

No. 6FD 1st Reading

AUG 07 2019

**Ordinance**Date to Mayor SEP 06 2019

No. .... Public Hearing

of the

Date Returned SEP 10 2019No. 6PSF-E SEP 05 2019 2nd Rdg. and Final Passage**City of Newark, N.J.**Date Resubmitted  
to CouncilDate Advertised  
1st Reading AUG 13 2019

No. .... Reconsidered

Approved as to Form and Legality on Basis of Facts Set Forth

Final Reading

Factual contents certified to by

Corporation Counsel

Title

Council member Council of the whole presents the following Ordinance:

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3  
4 **AN ORDINANCE ADOPTING THE FIFTH AMENDMENT TO "THE NEWARK LIVING**  
5 **DOWNTOWN REDEVELOPMENT PLAN", TO CORRECT CERTAIN ERRORS**  
6 **IDENTIFIED IN THE THIRD AMENDMENT OF "THE NEWARK LIVING DOWNTOWN**  
7 **REDEVELOPMENT PLAN BY REMOVING CERTAIN PROPERTIES AS PER**  
8 **DETAILED IN EXHIBIT A."**  
9

10 **WHEREAS**, pursuant to the Local Redevelopment and Housing Law, N.J.S.A.  
11 40A:12A-1 et seq., (LRHL) on June 15, 2005, the Municipal Council adopted Resolution  
12 7Rdo(AS) designating the entire City of Newark as an area in need of rehabilitation; and  
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14 **WHEREAS**, the LRHL authorizes municipalities to adopt redevelopment plans in  
15 order to implement and establish standards for the rehabilitation of all or of any part of a  
16 rehabilitation area; and  
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18 **WHEREAS**, the Newark Living Downtown Redevelopment Plan ("Newark Living  
19 Downtown Plan") was adopted by the Newark Municipal Council on September 3, 2008,  
20 by Ordinance 6S&Fg; and  
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22 **WHEREAS**, the Newark Living Downtown Plan was amended four (4) times  
23 since initial passage by the Newark Municipal Council including the First Amendment by  
24 Ordinance 6PSF-a(S), adopted on June 30, 2010, the Second Amendment by  
25 Ordinance 6PSF-a(S), adopted on September 21, 2010, the Third Amendment by  
26 Ordinance 6PSF-c adopted on December 16, 2015, and the Fourth Amendment by  
27 Ordinance 6PSF-b(S) adopted on April 10, 2018; and; and  
28

29 **WHEREAS**, due to errors that have been identified since the passage of the  
30 Third Amendment to the Newark Living Downtown Plan, the Municipal Council adopted  
31 Resolution 7R2-c(S) on June 7, 2018, referring the Fifth Amendment to the Newark  
32 Living Downtown Redevelopment Plan to the Newark Central Planning Board to  
33 prepare a report to determine if such an amendment is consistent with the City's Master  
34 Plan and for recommendations pursuant to N.J.S.A. 40A:12A-7, et seq.; and  
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36 **WHEREAS**, after a public hearing on June 25, 2018, the Newark Central  
37 Planning Board adopted a Memorialization Resolution dated July 23, 2018,  
38 recommending that the Newark Municipal Council adopt the proposed Fifth Amendment  
39 to the Newark Living Downtown Plan as it conforms to and is consistent with the overall  
40 goals and objectives set forth in the Master Plan of the City of Newark..  
41

42 **NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF**  
43 **THE CITY OF NEWARK, NEW JERSEY, THAT:**  
44

45 Section 1. The Fifth Amendment to the Newark Living Downtown  
46 Redevelopment Plan ("Newark Living Downtown Plan"), in the form attached hereto as  
47 Exhibit A and made a part of this Ordinance, is hereby adopted in accordance with the  
48 recommendations of the Central Planning Board's July 23, 2018, resolution, but  
49 reflecting the deletion of language concerning issues that were alternatively resolved in  
50 the time since the Central Planning Board's resolution was adopted.  
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Section 2. Upon final adoption hereof, the City of Newark Zoning Map, as may have been amended from time to time, shall be amended by the Fifth Amendment to the Newark Living Downtown Plan, which shall supersede the zoning designation shown on the City of Newark Zoning Map for the Redevelopment Area.

Section 3. To the extent that any previous ordinance is inconsistent with or contradictory hereto, said ordinance is hereby amended to the extent necessary to make it consistent herewith.

Section 4. The provisions of this Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 5. A copy of this Ordinance and the Redevelopment Plan shall be filed with the City Clerk by the Interim Deputy Mayor/Director of the Department of Economic and Housing Development.

Section 6. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### STATEMENT

This Ordinance adopts the Fifth Amendment to the Newark Living Downtown Plan to correct certain errors identified since the passage of the Third Amendment, more specifically that certain properties referenced in Exhibit A were erroneously moved to The Newark Living Downtown Plan.

CERTIFIED TO BY ME THIS  
SEP 10 2019

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE										RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador	✓				Osborne	✓				Amador					Osborne				
Gonzalez	✓				Quintana <small>Vice President</small>	✓				Gonzalez					Quintana <small>Vice President</small>				
James	✓				Ramos, Jr.	✓				James					Ramos, Jr.				
McCallum, Jr.	✓				Crump	✓				McCallum, Jr.					Crump				
McIver	✓				President					McIver					President				
✓ - Indicates Vote										AB - Absent									
										NV - Not Voting									

AUG 07 2019

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on

Adopted on second and final reading after hearing on SEP 05 2019Approved  
Rejected By

Mayor

Council President

City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.

7R2-c(s) 060718

**EXHIBIT A****Fifth Amendment to the Newark Living Downtown Redevelopment Plan**

The following changes shall serve to amend the Newark Living Downtown Redevelopment Plan (the "Living Downtown Redevelopment Plan"). These changes shall be referred to collectively as the "Fourth Amendment to the Newark Living Downtown Redevelopment Plan" (the "Fourth Amendment").

1. The Third Amendment to the Newark Living Downtown Redevelopment Plan is hereby repealed and rescinded, retroactively to the date immediately preceding the adoption and effectiveness of the Third Amendment, which Third Amendment shall therefore be void ab initio with respect to the following properties:

- a) Block 161, Lot 1.04 (Site 12)
- b) Block 161, Lot 1.02 (Site 13)
- c) Block 161, Lots 1.01 and 1.03 (Pru Garage Site)
- d) Block 866, all Lots (Site 14)
- e) Block 867, all Lots (Site 15A)
- f) Block 868, lots 24, 28, 30, 32, 34, and 40 (Site 15B)

Such repeal and rescission shall apply and be effective retroactively to the date immediately preceding the adoption and effectiveness of the Third Amendment to Living Downtown Plan, which Third Amendment shall therefore be void ab initio with respect to such properties. It is the intent and purpose of this Amendment that those properties shall be deemed to and shall continue to be subject to the Downtown Core Redevelopment Plan as if the Third Amendment to the Newark Living Downtown Redevelopment Plan did not reference them.

The Living Downtown Boundary Map is amended to delete the above properties.

2. The following properties, having been declared an area in need of redevelopment pursuant to Resolution 7R2-L(A.S.), duly adopted by the Municipal Council on April 5, 2017, are hereby added to the Newark Living Downtown Redevelopment Plan:

- a) Block 125, Lot 96 (formerly known as lots 84-88, 91-94, 96, and 108) (Tryp Hotel Site)

The Living Downtown Boundary Map is amended to add the above properties