

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2194

**AN ORDINANCE AMENDING GENERAL ORDINANCE
NO. 2171 PROVIDING FOR THE IMPLEMENTATION IN
THE TOWN OF WESTFIELD OF THE “FIVE YEAR TAX
EXEMPTION AND ABATEMENT LAW” PURSUANT TO
N.J.S.A. 40A: 21-1**

WHEREAS, pursuant to the Five-Year Exemption and Abatement Law, *N.J.S.A. 40A:21-1, et seq.* (the “**Law**”), a municipality having within its corporate limits areas in need of rehabilitation or redevelopment, may, by ordinance, provide for the exemption and/or abatement of real property taxes, to encourage and provide incentives for the construction and rehabilitation of dwellings, multiple dwellings, mixed use structures and industrial and commercial structures; and

WHEREAS, on May 12, 2020, the Mayor and Council of the Town of Westfield (the “**Governing Body**”) adopted Resolution No. 108-2020 designating the Town’s downtown area which is coterminous with the Westfield Special Improvement District, as more particularly depicted and described in Exhibit A to the Resolution, as an area in need of rehabilitation pursuant to *N.J.S.A. 40A:12A-1, et seq.*; and

WHEREAS, on June 9, 2020, the Governing Body adopted General Ordinance No. 2171 providing for the implementation of the Law in the Town of Westfield (the “**Town**”) within the boundaries of the Rehabilitation Area; and

WHEREAS, on June 9, 2020, the Governing Body adopted General Ordinance No. 2171, entitled “An Ordinance Providing for the Implementation in the Town of Westfield of the, “*Five Year Tax Exemption and Abatement Law Pursuant to N.J.S.A. 40A:21-1*” (the “**Tax Exemption Ordinance**”); and

WHEREAS, on September 8, 2020, the Governing Body adopted Resolution No. 201-2020 referring a report entitled “*Town of Westfield Area in Need of Rehabilitation Study*” dated August 26, 2020, and a proposed resolution designating the entire Town as an area in need of rehabilitation (the “**Rehabilitation Designation Resolution**”); and

WHEREAS, on September 8, 2020, the Governing Body adopted General Ordinance No. 2183 entitled “*An Ordinance Establishing a Historic Preservation Commission and Providing for the Designation and Preservation of Historic Districts and Historic Landmarks in the Town of Westfield*” (the “**Historic Designation Ordinance**”); and

WHEREAS, the Historic Designation Ordinance establishes procedures for the dedication of certain properties in Town as “Historic Landmarks;” and

WHEREAS, the Planning Board has held a public hearing to determine whether or not the entire Town qualifies as an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1-1, et seq.*, and has returned the Rehabilitation Designation Resolution to the Governing Body with a recommendation that the entire Town does qualify as an area in need of rehabilitation; and

WHEREAS, prior to or simultaneously with the adoption of this Ordinance, the Governing Body has adopted the Rehabilitation Designation Ordinance designating the entire Town as an area in need of rehabilitation; and

WHEREAS, the Governing Body desires to amend the Tax Exemption Ordinance to provide for real estate tax incentives for dwellings, multiple dwellings, mixed use structures and industrial and commercial structures (i) within the boundaries of the Special Improvement District and (ii) that are locally designated Historic Landmarks and/or are located within a locally designated Historic District in accordance with the Historic Designation Ordinance located outside the Special Improvement District, to encourage appropriate and sound development therein; and

WHEREAS, the Law provides for the exemption of assessments on improvements for five years following completion of a project as defined in the Law and the exemption or abatement of property taxes for new construction for a five-year period following completion of the project as defined in the Law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Westfield, that General Ordinance No. 2171 is hereby amended as follows:

1. Section 2 of General Ordinance No. 2171 (to be codified), entitled “**Applicability**” is hereby deleted and replaced with the following:

This ordinance shall be applicable to all properties that are (a) located within an area delineated by the Town as an area in need of rehabilitation pursuant to *N.J.S.A. 40A:12A-1, et seq.*, and (b) are (i) located within the Westfield Special Improvement District as set forth in Article X, Section 2-104 of the Town Ordinances, as may be amended, and/or (ii) locally designated as an Historic Landmark and/or are located within a locally designated Historic District pursuant to General Ordinance 2183.

PASSED AND ADOPTED: October 13, 2020

Michelle W. Brindle, Mayor

ATTEST: _____

Tara Rowley, RMC
Town Clerk