourth Round. Avon-by-the-Sea does not plan to dedicate any funds towards rehabilitation projects at this time.

#### **(B) Affordability Assistance Requirement**

The Borough anticipates dedicating \$328,000 to its affordability assistance program.

As per the requirements of N.J.A.C. 5:93-8.16, at least thirty (30%) percent of all development fees and interest earned shall be used to provide low- and moderate-income households in affordable units with affordability assistance. One-third of the

required affordability assistance shall specifically be used to provide affordability assistance to very low-income households (i.e. those households earning thirty percent or less of regional median income).

The projected minimum affordability assistance requirement through 2035 is calculated as follows:

**Table 1. Minimum Affordability Assistance**

Projected development fees plus interest, 2025 - 2035	\$1,022,207.23
<b>PROJECTED TOTAL</b>	<b>\$1,022,207.23</b>
Projected minimum affordability assistance requirement (30%)	\$ 306,662.17
Projected minimum required for very low-income households (1/3 of total affordability assistance)	\$ 102,220.70

Affordability assistance programs may include down payment assistance; security deposit assistance; low interest loans; rental assistance; assistance with homeowner's association or condominium fees and special assessments; and assistance with emergency repairs.

Affordability assistance to households earning thirty (30%) percent or less of median income may further include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning thirty (30%) percent or less of median income.

### **(C) Administrative Expenses**

Avon-by-the-Sea Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan. Also in accordance with N.J.A.C. 5:93-8.16, the Borough can use up to twenty (20%) percent of all revenues collected from development fees on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, rehabilitation program, a Housing Element and Fair Share Plan, an affirmative marketing program, income qualification of households, monitoring the turnover of sale and rental units, and/or compliance with monitoring requirements.

The projected maximum administrative expenditures through 2035 is calculated as follows:

Table 2. Maximum Administrative Expenditures

Projected development fees plus interest, 2025-2035	\$1,022,207.23
<b>PROJECTED TOTAL</b>	\$1,022,207.23
Projected maximum administrative expenditures (20%)	\$ 204,441.45

**IV. Expenditure Schedule**

The schedule for expenditures by year can be found in Table 3 attached to this Spending Plan.

**V. Excess of Funds**

In the event that more funds than anticipated are collected, these excess funds will be used to fund additional rehabilitation and/or affordability assistance programs.

**VI. Barrier Free Escrow**

Collection and distribution of barrier free funds shall be consistent with the Borough's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 is detailed within the Affordable Housing Ordinance.

**VII. In Sum**

Avon-by-the-Sea has prepared this Spending Plan in support of the implementation of its Fourth Round Housing Element and Fair Share plan, and in accordance with the administrative requirements of N.J.A.C. 5:93-1 et seq. The Borough has a balance of \$0 as of January 1, 2025 and anticipates an additional \$1,022,207.23 in revenues, including interest, by December 31, 2035. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need. This will leave a balance of \$476,507.23, which the Borough will reserve in the event that an additional affordable housing project becomes necessary. The Spending Plan represents the Borough's intended use of development fee revenues that are collected in its Housing Trust Fund, illustrating how the Borough will use these funds to provide for its fair share of regional affordable housing need.



Table 3: Housing Trust Fund Borough of Avon-by-the-Sea, New Jersey												
Projected Revenues for 2025-2035												
Funding Source	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
AHTF Balance as of 1/1/2025	\$ -											\$ -
Projected Development Fees	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 87,237.75	\$ 959,615.25
Pmts in lieu of construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest on total account balance (2.53%)	\$ 947.18	\$ 1,894.35	\$ 2,841.53	\$ 3,788.70	\$ 4,735.88	\$ 5,683.05	\$ 6,630.23	\$ 7,577.40	\$ 8,524.58	\$ 9,497.05	\$ 10,472.06	\$ 62,591.98
<b>Total</b>	<b>\$ 88,184.93</b>	<b>\$ 89,132.10</b>	<b>\$ 90,079.28</b>	<b>\$ 91,026.45</b>	<b>\$ 91,973.63</b>	<b>\$ 92,920.80</b>	<b>\$ 93,867.98</b>	<b>\$ 94,815.15</b>	<b>\$ 95,762.33</b>	<b>\$ 96,734.80</b>	<b>\$ 97,709.81</b>	<b>\$ 1,022,207.23</b>
Projected Expenditures for 2025-2035												
Type	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Affordability Assistance	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 29,000.00	\$ 29,000.00	\$ 328,000.00
Administrative Costs	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,800.00	\$ 19,700.00	\$ 217,700.00
												\$ -
<b>Total</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 49,800.00</b>	<b>\$ 48,800.00</b>	<b>\$ 48,700.00</b>	<b>\$ 545,700.00</b>
Projected Balance available for Future Projects and Programs												<b>\$ 476,507.23</b>

**APPENDIX C. 801 MAIN ST. RESOLUTION**

**BOROUGH OF AVON-BY-THE SEA PLANNING BOARD****RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL WITH BULK VARIANCES AND WAIVERS FOR AVON LAKEVIEW, WITH RESPECT TO 801 MAIN STREET, DESIGNATED AS BLOCK 3, LOTS 5.01 AND 5.02**

**WHEREAS**, Avon Lakeview (the “Applicant”) filed a development application with respect to property identified as Block 3, Lots 5.01 and 5.02 with a street address of 801 Main Street (the “Property”) which calls for the construction of fifteen townhouse units, four affordable housing units, and associated site improvements with associated bulk variance relief; (the “Application”). The subject property is located on Main Street within the GC-General Commercial District; and

**WHEREAS**, such proof of publication of notice of hearing as may be required by New Jersey statutes and municipal ordinance requirements has been furnished; and

**WHEREAS**, public hearing was held concerning the Application on January 12, 2023 in the Borough of Avon-By-The-Sea and testimony and exhibits were presented on behalf of the Applicants, with Andrew Karas, Esquire representing the Applicants, and all interested parties were afforded an opportunity to be heard; and

**WHEREAS**, the Borough of Avon-By-The-Sea having considered the application, testimony of the Applicants and exhibits submitted, and after having received information and consultation from its professional staff, the Borough of Avon-By-The-Sea Planning Board does hereby make the following findings of fact and law;

- A. The property known as 801 Main Street (Block 3, Lots 5.01 and 5.02) is located in the GC- General Commercial District.
- B. The Applicant proposes to construct fifteen townhouses, four affordable housing units, and associated site improvements. The property has several existing non-conformities and requires bulk variances for the proposed improvements.
- C. The site is located on the west side of Main Street (Route 71) at the northwest corner of Main Street and Field Street. The property previously contained Schneider’s Restaurant, which existed for several years before being destroyed in 2017 by a fire. The property is bordered by commercial offices and the public works yard annex to the north, vacant and occupied commercial buildings to the

south, New Jersey Coastline railroad tracks to the west, and residential development and Sylvan Lake to the east.

- D. The underlying zoning for the site is GC- General Commercial District, which permits retail sales of goods and services as well as other commercial uses and conditionally permits restaurants and accessory apartments. These standards continue to be applicable when the Redevelopment Plan area or a portion thereof are developed with a use permitted under 113-12A Principal Permitted Uses, or 113-12B Conditional Uses.
- E. On September 14, 2020, the Borough Commissioners adopted a Redevelopment Plan, later amended, for an area that includes the referenced parcels. The Redevelopment Plan, as an option overlay, allows townhouse developments with specific bulk and setback criteria.
- F. The Applicant proposes fifteen market rate townhouse units and four affordable housing units. Lots 5.01 and 5.02 combine for a total of 1.04 acres permitting a density of fifteen market rate units. Affordable housing units are excluded from the density calculation. The proposal complies with the density requirements. The following bulk chart provides zoning compliance.

	Required	Provided
Minimum Tract Area (ft.)	0.25	1.04
Minimum Tract Width (ft.)	100	136.2
Minimum Tract Depth (ft.)	100	224
Front Yard Setback, Main Street (ft.)	15	15
Front Yard Setback, Field Street (ft.)	10	10.3
Side Yard setback (End Units) (ft.)	10	10
Distances from any property line of adjacent property not subject to a joint development plan	10	10
Distance between Buildings (ft.)	25	25
Maximum Density (D.U./Acre)	15	14.42
Maximum Townhouse Units per Building	8	7
Maximum Building Length (ft.)	240	140
Maximum Building Height (ft.)	38	37.77, 36.79, 35.27, 29.77 <sup>1</sup>
Maximum Number of Stories	2.5	2.5
Maximum Impervious Coverage (%)	80	71.3

1. Per site plan submittal. Calculations required to confirm same.

\* Porches are excepted from setback requirements.

- G. The proposed improvements require the following variances:
- a. For a five ft. high fence where only 4 ft. is permitted in the side yard.
- H. Parking required for the development is governed by the requirements of the Residential Site Improvement Standards (RSIS). The required parking is provided below.

	Number of Units	Parking Spaces per unit	Number of required spaces
3-Bedroom Townhouse	15	2.4 spaces/unit	36
2-Bedroom Apartment	2	2.0 Spaces/unit	4
1-Bedroom Apartment	2	1.8 space/unit	3.6
			43.6 ~ 44

- I. The proposed development provides for four affordable housing units of the nineteen units proposed, meeting the requirements for 20% where the affordable housing units are to be for sale units. Affordable units may be developed as apartment flat within a single townhouse units so long as the extension façade of the townhouse units is designed in a manner consistent with the architectural design of the other townhouse units within the development.
- J. The proposed improvements require the following design waivers:
  - a. All residential development shall provide a usable rear yard depth of at least 20 feet, including the rear yard setback. Stormwater/drainage facilities or any easements that would inhibit the use of the rear yard may not be included within the usable area (North End Redevelopment Plan 5.2.5).
  - b. Maintenance and repair plan. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
  - c. The system shall be owned and maintained by a Homeowners Association formed under the requirements of the State of New Jersey.
- K. The following exhibits were presented at the public hearing:
  - a. A-1: Site Plan
  - b. A-2: Architectural Plans, Dated September 19, 2022
  - c. A-3: Aerial View of Site
  - d. A-4: View of Center of Main Street
  - e. A-5: View of Inside Development
  - f. A-6: Overall View of the Site
  - g. A-7: Color Version of Site Plan
- L. Obi Agudosi, AIA, testified in support of the application as an expert in the field of Architecture. Mr. Agudosi testified that there will be four buildings labeled Building A, Building B, Building C, and Building D. Buildings A, B, and C will be attached with and will consist of 2.5 stories with porches. Buildings A and B will



also have an outdoor terrace. Building D will be the affordable housing unit and will consist of two stories. The buildings will have cedar shake siding.

- M. Joseph Meli, P.E., testified as an expert in the field of Engineering. Mr. Meli testified about the existing conditions of the site. There are two lots, Lot 5.01 and Lot 5.02 consisting of 45,102 SF. The site fronts on three streets and is currently vacant. The site formerly contained a restaurant that burned down. The application complies with density requirements, set back requirements, and all other bulk requirements. The Applicant proposes street improvements on Field Street. The Applicant is proposing a paver sidewalk, foundation plantings, street trees, and deciduous shrubs. Mr. Meli testified that on Field Street, the curb radius will provide a better access point for the Department of Public Works. On Main Street, the Applicant will replace the paver sidewalk and install new curbing. On Railroad Ave., the Applicant will replace the existing dirt and gravel road with a 23 foot wide paved driveway with four street lights. The Applicant will screen A/C compressors and will also provide stormwater improvements.

The Applicant is proposing 45 parking spaces, when including the electric vehicle parking bonus. There will be an enclosed garage and driveway for each market rate unit. The lighting plan will comply with the redevelopment plan and the stormwater management plan will comply with the Board Engineer requirements. Trash bins will be brought out to the end of the driveway for pick up. All affordable housing units will have a superintendent responsible for the delivery of trash bins to their pick up location. The Applicant will provide an easement to the Borough. Building A will have 5 three-bedroom units, Building B will have 7 three-bedroom units, Building D will have 3 three-bedroom units, and Building D will have 2 one-bedroom units and 2 two-bedroom units. The portion of the neighboring building that encroaches onto the property will be removed.

- N. During the public portion of the hearing, the following members of the public appeared to testify:
- a. Dr. Frederick Meyer, 610 Woodland Ave., asked about parking.
  - b. Ms. Jeanine Mulchahy, 500 Lincoln Ave., asked about the unit per acre calculation.

- O. Based on the testimony and evidence provided at the hearing, the Board has balanced the positives of the application against any negatives and finds, by an enhanced standard of proof, that the positives are not substantially outweighed by any negative aspects of the application and further that the bulk variances may be granted without substantial detriment to the public good or impairment of the intent and purpose of zone plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Avon-By-The-Sea, on the 8<sup>th</sup> day of December, 2022, that the applicant's request for preliminary and final major site plan approval with bulk variances pursuant to NJSA 40:55D-70(c)(1) and NJSA 40:55D-70(c)(2) be approved subject to the conditions as set forth below; and,

**BE IT FURTHER RESOLVED**, that a copy of the Resolution be forwarded by the Planning Board Secretary, to the Applicant, the Borough Clerk and the Building Department.

**BE IT FURTHER RESOLVED**, that notification of this favorable approval be published in an official newspaper of the Borough of Avon-By-The Sea by the Clerk.

**BE IT FURTHER RESOLVED**, that this approval is subject to the following conditions:

1. The Applicant shall install paver sidewalk, foundation plantings, street trees and deciduous trees along Field Street.
2. The Applicant shall replace the paver sidewalk and install new curb on Main Street.
3. The Applicant shall replace the dirt and gravel road on Railroad Ave. and install a 23 foot wide paved driveway with four street lights.
4. The Applicant shall screen the A/C condensers.
5. The Applicant shall provide an easement to the Borough to allow the continued vehicular and utility access to the Public Works Annex on Lot 2
6. The proposed fence to be constructed along the northern property line will be reduced to 4 feet as it approached Railroad Avenue and Main Street.
7. The Applicant shall demolish all structures before securing a construction permit.
8. The Applicants shall comply with all representations made before the Land Use Board, by its attorney and its expert.
9. The Applicants shall submit a Grading and Drainage Plan to the satisfaction of the Board engineer during resolution compliance.

10. Five (5) sets of the revised plans consistent with this resolution will be provided to the Board Secretary for distribution to the Board's Engineer for review and approval.
11. A final as-built survey of the property showing all side yard, front yard setback distances and building and impervious coverage calculations consistent with the relief accorded by this resolution shall be provided by the Applicants prior to the issuance of any final certificate of occupancy for the dwelling approved.
12. If required, applicants shall obtain certification by the Local Soil Conservation District of a plan for soil erosion and sediment control in accordance with N.J.S.A. 4:24-39 et seq., commonly known as the "Soil Erosion and Sediment Control Act."
13. All materials, methods of construction and detail shall be in conformance with the current engineering and building requirements of the Borough of Avon-By-The-Sea, which are on file in the office of the Borough Construction Official.
14. Applicants shall obtain all approvals required by any Federal, State, County or Municipal agency having regulatory jurisdiction of this development. Upon receipt of such approval(s), the applicants shall supply a copy of the permit(s) to the Board. In the event that any other agency requires a change in the plans approved by this Board, the applicants must reapply to the Borough of Avon-By-The-Sea Planning Board for approval of that change.
15. Applicants shall resubmit this entire proposal for re-approval should there be any deviation from the terms and conditions of this resolution, or the documents submitted as part of this application, all of which are made a part hereof and shall be binding upon the applicant.
16. No soil shall be removed from the site without the written approval of the Borough Commission.
17. If applicable, applicants must comply with the new COAH ordinance for the building improvements in question.
18. Unless specifically modified herein, the applicants shall comply with all terms and conditions of all prior resolutions of the Avon-By-The-Sea Planning Board regarding this application.
19. Applicants shall comply with all generally applicable Borough ordinances.



20. Subject to the discretion of the Construction Official, the existing curbing and sidewalk along the applicant's frontage will be repaired and/or replaced as directed.
21. The Applicants shall comply with all the provisions of the engineering review letter, of Raymond Savacool, PE, PP, dated November 2, 2022.

**CERTIFICATION**

I hereby certify that I, the undersigned, am the secretary of the Planning Board of the Borough of Avon-By-The-Sea, and I hereby certify that the foregoing Resolution was unanimously adopted by the Planning Board at a meeting held on the 9<sup>th</sup> day of February, 2023.

\_\_\_\_\_  
**Richard Maloney, Chairman**

\_\_\_\_\_  
**Sheila Sullivan, Secretary**

**APPENDIX D. MANDATORY SET ASIDE ORDINANCE**

**DRAFT**  
**ORDINANCE #2025-XX**  
**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF**  
**THE BOROUGH OF AVON-BY-THE-SEA TO ADD SECTION XX-XXX ENTITLED**  
**“AFFORDABLE HOUSING MANDATORY SET-ASIDE REQUIREMENT”**

**WHEREAS**, the Borough Commissioners of the Borough of Avon-by-the-Sea (the “Borough”) has determined that it is in the best interests of the community to revise portions of its existing Borough Code concerning the Development Regulations, to establish a Mandatory Set-Aside Ordinance to promote the creation of low- and moderate-income housing within the Borough; and

**WHEREAS**, the Borough has sought, to the best of its ability as a built-out municipality with a lack of available vacant land, to meet the intent and spirit of the Affordable Housing process by drafting an affordable housing plan and reviewing its existing land use ordinances; and

**WHEREAS**, the Borough has determined that enacting a Borough-wide Mandatory Set-Aside Ordinance to ensure that any site that benefits from rezoning, variance or redevelopment plan approved by the Borough or the Borough’s Planning Board that results in multi-family residential development of five (5) or more dwelling units, produces affordable housing at a set-aside of 20%, is in the public interest with respect to the Borough’s Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, such set-aside requirement shall apply and be effective immediately for multi-family residential development of five (5) or more dwelling units in the Borough with the exception of the set-aside required of those developments that are subject to settlement in accordance the terms of a Settlement Agreement reached with Fair Share Housing Center.

**NOW THEREFORE BE IT ORDAINED** by the Governing Body of the Borough of Avon-by-the-Sea that Chapter XX of the Borough Code of the Borough of Avon-by-the-Sea, be and is hereby amended and supplemented as follows:

**SECTION 1: Amend Chapter XX to add Section XX-XX “Affordable Housing Mandatory Set-Aside Requirement”**

- a. If the Borough or the Borough’s Planning Board permits the construction of multi-family or single-family attached residential development that is “approvable” and “developable,” as defined at N.J.A.C. 5:93-1.3, the Borough or the Borough’s Planning Board shall require that an appropriate percentage of the residential units be set aside for low and moderate income households.
- b. This requirement shall apply, beginning with the effective date the Ordinance creating this section was adopted, to any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, which consists of five (5) or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough’s Planning Board, or adoption of a Redevelopment

Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation.

- c. For any such development for which the Borough's land use ordinances (e.g. zoning or an adopted Redevelopment Plan) already permitted residential development as of the date of the Ordinance creating this section was adopted, this requirement shall only apply if the Borough or the Borough's Planning Board permits an increase in approvable and developable gross residential density to at least twice the permitted approvable and developable gross residential density as of the effective date of this Ordinance.
- d. Nothing in this section precludes the Borough or the Borough's Planning Board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this paragraph consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- e. For all inclusionary projects, the appropriate set-aside percentage shall be twenty percent (20%) or a minimum of one (1) unit.
- f. This requirement does not create any entitlement for a property owner or applicant to a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
- g. This requirement does not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with Fair Share Housing Center, or in the Borough's Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
- h. Furthermore, this section shall not apply to developments containing four (4) or less dwelling units.
- i. All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- j. Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net number of dwelling units is five (5) or more.
- k. All inclusionary projects created under this section must comply with the affordable housing requirements in Chapter [            ] (Affordable Housing Regulations).

**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 of Avon-by-the-Sea, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Avon-by-the-Sea are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**SECTION 4.** This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor and Council pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**APPENDIX E. R- SINGLE FAMILY ACCESSORY APARTMENT ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 113, LAND DEVELOPMENT REGULATIONS,  
ARTICLE IV DISTRICT ZONING REGULATIONS, SECTION 11 R- SINGLE FAMILY  
RESIDENTIAL OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF AVON-BY-  
THE-SEA**

**BE IT HEREBY ORDAINED** by the Mayor and Council of the Borough of Avon-by-the-Sea in the County of Monmouth, State of New Jersey, that the Borough's Development Regulations Ordinance at Chapter 113 is hereby amended as follows:

**NOTE:** Sections of Chapter 113, Land Development Regulations, Article IV District Zoning Regulations, Section 113.11 R- Single Family Residential District, that are to be amended are set forth below. All additions are shown in **bold italics with underlines**. All deletions are shown in ~~***bold italics with strikeouts***~~. All sections that are unchanged remain in regular typeface.

Chapter 113-11 R- Single Family Residential District shall be amended as follows:

**§ 113-11. R - Single-Family Residential District**

D. Conditional uses. Accessory apartments for low and moderate income households in single family homes and accessory buildings, provided:

- (1) The owner of the lot resides on a year-round basis on the property in question;
- (2) The lot conforms to the area and dimensional requirements of the zoning district;
- (3) The location of the apartment conforms to the yard requirements of the zoning district;
- (4) There shall be no more than one (1) accessory apartment on any lot;
- (5) The accessory apartment shall be in full compliance with all applicable health and construction codes;
- (6) No accessory apartment may occupy more than thirty-five (35%) percent of the total square footage of the applicant's house;
- (7) ~~*Each apartment shall have a minimum of two (2) rooms (excluding bathrooms) and have direct access to the outside or a hall with direct access to the outside. An accessory apartment shall consist of no fewer than two rooms, one of which shall be a full bathroom, and shall contain a living space, sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants.*~~  
The egress door shall not alter the character of the exterior façade of the structure containing the apartment;
- (8) ~~*The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;*~~
- (9) ~~*The rent must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined by the procedures in the Borough's Affordable Housing Ordinance (Chapter 114);*~~
- (10) ~~*Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction or other instrument acceptable to the Borough Attorney;*~~

- (11) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years; and
- (12) ~~*The Borough has not met its 1987-1999 housing obligation.*~~
- (13) *Each accessory apartment shall be served by a separate entrance that provides direct access to the outdoors.*
- (14) *Accessory apartments shall be exempt from the required bedroom mix governing the provision of affordable housing as permitted in N.J.A.C. 5:93-5.9.*
- (15) *Each accessory apartment shall be affirmatively marketed to the region in accordance with N.J.A.C. 5:93-11.1 and the Borough's Affirmative Marketing Plan.*
- (16) *Affordability*
  - (a) *The Borough shall provide a subsidy for accessory apartment program of \$25,000 for a moderate-income unit, \$35,000 for a low-income unit and \$50,000 for a very-low-income unit to subsidize the creation of each accessory apartment. Such subsidy may be used to fund actual construction costs or to provide compensation for the reduced rental rates needed to ensure the affordability of the unit. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough to ensure that: i) the subsidy is used to create the accessory apartment; and ii) the apartment meets requirements of this section and all applicable regulations governing accessory apartments in effect at the time of creation.*
  - (b) *Affordability controls shall be established for each accessory apartment created in accordance with the provisions of this section. Such affordability controls shall remain in place for a minimum of 30 years and shall be included in a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located. Such deed or declaration of covenants shall run with the land and limit the subsequent rental or sale of the unit so as to ensure the continued affordability of the unit until the expiration of affordability controls.*
  - (c) *Accessory apartments shall maintain affordability for either moderate- or low-income households in accordance with applicable regional income limits. The maximum rent for accessory apartments, inclusive of the cost of utilities, shall be affordable to households earning no more than 60% of area median income. Accessory apartments for very-low-income households shall be affordable to households earning no more than 50% of area median income. Accessory apartments for very-low-income households shall be affordable to households earning no more than 30% of area median income. The rents of accessory apartments shall be based on the number of bedrooms in accordance with N.J.A.C. 5:80-26.4.*
  - (d) *The rents of all accessory apartments, inclusive of utilities, created through the Borough's accessory apartment program shall be distributed such that the average rents do not exceed 57.5% of median income. The average affordability of accessory apartments within the Borough shall be verified and maintained by the Borough's administrative agent.*



- (e) Accessory apartments may be age-restricted provided that each age-restricted accessory apartment is applied toward the Borough's age-restricted cap. Any accessory apartment may be deemed ineligible to be age-restricted by the Borough if the Borough's age-restricted cap has been met.

(17) Administration

- (a) The Borough of Avon-by-the-Sea shall administer or designate an administrative entity to administer the Borough's accessory apartment program. The administration of the accessory apartment program shall include advertising and affirmatively marketing the accessory apartments, completing income qualification activities for prospective renters, determining monthly rents and annual rental increases, maintaining a waiting list, distributing the subsidy used to create or maintain the affordability of the accessory apartments, securing certificates of occupancy, qualifying properties for the appropriateness of accessory apartments, administering the application process, filing deed restrictions and/or covenants, ensuring the average affordability of the Borough's accessory apartment program, and preparing and filing monitoring reports as required.
- (b) The Borough shall only deny an application for an accessory apartment if the project does not conform to applicable state affordable housing provisions, the Borough's development ordinance, or this section. All application denials shall be in writing and shall clearly state the reason(s) for denial.

(18) Application submission requirements. Applicants seeking to create an accessory apartment shall submit the following to the Borough:

- (a) A site plan prepared in accordance with the requirements of § 35-20 of the Borough Zoning Ordinance, except that the applicant may request a waiver of information pursuant to § 35-20.4, Waiver of Information, of the Borough Zoning Ordinance. Such request for waiver shall be made in writing and shall be submitted with a sketch site plan in lieu of a full site plan. The Borough Engineer shall evaluate the applicant's submission package and shall advise the applicant in writing whether the applicant's submission is sufficient or whether any additional information is required to evaluate the applicant's proposal.
- (b) Floor plan(s) showing the location and size of the proposed accessory apartment and the relationship of the unit to the primary dwelling(s) within the building or located in another structure on the same property.
- (c) (Architectural elevations depicting all modifications to the exterior building facade(s).

(19) Severability. If any provision of this section is determined to be invalid by a court of competent jurisdiction, then such provisions shall be severed and the remaining provisions of this section shall continue to be valid.

**APPENDIX F. GC, M-O/R, AND DC ACCESSORY APARTMENT ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 113, LAND DEVELOPMENT REGULATIONS,  
ARTICLE IV DISTRICT ZONING REGULATIONS OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF AVON-BY-THE-SEA**

**BE IT HEREBY ORDAINED** by the Mayor and Council of the Borough of Avon-by-the-Sea in the County of Monmouth, State of New Jersey, that the Borough's Development Regulations Ordinance at Chapter 113 is hereby amended as follows:

**NOTE:** Sections of Chapter 113, Land Development Regulations, Article IV District Zoning Regulations, , that are to be amended are set forth below. All additions are shown in ***bold italics with underlines***. All deletions are shown in ~~***bold italics with strikeouts***~~. All sections that are unchanged remain in regular typeface.

Article IV District Zoning Regulations shall be amended as follows:

**§ 113-12. GC - General Commercial District.**

B. Conditional uses permitted.

- (1) Restaurants (sit down only), taverns.
- (2) Public utility uses.
- (3) Accessory apartments provided:
  - (a) ~~*At least half the apartments are affordable to low or moderate income households, A mandatory 20% set aside for affordable housing of all proposed accessory apartment units, with a minimum of one (1) affordable unit. All affordable housing developments shall conform to the standards found in the Borough of Avon-by-the-Sea's Affordable Housing Ordinance including provisions for affordability, very low-income units, and UHAC standards.*~~
  - (b) The apartment is located above the first floor;
  - (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;
  - (d) The apartment shall be in full compliance with all applicable health and construction codes;
  - (e) ~~*Each apartment shall have a minimum of two (2) rooms (excluding bathrooms)- An accessory apartment shall consist of no fewer than two rooms, one of which shall be a full bathroom, and shall contain a living space, sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants*~~ and have direct access to the outside or a hall with direct access to the outside;
  - (f) ~~*The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;*~~
  - (g) ~~*The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance.<sup>1</sup> If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to*~~

~~low income households earning no more than forty-four (44%) percent of median income. The other half of the affordable units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough Planning Board shall require evidence that a municipality in the Mercer-Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low income household and one (1) must be affordable to a moderate income household. The Borough may allow the applicant to fund a regional contribution agreement for the moderate income housing unit and construct three (3) market units and one (1) low income unit on site.~~

- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- ~~(j) The Borough has not addressed its 1987-1999 housing obligation;~~
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (q) Outdoor unenclosed storage of any item is prohibited. A suitable trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates shall be provided, which may be combined with the trash and recyclable storage area for the commercial use of the property. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height.

## § 113-13. M-O/R - Mixed Office/Residential District

### B. Conditional uses permitted.

- (1) Public utility uses.
- (2) Marinas that provide docks, berths, slips, or tie-up for boats and small pleasure craft.
- (3) Accessory apartments provided:
  - (a) ~~At least half the apartments are affordable to low or moderate income households, A mandatory 20% set aside for affordable housing of all proposed accessory apartment units, with a minimum of one (1) affordable unit. All affordable housing developments shall conform to the standards found in the Borough of Avon-by-the-Sea's Affordable Housing Ordinance including provisions for affordability, very low-income units, and UHAC standards.~~
  - (b) The apartment is located above the first floor;
  - (c) The building containing the apartment conforms to the height limitations and yard requirements established within the zoning district;
  - (d) The apartment shall be in full compliance with all applicable health and construction codes;
  - (e) ~~Each apartment shall have a minimum of two (2) rooms (excluding bathrooms). An accessory apartment shall consist of no fewer than two rooms, one of which shall be a full bathroom, and shall contain a living space, sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants.~~ and have direct access to the outside or a hall with direct access to the outside;
  - (f) ~~The occupant of the apartment must meet the income limitations established by COAH for the Mercer-Monmouth-Ocean Housing Region;~~
  - (g) ~~The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance.<sup>+</sup> If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the affordable units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough Planning Board shall require evidence that a municipality in the Mercer Monmouth-Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low-income household and one (1) must be affordable to a moderate-income household. The Borough may allow the applicant to fund a regional contribution agreement for the moderate income housing unit and construct three (3) market units and~~

~~one (1) low-income unit on site.~~

- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- ~~(j) The Borough has not addressed its 1987-1999 housing obligation;~~
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air conditioning units extending from the exterior wall;
- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (q) Outdoor unenclosed storage of any item is prohibited. A suitable trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates shall be provided, which may be combined with the trash and recyclable storage area for the commercial use of the property. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height.

## § 113-14. DC - Downtown Commercial District.

### B. Conditional uses permitted.

- (1) Public utility uses.
- (2) Accessory apartments provided:
  - (a) ~~At least half the apartments are affordable to low or moderate income households, A mandatory 20% set aside for affordable housing of all proposed accessory apartment units, with a minimum of one (1) affordable unit. All affordable housing developments shall conform to the standards found in the Borough of Avon-by-the-Sea's Affordable Housing Ordinance including provisions for affordability, very low-income units, and UHAC standards.~~
  - (b) The apartment is located above the first floor;
  - (c) The building containing the apartment conforms to the height limitations and yard



requirements established within the zoning district;

- (d) The apartment shall be in full compliance with all applicable health and construction codes;
- (e) ~~*Each apartment shall have a minimum of two (2) rooms (excluding bathrooms). An accessory apartment shall consist of no fewer than two rooms, one of which shall be a full bathroom, and shall contain a living space, sleeping space, cooking facilities, a kitchen sink, and complete sanitary facilities for the exclusive use of its occupants*~~ and have direct access to the outside or a hall with direct access to the outside;
- (f) ~~*The occupant of the apartment must meet the income limitations established by COAH for the Mercer Monmouth Ocean Housing Region;*~~
- (g) ~~*The average rent for a low or moderate income apartment must be affordable to a household earning no more than fifty-seven and five-tenths (57.5%) percent of median income as determined through the procedures outlined in the Borough's Affordable Housing Ordinance.<sup>1</sup> If more than one (1) apartment is proposed for any property, at least fifty (50%) percent of all apartments shall be affordable to low income households earning no more than forty-four (44%) percent of median income. The other half of the affordable units shall be affordable to moderate income households earning no more than seventy-one (71%) percent of median income. Avon may permit owners to fund the entire cost of a regional contribution agreement in lieu of constructing moderate income housing units. The Borough Planning Board shall require evidence that a municipality in the Mercer Monmouth Ocean Housing Region is willing to accept the regional contribution agreement at a cost that equals or exceeds COAH minimum standard for a regional contribution agreement as a condition of accepting a payment in lieu of construction of a moderate income unit. Where the Borough permits an applicant to fund a regional contribution agreement, the applicant shall be able to replace the moderate income unit with a market unit. For purposes of illustration, where an applicant is proposing to construct four (4) apartments, one (1) must be affordable to a low income household and one (1) must be affordable to a moderate income household. The Borough may allow the applicant to fund a regional contribution agreement for the moderate income housing unit and construct three (3) market units and one (1) low income unit on site.*~~
- (h) Affordability controls of at least thirty (30) years shall be imposed on the accessory apartment via a deed restriction acceptable to the Borough's attorney;
- (i) A condition of approving an accessory apartment shall be that the owner must submit an affidavit of continuing use every two (2) years;
- (j) ~~*The Borough has not addressed its 1987-1999 housing obligation;*~~
- (k) Outdoor cooking facilities on balconies and terraces are prohibited;
- (l) No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic except that centralized laundry facilities or individually arranged storage areas may be so located;
- (m) All television antenna equipment shall be built into the building to eliminate individual antennas being erected on the roof;
- (n) Air conditioning of the units shall be designed to eliminate the need for air

conditioning units extending from the exterior wall;

- (o) Outside washing or drying of clothes is prohibited, as is the utilization of balconies or terraces for such purposes. Each building shall provide at least one (1) washer and dryer for each five (5) dwelling units for the exclusive use of the occupants of the development, unless each unit is provided with a washer and dryer;
- (p) Off-street parking is limited to the privately owned, noncommercial or nonrecreational vehicles of residents or their guests;
- (q) Outdoor unenclosed storage of any item is prohibited. A suitable trash and recyclable storage area completely surrounded by a six (6) foot high solid fence with solid gates shall be provided, which may be combined with the trash and recyclable storage area for the commercial use of the property. All outside trash and recyclables shall be stored in this area and shall not be in public view over the fence height.



**APPENDIX G. REDEVELOPMENT PLAN**

## **ORDINANCE NO. 04-2021**

### **AN ORDINANCE OF THE BOROUGH OF AVON BY THE SEA, COUNTY OF MONMOUTH, STATE OF NEWJERSEY, ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR BLOCK 3, LOTS 1, 2, 3, 4, 5.01, AND 5.02; BLOCK 4.01, LOTS 1, 2, AND 3; BLOCK 4.02, LOTS 1, 2.01, AND LOTS 2.03 THROUGH 2.15, FIELD STREET AND SNYDER LANE**

**WHEREAS**, on January 14, 2019, the Mayor and Council of the Borough of Avon by the Sea (“Borough”) designated Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane as an “Area in Need of Rehabilitation” pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.A.A. 40A:12A-1, et seq (“**LRHL**”); and

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

**WHEREAS**, pursuant to N.J.S.A. 40A-12A-4, the Borough, through the firm T&M Associates, prepared a redevelopment plan entitled “Northend Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane, “substantially in the form attached hereto (“Redevelopment Plan”), which provides for the redevelopment of several areas of the Borough, specifically Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane; and

**WHEREAS**, prior to the final passage of this Ordinance, the Board of Commissioners referred the Redevelopment Plan to the Planning Board for its review at the March 11, 2021 meeting as to master plan consistency and for any other comments in accordance with N.J.S.A 40A:12A-7; and

**WHEREAS**, the Redevelopment Plan was originally adopted by the Board of Commissioners by Ordinance 17-2020 on September 14, 2020; and

**WHEREAS**, the Borough of Avon-By-The-Sea, through the firm T&M

**WHEREAS**, the Borough Council now wishes to approve and adopt the Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane, in the form attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Avon by the Sea, County of Monmouth, and State of New Jersey, that the Board of Commissioners hereby approves and adopts the Redevelopment Plan for Block 3, Lots 1, 2, 3, 4,

5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane in the form attached hereto as **Exhibit A**.

**BE IT FURTHER ORDAINED**, that the Redevelopment Plan shall supersede the applicable provisions of the Borough's Zoning Ordinance.

**BE IT FURTHER ORDAINED**, that the remainder of all other sections and subsections of the afore mentioned Ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**BE IT FURTHER ORDAINED**, all Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such consistency.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

---

**Edward Bonanno, Mayor**

**Attest:**

**Thea Kratochvil**

**Acting Borough Clerk**

**Introduced: February 22, 2021**

**Adopted: March 22, 2021**

**EXHIBIT A**

Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane

## ORDINANCE NO. 16-2022

### AN ORDINANCE OF THE BOROUGH OF AVON BY THE SEA, COUNTY OF MONMOUTH, STATE OF NEWJERSEY, ADOPTING AN AMENDED REDEVELOPMENT PLAN FOR BLOCK 3, LOTS 1, 2, 3, 4, 5.01, AND 5.02; BLOCK 4.01, LOTS 1, 2, AND 3; BLOCK 4.02, LOTS 1, 2.01, AND LOTS 2.03 THROUGH 2.15, FIELD STREET AND SNYDER LANE

**WHEREAS**, on January 14, 2019, the Mayor and Council of the Borough of Avon by the Sea (“Borough”) designated Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane as an “Area in Need of Rehabilitation” pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.A.A. 40A:12A-1, et seq (“**LRHL**”); and

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

**WHEREAS**, pursuant to N.J.S.A. 40A-12A-4, the Borough, through the firm T&M Associates, prepared a redevelopment plan entitled “Northend Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane, “substantially in the form attached hereto (“Redevelopment Plan”), which provides for the redevelopment of several areas of the Borough, specifically Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane; and

**WHEREAS**, prior to the final passage of this Ordinance, the Board of Commissioners referred the Redevelopment Plan to the Planning Board for its review at the June 9, 2022 meeting as to master plan consistency and for any other comments in accordance with N.J.S.A 40A:12A-7; and

**WHEREAS**, the Redevelopment Plan was originally adopted by the Board of Commissioners by Ordinance 17-2020 on September 14, 2020 and amended on March 22, 2021; and

**WHEREAS**, the Borough Council now wishes to approve and adopt the Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane, in the form attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Avon by the Sea, County of Monmouth, and State of New Jersey, that the Board of Commissioners hereby approves and adopts the Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane in the form attached hereto as **Exhibit A**.

**BE IT FURTHER ORDAINED**, that the Redevelopment Plan shall supersede the applicable provisions of the Borough's Zoning Ordinance.

**BE IT FURTHER ORDAINED**, that the remainder of all other sections and subsections of the afore mentioned Ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**BE IT FURTHER ORDAINED**, all Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such consistency.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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**Edward Bonanno, Mayor**

**Attest:**  
**Michele Darling**  
**Deputy Borough Clerk**

**Introduced: May 24, 2022**  
**Adopted:**

**EXHIBIT A**

Redevelopment Plan for Block 3, Lots 1, 2, 3, 4, 5.01, and 5.02; Block 4.01, Lots 1, 2, and 3; Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15, Field Street and Snyder Lane as amended

# North End Redevelopment Plan

**Block 3, Lots 1, 2, 3, 4, 5.01 and 5.02**

**Block 4.01, Lots 1, 2, and 3**

**Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15**

**Field Street and Snyder Lane**

**Borough of Avon-by-the-Sea  
Monmouth County, New Jersey**

**Prepared for:**

Borough of Avon-by-the-Sea

**Prepared on:**

August 4, 2020

**Amended on:**

March 22, 2021

**Prepared by:**



T&M Associates

11 Tindall Road

Middletown, NJ 07748

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Stan Slachetka, PP, AICP

New Jersey Professional Planner License No.: 3508

*The original of this document was signed  
and sealed in accordance with New Jersey Law.*



**North End Redevelopment Plan***Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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## Table of Contents

1.0 — Introduction.....	1
2.0 — Statutory Requirements .....	2
3.0 — Redevelopment Plan Area Description .....	3
3.1 — Surrounding Land Uses.....	3
3.2 — Environmental Constraints.....	3
3.3 — Existing Zoning.....	3
4.0 — Goals and Objectives .....	4
5.0 — Redevelopment Standards .....	5
5.1 — Existing Zoning.....	5
5.2 — Redevelopment Plan Overlay .....	5
5.2.1 — Principal Permitted Uses .....	5
5.2.2 — Permitted Accessory Uses .....	5
5.2.3 — Prohibited Uses .....	6
5.2.4 — Bulk Standards.....	6
5.2.5 — Design Standards.....	7
5.2.6 — Off-Street Parking.....	7
5.2.7 — Landscaping and Hedges .....	8
5.2.8 — Signage .....	8
5.2.9 — Lighting .....	9
5.2.10 — Fencing .....	9
5.2.11 — Stormwater.....	9
5.2.12 — Trash and Recycling Enclosure .....	9
5.2.13 — Property Maintenance .....	9
5.2.14 — Development Fees.....	9
5.2.15 — Homeowner’s Association.....	10
5.2.16 — Affordable Housing.....	10

***North End Redevelopment Plan***

***Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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5.2.17 — Field Street Vacation .....	11
6.0 — Plan Relationships .....	12
6.1 — Municipal Zoning .....	12
6.2 — Avon-by-the-Sea Borough Master Plan.....	12
6.3 — Plans of Contiguous Municipalities .....	13
6.4 — Monmouth County Comprehensive Master Plan .....	14
6.5 — New Jersey Planning Documents .....	14
6.5.1 — State Development and Redevelopment Plan .....	14
6.5.2 — State Strategic Plan (Draft).....	15
7.0 — Administrative and Procedural Requirements .....	16
7.1 — Acquisition .....	16
7.2 — Relocation.....	16
7.3 — Redeveloper Selection.....	16
7.4 — Redevelopment Entity Review .....	17
7.5 — Planning Board Review Process .....	18
7.6 — Duration of Plan.....	20
7.7 — Amending the Redevelopment Plan .....	20
7.8 — Conflict.....	20

***North End Redevelopment Plan***

*Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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List of Appendices

Appendix A: Resolution Designating Area in Need of Rehabilitation

Appendix B: Aerial Map of Redevelopment Plan Area

Appendix C: Tax Map Sheet 2

Appendix D: Environmental Constraints Mapping

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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## 1.0 — Introduction

The Borough of Avon-by-the-Sea has determined that the utilization of powers afforded by the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) is the most effective approach to promote the revitalization of and reinvestment in the area in the Borough that has been designated in need of rehabilitation by the Borough Commission, which area is generally located to the north of Norwood Avenue (Rulon Street); east of the municipal boundary with the City of Neptune, and the rights-of-way of Railroad Avenue and New Jersey Transit's North Jersey Coast railway line, to the west; south of the municipal boundary with the Borough of Bradley Beach; and, west of Main Street (New Jersey Route No.: 71).

After having received a formal recommendation from the Avon-by-the-Sea Borough Planning Board, the Avon-by-the-Sea Borough Commission, on January 14, 2019, adopted an unnumbered resolution (see: Appendix A), which designated the properties in Blocks 3, 4.01 and 4.02 along with Field Street and Snyder Lane, collectively and in their entirety, as an area in need of rehabilitation. The designated rehabilitation area includes the following:

- Block 3, Lots 1, 2, 3, 4, 5.01 and 5.02
- Block 4.01, Lots 1, 2, and 3
- Block 4.02, Lots 1, 2.01, and Lots 2.03 through 2.15
- Field Street and Snyder Lane

T&M Associates has prepared this redevelopment plan at the request of the Borough of Avon-by-the-Sea for the purpose of undertaking the redevelopment of the designated area in need of rehabilitation.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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## 2.0 — Statutory Requirements

This Redevelopment Plan is written pursuant to Section 7 of the Local Redevelopment and Housing Law at NJSA 40A:12A-7a, which provides that “no redevelopment project shall be undertaken or carried out except in accordance with a Redevelopment Plan adopted by ordinances of the municipal governing body”. Pursuant to the requirements of the Local Redevelopment and Housing Law, the Redevelopment Plan shall include an outline for the planning, development, redevelopment, or rehabilitation of the Redevelopment Plan Area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities, and other public improvements.
2. Proposed land uses and building requirements in the Redevelopment Plan Area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the Redevelopment Plan Area, including an estimate of the extent to which decent, safe, and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the Redevelopment Plan Area that the municipality envisions acquiring, in accordance with the Redevelopment Plan.
5. Any significant relationship of the Redevelopment Plan to: (a) the Master Plans of contiguous municipalities; (b) the Master Plan of the county in which the municipality is located; and (c) the State Development and Redevelopment Plan (SDRP), adopted pursuant to the “State Planning Act,” P.L. 1985, c. 398 (C.52:18A-196 et al.).

As evidenced by the following sections of the plan, this Redevelopment Plan meets these statutory requirements.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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### 3.0 — Redevelopment Plan Area Description

This Redevelopment Plan has been prepared for the properties located in Blocks 3, 4.01, and 4.02, and Field Street and Snyder Lane, which contains a total combined area of approximately 3.98 acres (“Redevelopment Plan Area”).

Appendix B provides aerial mapping of the Redevelopment Plan Area and shows its location within the Borough. In addition, Appendix C provides a copy of Sheet 2 of the official tax maps of the Borough of Avon-by-the-Sea.

#### 3.1 — Surrounding Land Uses

The Redevelopment Plan Area is surrounded by: the right-of-way of Norwood Avenue (Rulon Street) and residential uses to the south; the properties in the Borough of Bradley Beach to the north; the rights-of-way of Railroad Avenue and New Jersey Transit’s North Jersey Coast railway line to the west; and, the right-of-way of Main Street (New Jersey Route No. 71), Sylvan Lake and single-family residential properties to the east.

#### 3.2 — Environmental Constraints

As shown in Appendix D, the Redevelopment Plan Area contains approximately 0.79 acres of mapped wetlands. There are no other mapped environmental constraints within the Redevelopment Plan Area.

Conformance with all applicable requirements of the New Jersey Department of Environmental Protection shall be required.

#### 3.3 — Existing Zoning

The Redevelopment Plan Area is located in the GC (General Commercial) Zone District. The purpose of the GC (General Commercial) Zone District is to: upgrade the appearance of the Main Street Corridor; provide neighborhood-type retail services oriented to the needs of the residents of the Borough; provide general and professional office uses to compliment the retail uses; and, provide adequate off-street parking for all permitted uses.

Regarding the bulk regulations of the GC (General Commercial) Zone District, it is noted that the minimum lot size is 7,000 square feet, and the minimum lot width is 40 feet. The minimum required front yard setback is determined on the basis of the average front yard setback within the block, or the nearest adjacent block to the site if there are no existing buildings within the block; side yard setback is five (5) feet unless structures are attached; and, rear yard setback is 15 feet. In addition, the GC (General Commercial) Zone District permits a maximum building coverage of 50 percent and a maximum impervious coverage of 85 percent.

***North End Redevelopment Plan***

*Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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## 4.0 — Goals and Objectives

The goals and objectives of Redevelopment Plan Area are as follows:

Abate the conditions that cause the Redevelopment Plan Area to be in need of rehabilitation;  
Provide tax ratables for the Borough through revitalization and reinvestment;  
Promote development of currently underutilized tax parcels;  
Expand development opportunities within the Redevelopment Plan Area;  
Improve the aesthetic image of the Borough;  
Increase the supply and diversity of the local housing stock; and,  
Promote the overall goals and objectives of the Borough's Master Plan.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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## 5.0 — Redevelopment Standards

**This Redevelopment Plan shall constitute an overlay to the existing GC (General Commercial) Zone District.** The redevelopment standards provided in Subsection 5.2 of this Redevelopment Plan shall apply to the Redevelopment Plan Area when a redevelopment project is undertaken in accordance with the Redevelopment Plan Overlay.

### 5.1 — Existing Zoning

The underlying GC (General Commercial) Zone District and relevant bulk and yard standards shall continue to be applicable when the Redevelopment Plan Area or a portion of the Redevelopment Plan Area is developed with a use that is listed in Section 113-12A (Principal Permitted Uses) or Section 113-12B (Conditional Uses) of the Code of the Borough of Avon-by-the-Sea, except as may be described in this Redevelopment Plan.

### 5.2 — Redevelopment Plan Overlay

To promote increased development flexibility within the Redevelopment Plan Area, this Redevelopment Plan permits, as an optional overlay, townhouse development and supplements the underlying zoning with the following use, bulk and design requirements.

The use, bulk and, design requirements that are set forth in this Redevelopment Plan Overlay shall apply only to the Redevelopment Plan Area, and not to the GC (General Commercial) Zone District overall. Please also note that these standards shall only apply in instances when the Redevelopment Plan Area is developed with townhouse development as provided herein.

#### 5.2.1 — Principal Permitted Uses

The following uses are permitted as principal uses:

1. Townhouse development.
2. Public and private playgrounds, parks, and other public purposes.
3. Townhouse building unit with two (2) apartment flats (affordable units only per Section 5.2.16)

#### 5.2.2 — Permitted Accessory Uses

The following uses are permitted as accessory uses:

1. Decks, patios and porches;
2. Antennas not to exceed three (3) feet in height, and television “dish” antennas not to exceed 24 inches in any one (1) dimension. To the extent possible antennas and television “dish” antennas shall be located on a roof or rear façade that is not visible from a public right-of-way; and,
3. No more than one (1) trellis or pergola not to exceed 100 square feet in floor area.



**North End Redevelopment Plan***Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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**5.2.3 — Prohibited Uses**

The following uses are prohibited as part of the Redevelopment Plan Overlay:

1. Home occupations;
2. When the Redevelopment Plan Overlay option is selected, the uses permitted in the underlying GC (General Commercial) Zone District are not permitted as part of the development; and,

All other uses not specifically identified as a permitted principal or accessory use within the Redevelopment Plan Overlay in subsections 5.2.1 or 5.2.2 (above).

**5.2.4 — Bulk Standards**

The following bulk standards shall apply:

3. Minimum tract area: One quarter (0.25) acre.
4. Minimum tract width: 80 feet, with 100 feet required for lots of one-half (0.5) acre or greater.
5. Minimum tract depth: 100 feet.
6. Minimum setbacks:
  - a. Front yard: 25 feet from Main Street, 10 feet from any other right-of-way within or abutting the redevelopment zone; and,
  - b. Side yard: 10 feet (applicable to end units only); and,
  - c. Distance from any property line of adjacent property not subject to a joint development plan: 10 feet
7. Minimum distance to another building within the same development project: 25 feet
8. Maximum density:
  - a. The maximum permitted density is as follows:
    - Lots from 0.25 to less than 0.50 acres: 12 units per acre;
    - Lots from 0.50 acres to less than 1.0 acre: 14 units per acre;
    - Lots from 1.0 acre to less than 1.75 acres: 15 units per acre; and,
    - Lots of 1.75 acres or greater: 16 units per acre.
  - b. Affordable housing units as required under Section 5.2.16 that are provided onsite shall not be counted towards the permitted maximum density.
  - c. If the application of this maximum density requirement results in a fractional unit, the calculated permissible number of units shall be rounded down to the nearest whole number.
9. Maximum townhouse units per building: Eight (8) units.
10. Maximum building length: 240 feet.
11. Maximum building height: 38 feet.

**North End Redevelopment Plan***Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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12. Maximum number of stories: 2.5 stories.
13. Maximum impervious coverage: 80 percent.

**5.2.5 — Design Standards**

The envisioned architectural style of the Redevelopment Plan Area is “seashore colonial”, which is a historic, nautically themed style that is widely found in Jersey Shore towns. To promote the construction of buildings in the “seashore colonial” style, all principal buildings shall be designed to include gabled roofs; overhanging eaves; and, a muted or natural color palette. In addition, all buildings shall also incorporate at least two (2) of the following additional key features of the “seashore colonial” style:

1. Colonnades;
2. Cupolas;
3. Wood and clapboard shingles or modern replications in more durable materials;
4. Belt courses, cornice lines or similar architectural detailing the boundary between each story;
5. Awnings or covered walkways;
6. Corner towers;
7. Turrets;
8. Bay windows;
9. Clock towers; or,
10. Similar features.

The following additional design standards shall apply:

1. Sidewalks shall be provided along all roadway frontages.
2. Side and rear façades shall have the same architectural treatment of front façades.
3. No building may have more than two (2) townhouse units on one (1) façade without providing façade variation of no less than two (2) feet.
4. All residential development shall provide a useable rear yard depth of at least 20 feet, including the rear yard setback. Decks and similar structures shall be permitted within the useable yard area, but stormwater/drainage facilities, or any easements that would inhibit the use of the rear yard may not be included within the useable yard area.
5. HVAC and related mechanical equipment shall not be visible from a public right-of-way.

**5.2.6 — Off-Street Parking**

Off-street parking shall be provided for each townhouse unit pursuant to NJAC 5:21 (Residential Site Improvement Standards).

**North End Redevelopment Plan***Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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Where parking is proposed within an individual housing unit, habitable space shall be allowed above the garage within the height confines as provided herein and adherence to the standard enumerated under 113-11 C. (7) shall not apply.

**5.2.7 — Landscaping and Hedges**

Landscaping and Hedges shall conform to the requirements of Section 113-18A (Landscaping) and Section 113-18B (Additional Requirements for Hedges and Vegetation) of the Code of the Borough of Avon-by-the-Sea and the following additional requirements:

1. Plants that require daily irrigation and regular soil amendment shall not be permitted.
2. Plants that are generally identified as invasive species are prohibited. Examples of such plants include but are not be limited to: *Acer Platanoides* (Norway Maple); *Berberis Thunbergii* (Japanese Barberry); *Lonicera Japonica Thunb.* (Japanese Honeysuckle); and, *Robinia Pseudoacacia L.* (Black Locust).
3. To promote safety and security, areas located away from buildings shall be kept free from low-growing shrubs. As an alternative to low-growing shrubs, high-headed trees shall be used.
4. Existing vegetation shall be retained to the maximum extent possible.

**5.2.8 — Signage**

Lighting shall conform to the requirements of Section 113-24 of the Code of the Borough of Avon-by-the-Sea and the following additional requirements:

1. Freestanding and directional signs are permitted to be installed within the Redevelopment Plan Area. No other types of signage are permitted to be installed within the Redevelopment Plan Area.
2. Freestanding Signs:
  - a. Freestanding signs shall identify a townhouse development within the Redevelopment Plan Area.
  - b. No freestanding sign shall be taller than ten (10) feet in height.
  - c. The maximum area of freestanding signs shall be 20 square feet.
  - d. Freestanding signs shall be set back no less than ten (10) feet from a roadway frontage.
  - e. A maximum of one (1) freestanding sign shall be permitted along each roadway frontage.
  - f. No portion of any freestanding sign shall be located within or be suspended over a public right-of-way or pedestrian walkway.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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**3. Directional Signage:**

- a. No single directional sign shall exceed four (4) square feet in area.
- b. Directional signs shall not be illuminated.
- c. Directional signage may not be attached to a building.

**5.2.9 — Lighting**

Lighting shall conform to the requirements of Section 113-19 of the Code of the Borough of Avon-by-the-Sea and the following additional requirements:

- 1. Decorative lighting shall be provided along all roadway frontages. Said lighting shall be subject to the review and approval of the Avon-by-the-Sea Borough Engineer and shall be in the style of the typical 3 lamp Borough fixture.
- 2. Wall-mounted lighting shall be provided at each point of building ingress or egress.
- 3. Flood lighting shall be prohibited.

**5.2.10 — Fencing**

Fencing shall conform to the requirements of Section 113-18C of the Code of the Borough of Avon-by-the-Sea and the following additional requirements:

- 1. Chain link fencing of any variety shall be prohibited.
- 2. Fencing shall not be located within a front yard.
- 3. The use of low-maintenance materials (e.g., vinyl) is recommended.
- 4. Stormwater basins shall be fenced with opaque fencing with a height of four (4) feet.

**5.2.11 — Stormwater**

Conformance with Chapter 113-46 (Drainage System) and Chapter 113-46A (Stormwater Management and Control) of the Code of the Borough of Avon-by-the-Sea is required as well as NJAC 7:8 as applicable.

**5.2.12 — Trash and Recycling Enclosure**

A trash and recycling enclosure must be provided. Same shall be screened from the view of adjacent properties and rights-of-way, and subject to the review and approval the Avon-by-the-Sea Borough Engineer.

**5.2.13 — Property Maintenance**

A customary property maintenance plan shall be implemented within the Redevelopment Plan Area. Said property maintenance plan shall be reviewed at the time of application.

**5.2.14 — Development Fees**

All development shall be subject to the imposition of development fees, which is regulated by Chapter 115 of the Code of the Borough of Avon-by-the-Sea.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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**5.2.15 — Homeowner's Association**

All areas put into common ownership for common use by all residents shall be owned by a non-profit homeowner's association in accordance with the requirements of the Department of Community Affairs and the following:

1. Deed restrictions and covenants shall be provided in accordance with the requirements and standards of the Department of Community Affairs;
2. The homeowner's association shall be responsible for the ownership and maintenance of all common space and any streets not accepted by the Borough;
3. This organization shall not be dissolved, nor shall it dispose of any common open space, by sale or otherwise, except to another organization conceived and established to own and maintain the common open space and non-dedicated streets;
4. The homeowner's association shall be established prior to any certificates of occupancy being issued. Membership of the association shall be automatic and mandatory for each owner of a dwelling unit and any succeeding owner thereto, being accomplished by the purchase of a dwelling unit in the development;
5. The association shall guarantee access to all the common areas to all persons legally residing in the development;
6. The association shall be responsible for liability insurance, taxes and the maintenance of the common areas and undedicated streets. The certificate of incorporation shall contain provisions so that adequate funds will be available for maintenance; and,
7. The documents establishing the association shall provide a plan for the maintenance of all common areas and undedicated streets.

**5.2.16 — Affordable Housing**

All residential townhouse development permitted pursuant to the North End Redevelopment Plan Overlay shall include an affordable housing set-aside, where 15 percent of the total units shall be reserved for low- and moderate-income households where the affordable units are to be provided as rental housing and 20 percent where the affordable units are to be for-sale units.

Affordable housing may be provided on-site or at another location as may be approved by the Borough and such units may be age-restricted affordable units as defined by applicable State regulations.

Affordable units may be developed as apartment flats within a single townhouse unit so long as the exterior façade of the townhouse unit is designed in a manner consistent with the architectural design of the other townhouse units within the development.

***North End Redevelopment Plan***

*Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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All affordable units shall be governed by the requirements of applicable State regulations, including the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq.

**5.2.17 — Field Street Vacation**

The redevelopment plan contemplates the potential vacation of Field Street by the Borough or modification of its current right-of-width to increase the tract area of potential redevelopment projects and to provide flexibility in design. Any vacation or modification of the Field Street right-of-way shall be done in a manner that ensures adequate access for the other properties located on Field Street and to the municipal public works facility and publicly owned properties located at the northern end of Railroad Avenue.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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## 6.0 — Plan Relationships

The following subsections outline the relationships of the Redevelopment Plan to municipal zoning and the objectives that are outlined in the municipal master plan, as well as to master plans of contiguous municipalities, Monmouth County, and the State Development and Redevelopment Plan. A discussion of these relationships is required pursuant to the Local Redevelopment and Housing Law at NJSA 40A:12A-7a.

### 6.1 — Municipal Zoning

**This Redevelopment Plan shall result in the establishment of an overlay zone for the redevelopment plan area.** The overlay zone to be established, which shall be called the “North End Redevelopment Overlay Zone No. 1”, will supplement the existing GC (General Commercial) Zone within and within the redevelopment plan area.

### 6.2 — Avon-by-the-Sea Borough Master Plan

The Avon-by-the-Sea Borough Master Plan was originally adopted in 2004 and last reexamined in 2018. The 2004 Avon-by-the-Sea Borough Master Plan established a number of goals and objectives, which were upheld by the 2018 Master Plan Reexamination Report and would be furthered by the implementation of this Redevelopment Plan. These are described below.

#### General Goals and Objectives:

1. Encourage municipal action to guide the appropriate use or development of all lands in Avon-by-the-Sea in a manner which will promote the public health, safety, morals, and general welfare.
2. Secure safety from fire, flood, panic and other natural and manmade disasters.
3. Provide adequate light, air and open space.
4. Ensure that the development of individual neighborhoods does not conflict with the development and general welfare of adjacent neighborhoods.
5. Promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, and preservation of the environment.
6. Provide sufficient space in appropriate locations for a variety of land uses both public and private, according to their respective environmental requirements.
7. Promote a desirable visual environment through creative development techniques and good civic design and arrangements.
8. Promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the Borough and to prevent urban sprawl and degradation of the environment through improper use of land.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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9. Encourage affordable senior citizen housing.
10. Encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to promote the more efficient use of land.

Community Characteristics and Design:

1. Maintain the desirable existing characteristics of developed neighborhoods within the Borough.
2. Ensure that future development of the Borough incorporates the desirable aspects of existing neighborhoods, while reducing the adverse impacts of undesirable aspects.
3. Improve the appearance and function of specific areas of the Borough, including the Main Street corridor and the Avon-by-the-Sea Avenue/Beachfront area.

Land Use:

1. Ensure that land development in the Borough provides a balance of land uses which will help to maintain the quality of life within the Borough for all of its current and future residents.
2. Ensure that future development in the Borough does not conflict with existing land uses.
3. Ensure that future development occurs in an orderly manner and is consistent with other planned development in the Borough.
4. Analyze the land uses of specific areas of the Borough, including the Main Street Corridor.

In addition to the above, it is noted that the 2018 Master Plan Reexamination Report includes the recommendation that the land use element be evaluated, and notes that such an evaluation may result in the recommendation of new or modified zoning or development regulations.

**6.3 — Plans of Contiguous Municipalities**

Although the designated area in need of rehabilitation is adjacent to Neptune City and Bradley Beach Borough, the Redevelopment Plan Area is most closely situated to Neptune City. However, given that the Redevelopment Plan Area is not directly accessible from Neptune City, it is not anticipated that the implementation of this Redevelopment Plan will impact said municipality. Nonetheless, it is noted that implementation of this Redevelopment Plan would be consistent with the following principles of the 1999 Neptune City Master Plan, which were last reexamined and reaffirmed in 2017:

1. Encouraging residential development in locations and at densities, which are compatible with existing development patterns and consistent with Borough standards. Any new development should be properly serviced by public roads, utilities and services.



***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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2. Protection of natural and environmental resources, including floodplains, wetlands and areas suitable for public and quasi-public uses.
3. Encouraging a development pattern, which will protect and enhance the long-term economic, social and welfare interests of present and future residents of the Borough.

**6.4 — Monmouth County Comprehensive Master Plan**

Monmouth County prepared a comprehensive master plan in 2016. The implementation of this Redevelopment Plan would support the realization of the following overall goals of the 2016 Monmouth County Master Plan:

1. Promote a comprehensive approach to planning and coordinate these efforts among all levels of government and with community stakeholders.
2. Promote the protection and conservation of natural and cultural resources to help guarantee long-term sustainability.
3. Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play and stay.

While implementation of this Redevelopment Plan would support the realization of all three (3) of the overall goals that have been provided above, the Redevelopment Plan's relationship to Goal 3 (above) is most important. Indeed, the purpose of Goal 3, as stated in the 2016 Monmouth County Master Plan, is to assist municipalities in determining the best use of increasingly scarce undeveloped land resources and to help identify opportunities for the redevelopment of other areas in ways that will best meet the demands of the evolving marketplace and needs of the community.

**6.5 — New Jersey Planning Documents**

The following subsections demonstrate the compatibility of the Redevelopment Plan with the State Development and Redevelopment Plan and the State Strategic Plan.

**6.5.1 — State Development and Redevelopment Plan**

The State Planning Commission recognizes the importance of the idea of sustainable development. The State Development and Redevelopment Plan, which was adopted in 2001, is intended to serve as a guide for public and private sector investment in New Jersey's future. To facilitate this, the plan allocates New Jersey among a variety of planning areas. The Redevelopment Plan Area is located in within the Metropolitan Planning Area (Planning Area 1). The Redevelopment Plan is compatible with the State Development and Redevelopment Plan's intention for the Planning Area 1, which is to: provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and, protect the character of existing stable communities.

**North End Redevelopment Plan***Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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**6.5.2 — State Strategic Plan (Draft)**

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve said vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012; however, adoption was postponed indefinitely following Hurricane Sandy.

The State Strategic Plan has ten (10) “Garden State Values”. The Redevelopment Plan advances three (3) of same:

1. Prioritize Redevelopment, Infill, and Existing Infrastructure: Strengthen cities, towns and neighborhoods by prioritizing redevelopment, the reuse and remediation of existing sites and structures, and construction on infill sites that are compatible with surrounding uses. Upgrade existing infrastructure where needed, before adding new capacity. Encourage development that incorporates green design and construction principles and opportunities for clean and renewable energy and efficiency measures.
2. Create High-Quality, Livable Places: Ensure each community offers an environmentally healthy place to live, work and play. Enhance community character and design, especially in historic areas, by reusing significant buildings, reinforcing architectural styles and providing pedestrian-friendly streetscapes. Improve community plazas and parks and connections to waterfront areas.
3. Diversify Housing Opportunities: Support construction and rehabilitation of homes that meet the needs of households of all sizes and income levels, located near jobs and transit and where services are available.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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## 7.0 — Administrative and Procedural Requirements

Administrative and procedural requirements are discussed in the following subsections.

### 7.1 — Acquisition

Because the Redevelopment Plan Area is located within an area in need of rehabilitation, the use of eminent domain is not permitted. Accordingly, there shall be no public acquisition of land in the Redevelopment Plan Area.

### 7.2 — Relocation

NJSA 40A-12A-7.a(3) requires that redevelopment plans provide for “... the temporary and permanent relocation, as necessary, of residents in the project area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market”.

There are no residential properties in the Redevelopment Area. As such, there is no need for provisions on the relocation of residents from the Redevelopment Area.

Notwithstanding the above, it is anticipated that there is sufficient decent, safe, and sanitary space within the local market if any relocation of residents should become necessary.

Moreover, if relocation is necessary, a Workable Relocation Plan shall be prepared, and the Borough shall conform to the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) and all other applicable statutes, regulations, and legal requirements governing relocation. In addition, to the extent necessary and required, the redeveloper shall be required to provide for relocation assistance pursuant to a Redevelopment Agreement between the redeveloper and the Redevelopment Entity and all applicable statutes, regulations, and legal requirements governing relocation assistance.

### 7.3 — Redeveloper Selection

The Borough shall enter into agreements with a designated redeveloper or redevelopers in connection with the construction of any aspect of this Redevelopment Plan, including off-site improvements. Redevelopment under the terms of this Redevelopment Plan shall only be undertaken pursuant to a redevelopment agreement entered into between the Borough and a designated redeveloper, which may be the property owner.

The Borough may undertake a redeveloper selection process that will yield the qualified redeveloper to implement this Redevelopment Plan in a manner that is in the best interest of the Borough.

The following restrictions and controls on redevelopment are hereby imposed in connection with the selection of a redeveloper for any property or properties included in the

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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Redevelopment Plan Area and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force:

1. The redeveloper, its successors, or assignees, shall develop the specified improvements in accordance with this Redevelopment Plan.
2. The redeveloper, its successors or assigns shall develop the property in accordance with the uses and building requirements specified in the Redevelopment Plan.
3. Until the required improvements are completed, and a certificate of completion is issued, the redeveloper covenants provided for in the Local Redevelopment and Housing Law at NJSA 40A:12A-9 and imposed in any redevelopment agreement, lease, deed, or other instruments shall remain in full force and effect.
4. The redevelopment agreement shall contain provisions to assure the timely construction of the redevelopment project, the qualifications, financial capability, and financial guarantees of the redeveloper and any other provisions necessary to assure the successful completion of the project.

**7.4 — Redevelopment Entity Review**

The governing body, acting as the Redevelopment Entity, shall review all proposed projects within the Redevelopment Plan Area in order to ensure that such projects are consistent with this Redevelopment Plan and any relevant redevelopment agreement. As part of its review, the governing body may require the redeveloper to submit its proposed project to a technical review committee or subcommittee of the governing body. The technical review committee may include members of the governing body and any other members and/or professionals as determined necessary and appropriate by the Borough. The technical review committee shall make its recommendations to the governing body.

In undertaking its review, the governing body shall determine whether the proposal is consistent with this Redevelopment Plan and any relevant redevelopment agreement. In addition, the review may address the site and building design elements of the project to ensure that the project is consistent with the goals and objectives of the Redevelopment Plan.

At its discretion, the Redevelopment Entity may waive its review and refer a proposed redevelopment project directly to the Avon-by-the-Sea Borough Planning Board.

**North End Redevelopment Plan***Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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**7.5 — Planning Board Review Process**

Pursuant to the Local Redevelopment and Housing Law at NJSA 40A:12A-13, all development applications for development of sites governed by this Redevelopment Plan shall be submitted to the Avon-by-the-Sea Borough Planning Board for review and approval. The following provisions shall govern review of any proposed redevelopment project within the Redevelopment Plan Area:

1. No building permit shall be issued by the construction or zoning official for any work resulting in a change of intensity of development or change of use for any properties or buildings within the Redevelopment Plan Area without prior review and approval of the work by the Redevelopment Entity and the Avon-by-the-Sea Borough Planning Board.
2. Regular maintenance and minor repair shall not require Avon-by-the-Sea Borough Planning Board review and approval.
3. The Avon-by-the-Sea Borough Planning Board shall conduct site plan and subdivision review, if applicable, pursuant to the Municipal Land Use Law (NJSA 40:55D-1 et seq.) and the Borough's planning and development regulations.
4. As part of site plan approval, the Avon-by-the-Sea Borough Planning Board may require the redeveloper to furnish performance guarantees pursuant to the Municipal Land Use Law at NJSA 40:55D-53 and as required in the Borough's regulations. The performance guarantees shall be in favor of the Borough of Avon-by-the-Sea, and the Borough Engineer shall determine the amount of same.
5. Any subdivision of lots or parcels of land within the Redevelopment Plan Area shall be in compliance with this Redevelopment Plan and reviewed by the Avon-by-the-Sea Borough Planning Board pursuant to the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.) and the Municipal Land Use Law (NJSA 40A:55D-1 et seq.).
6. Once a property has been redeveloped in accordance with this Redevelopment Plan, it may not be converted to any use not expressly permitted herein. No non-conforming use, building, or structure may be expanded or made more non-conforming in nature after adoption of this Redevelopment Plan. A use or structure that does not conforming to the requirements of this Redevelopment Plan may not be reconstructed in the event of its destruction. The Avon-by-the-Sea Borough Planning Board shall determine the issue of whether or not the non-conforming use or building structure has been "destroyed".
7. Relief and Exceptions.
  - a. The Avon-by-the-Sea Borough Planning Board may grant relief from the requirements of this Redevelopment Plan where there is a hardship, and where the granting of such relief will promote the purpose of this Redevelopment Plan and would be consistent with the standards established in the Municipal Land Use Law at NJSA 40:55D-70(c).

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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- b. The Avon-by-the-Sea Borough Planning Board when acting upon applications for preliminary site plan approval in the redevelopment plan area may grant exceptions for site plan approval in a manner consistent with the provisions of NJSA 40:55D-51(b), if the literal enforcement of one or more provisions of the redevelopment plan is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.
  - c. In no event shall relief or exceptions be granted by the Avon-by-the-Sea Borough Planning Board in order to: provide a use or facility that is not permitted by this Redevelopment Plan; or, permit an intensity of development (incl., but not limited to building height) that is not specified by this Redevelopment Plan.
8. The regulations and controls of this Redevelopment Plan shall be implemented, where applicable, by appropriate covenants or other provisions, and through agreements between the redeveloper and the Borough pursuant to the Local Redevelopment and Housing Law at NJSA 40A:12A-8 and 40A:12A-9.
  9. All definitions contained within this Redevelopment Plan shall prevail. In the absence of definition within said Redevelopment Plan, the definition found within the Borough's land development or other applicable regulations shall prevail. All definitions that are determined to be inconsistent with the Local Redevelopment and Housing Law at NJSA 40A:12A-3 shall be considered invalid.
  10. A redeveloper shall be required to pay all applicable escrow fees and other required charges in accordance with applicable provisions of the Borough's land development regulations and New Jersey Law. Additionally, a redeveloper shall be required to pay their proportional share of the costs of any studies, plans, reports, or analysis prepared by the Borough or its designated Redevelopment Entity as part of this Redevelopment Plan. Any such payments required to reimburse the Borough shall be specified in the redevelopment agreement.

The aforementioned provisions are all subject to approval by ordinance and/or resolution according to law. If a court of competent jurisdiction finds any word, phrase, clause, section, or provision of this Redevelopment Plan to be invalid, illegal, or unconstitutional, the word, phrase, section, or provision shall be deemed severable, and the remainder of the Redevelopment Plan and implementing ordinances shall remain in full force and effect.

***North End Redevelopment Plan******Borough of Avon-by-the-Sea, Monmouth County, New Jersey***

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**7.6 — Duration of Plan**

This Redevelopment Plan shall be in full force and effect upon its adoption by ordinance by the governing body and shall be in effect until the redevelopment of the Redevelopment Plan Area has been completed, which shall be evidenced by the issuance of a certificate of project completion by the Redevelopment Entity.

**7.7 — Amending the Redevelopment Plan**

Upon compliance with the requirements of applicable law, the governing body may amend, revise, or modify this Redevelopment Plan in general, or for specific portions of the Redevelopment Plan Area, as circumstances may make such changes appropriate. The review and approval of any proposed amendments shall be undertaken in accordance with the procedures set forth in the Local Redevelopment and Housing Law (NJSA 40A:12A-1 et seq.). However, any proposed changes in permitted uses, intensity of development (incl., but not limited to building height), or design concepts detailed in this Redevelopment Plan shall require notice and public hearings in the same manner required of the adoption of the original plan.

**7.8 — Conflict**

If any word, phrase, clause, section or provision of this Redevelopment Plan is found by a court or other jurisdiction to be invalid, illegal or unconstitutional, such word, phrase, clause, section or provision shall be deemed severable and the remainder of this Redevelopment Plan shall remain in full force and effect.

***North End Redevelopment Plan***

*Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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Appendix A: Resolution Designating Area in Need of Rehabilitation

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***North End Redevelopment Plan***

*Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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Appendix B: Aerial Map of Redevelopment Plan Area



***North End Redevelopment Plan***

*Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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Appendix C: Tax Map Sheet 2



***North End Redevelopment Plan***

*Borough of Avon-by-the-Sea, Monmouth County, New Jersey*

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Appendix D: Environmental Constraints Mapping

**APPENDIX H. DEVELOPMENT FEE ORDINANCE**

**§ 115-1. Findings; purpose.**

- A. The Avon-by-the-Sea Board of Commissioners finds and declares that the creation and preservation of affordable housing in the Borough serves the public interest. Maintaining and improving a stock of sound affordable housing requires affirmative steps by local government working cooperatively with public bodies at all levels and with the private sector. The Borough has created an Affordable Housing Trust Fund from the payment of residential and non-residential development fees to assist with the creation of affordable housing projects and programs, to utilize for affordability assistance and to pay for certain administrative expenses.
- B. The Supreme Court in *Holmdel Builders Assn. v. Holmdel Township*, 121 N.J. 550 (1990) determined that mandatory development fees are both statutorily and constitutionally permissible. The Court further anticipated that the Council on Affordable Housing (COAH) would promulgate appropriate development fee rules specifying, among other things, the standards for these development fees. The purpose of this chapter is to provide municipal regulations that comport with the Fair Housing Act (FHA), N.J.S.A. 52:27D-301 et seq., and applicable COAH Regulations.
- C. The purpose of these municipal development fee regulations is to provide revenues with which to fund rehabilitation of housing units occupied by very-low, low, and moderate income households, to construct housing for very-low, low, and moderate income households, to fund other programs for very-low, low, and moderate income housing, to pay for affordability assistance, and to pay for certain administrative expenses, in order for Avon-by-the-Sea to meet its responsibility for providing affordable housing pursuant to the Mount Laurel doctrine espoused by the Supreme Court, the FHA, and other applicable laws.
- D. This chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with applicable COAH regulations and the Statewide Non-Residential Development Fee Act (NRDF) (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing very low, low- and moderate-income housing in accordance with a court or program approved spending plan.

**§ 115-2. Basic requirements.**

- A. This chapter shall become effective upon adoption.

**§ 115-3. Definitions.**

The following terms, as used in this chapter, shall have the following meanings:

**AFFORDABLE HOUSING DEVELOPMENT** — Means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

**COAH OR THE COUNCIL** — Means the New Jersey Council on Affordable Housing established under the Fair Housing Act. When the Borough of Avon-by-the-Sea is under the jurisdiction of the Superior Court with regard to its affordable housing obligations, "COAH" or the "Council" shall also mean the Court where applicable. Pursuant to the 2024 amendments to the Fair Housing

Act by P.L. 2024 c.4, COAH has been replaced with the Affordable Housing Dispute Resolution Program, known as "the Program." In many instances, P.L. 2024 c.4 allows for reliance upon COAH regulations wherever the Fair Housing Act is silent. Any reference to COAH in this chapter shall also mean the Program where applicable.

**DEVELOPER** — Means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT FEE** — Means money paid by a developer for the improvement of property as authorized by the FHA, applicable COAH regulations and other applicable law.

**EQUALIZED ASSESSED VALUE** — Means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c).

**GREEN BUILDING STRATEGIES** — Means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

**NEW RESIDENTIAL DEVELOPMENT** — Shall mean:

- A. The construction of a new residential unit or dwelling structure which includes a new foundation.
- B. The construction of a new residential unit or dwelling structure where the existing building framing has been demolished and only the foundation or the foundation and floor joists are remaining.
- C. Conversion of existing non-residential space to residential units within the existing building footprint.
- D. Creation of new residential units as additions to an existing structure, thereby changing the use from single family to two family or multifamily.
- E. Creation of an additional floor of living space on an existing residential unit.
- F. New residential development does not include additions to or renovations of existing one- and two-family dwellings that do not change the use of the structure or qualify under Subsections A through E of this definition.

#### **§ 115-4. Residential development fees.**

##### **A. Imposition of fees.**

- (1) Within the Borough of Avon-by-the-Sea, all new residential development, except for developers of the types of developments specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for all new residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such

cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.

- (2) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

B. Eligible exactions, ineligible exactions and exemptions for residential developments.

- (1) Affordable housing developments, inclusionary projects that include affordable housing, and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Borough of Avon-by-the-Sea, shall be exempt from the payment of development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of this chapter and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. For example, a substantial alteration in site layout, development density, or types of uses within the proposed development. Where site plan approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the zoning permit and/or construction permit is issued.
- (3) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions shall be exempt from paying a residential development fee.
- (4) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places shall be exempt from paying a residential development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.
- (5) Structural alterations that do not increase gross floor area of a residential building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.

- (6) Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- (7) Federal, state, county and local governments shall be exempted from paying a development fee.
- (8) Homes replaced as a result of a natural disaster, fire, or flood shall be exempt from the payment of a development fee. This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster and the use is not increased, i.e., a single-family house is destroyed and a two-family home is built in its place. Should this scenario occur, the fee will be calculated from the difference between the new, more intense use (two-family) from the original use that was destroyed (single family).

#### **§ 115-5. Non-residential development fees.**

##### **A. Imposition of fees.**

- (1) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (2) Within all zoning districts, non-residential developers, except for developers of the types of developments specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

##### **B. Eligible exactions, ineligible exactions and exemptions for non-residential development.**

- (1) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
- (2) The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (3) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide



Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

- (4) A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the non-residential development, whichever is later.
- (5) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Avon-by-the-Sea as a lien against the real property of the owner.
- (6) Federal, state, county and local governments constructing nonresidential housing shall be exempted from paying a development fee.

#### **§ 115-6. Collection procedures.**

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a Zoning Permit and/or Construction Permit.
- B. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The Construction Official responsible for the issuance of a construction permit shall notify the Borough Tax Assessor of the issuance of the first construction permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and

thereafter notify the developer of the amount of the fee.

- G. Should the Borough of Avon-by-the-Sea fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c.46 (N.J.S.A. 40:55D-8.6).
- H. Fifty percent of the initially calculated development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of the certificate of occupancy.
- I. Appeal of development fees.
  - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Such a challenge must be made within 45 days from the issuance of the Certificate of Occupancy. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Avon-by-the-Sea. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - (2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Avon-by-the-Sea. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

#### **§ 115-7. Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Avon-by-the-Sea for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (1) Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by ordinance or by agreement with the Borough of Avon-by-the-Sea;
  - (2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;

- (3) Rental income from municipally operated units;
  - (4) Repayments from affordable housing program loans;
  - (5) Recapture funds;
  - (6) Proceeds from the sale of affordable units; and
  - (7) Any other funds collected in connection with Avon-by-the-Sea's affordable housing program.
- C. In the event of a failure by the Borough of Avon-by-the-Sea to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of a Judgement of Compliance and Repose from a court or a Compliance Certification from the Program, or the revocation of same; or a failure to implement the Borough's approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Program or the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court or the Program may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Avon-by-the-Sea, or, if not practicable, then within the County or the Housing Region.
- D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities in an approved Spending Plan.

#### **§ 115-8. Use of funds.**

- A. The expenditure of all funds shall conform to a Spending Plan approved by the Program or the Court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Program or the Court to address the Borough of Avon-by-the-Sea's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; Regional Housing Partnership programs; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or State standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by the Program or the Court and specified in the approved Spending Plan.
- B. Funds shall not be expended to reimburse the Borough of Avon-by-the-Sea for past housing activities prior to the Borough's adoption of its original ordinance collecting development

fees.

- C. At least 30% of all development fees collected and interest earned on such fees shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to very low-income households earning 30% or less of the regional median household income by household size for Housing Region 4, in which Avon-by-the-Sea is located.
  - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
  - (2) Affordability assistance to households earning 30% or less of the regional median household income by household size may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very low income affordability assistance shall be identified and described within the Spending Plan.
  - (3) Payments in lieu of constructing affordable housing units on site, if permitted by ordinance or by agreement with the Borough of Avon-by-the-Sea, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Avon-by-the-Sea may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs for affordability assistance.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.
  - (1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
  - (2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the Program or the Court's monitoring requirements. Administrative funds may be used for legal fees and other professional fees related to compliance with the Borough's affordable housing obligations as set forth in applicable law and regulations governing same.

**§ 115-9. Monitoring.**

The Borough of Avon-by-the-Sea shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, through its Affordable Housing Monitoring System (AHMS), which is required to be completed by February 15th of every year, beginning in 2025. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the Borough), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Avon-by-the-Sea's affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Program or the Court.

**§ 115-10. Ongoing collection of fees.**

The ability for the Borough of Avon-by-the-Sea to impose, collect and expend development fees shall expire on July 1, 2025, unless the Borough of Avon-by-the-Sea has first filed an adopted Housing Element and Fair Share Plan with the Program, the Court, or with a future designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for a Compliance Certification or its equivalent from a state administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.

**APPENDIX I. ADMINISTRATIVE AGENT ORDINANCE**

### **§ XX-XXX Administrative Agent.**

The Administrative Agent may be an independent entity serving under contract to and reporting to the Borough. For new sales and rental developments, all of the fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the Administrative Agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the Administrative Agent. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in §§ 5:80-26.14, 5:80-26.16 and 5:80-26.18 thereof, which include:

**A. Affirmative marketing:**

- (1)** Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Avon-by-the-Sea and the provisions of N.J.A.C. 5:80-26.15; and
- (2)** Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

**B. Household certification:**

- (1)** Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2)** Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3)** Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4)** Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5)** Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6)** Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Avon-by-the-Sea when referring households for certification to affordable units; and

**(7)** Notifying the following entities of the availability of affordable housing units in the Borough of Avon-by-the-Sea: FSHC, the New Jersey State Conference of the NAACP, the Trenton, Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, and Greater Long Branch branches of the NAACP, Shiloh Baptist Church, the Latino Action Network, and the Supportive Housing Association.

**C. Affordability controls:**

- (1)** Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2)** Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3)** Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Monmouth County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4)** Communicating with lenders regarding foreclosures; and
- (5)** ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C 5:80-26.10.

**D. Resales and rerentals:**

- (1)** Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- (2)** Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

**E. Processing requests from unit owners:**

- (1)** Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;
- (2)** Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;



**(3)** Notifying the Borough of an owner's intent to sell a restricted unit; and

**(4)** Making determinations on requests by owners of restricted units for hardship waivers.

**F. Enforcement:**

**(1)** Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;

**(2)** Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

**(3)** The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;

**(4)** Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;

**(5)** Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and

**(6)** Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Committee and the Court, setting forth procedures for administering the affordability controls.

**G. Additional responsibilities:**

**(1)** The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

**(2)** The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

**(3)** The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**APPENDIX J. MUNICIPAL HOUSING LIAISON ORDINANCE**

### **§ XX-XXX: Municipal Housing Liaison.**

**A.** The Borough of Avon-by-the-Sea shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. Beach shall adopt an ordinance creating the position of Municipal Housing Liaison. Avon-by-the-Sea shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee of Avon-by-the-Sea. The Municipal Housing Liaison shall be reported to the Superior Court and thereafter posted on the Borough website and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

**B.** The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Avon-by-the-Sea, including the following responsibilities, which may not be contracted out to the Administrative Agent:

- (1)** Serving as Avon-by-the-Sea's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
- (2)** The implementation of the Affirmative Marketing Plan and affordability controls;
- (3)** When applicable, supervising any contracting Administrative Agent;
- (4)** Monitoring the status of all restricted units in Avon-by-the-Sea's Fair Share Plan;
- (5)** Compiling, verifying and submitting annual monitoring reports as may be required by the Court;
- (6)** Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
- (7)** Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.

**C.** Subject to the approval of the Court, the Borough of Avon-by-the-Sea shall designate one or more Administrative Agent(s) to administer and the affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this section. An operating manual for each affordable housing program shall be provided by the Administrative Agent(s), to be adopted by resolution of the governing body and subject to

approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).