

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY**

GENERAL ORDINANCE NO. 2025-24

**AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF
WESTFIELD REQUIRING ISSUANCE OF A ZONING PERMIT**

WHEREAS, the Westfield Master Plan includes a goal and objective to provide adequate light, air and open space by establishing, administering and enforcing bulk, density and design standards that are appropriate for the various zones and uses in the community; and

WHEREAS, the Land Use Ordinance of the Town of Westfield includes these standards thereby guiding the appropriate use and development of land within the Town; and

WHEREAS, ensuring that these standards are complied with gives surety that property is developed in accordance with local ordinances; thereby helping prevent stormwater management problems, preventing structures being built with insufficient setbacks from property lines, preventing excessive building and above grade structure coverage and all improvement coverage on a property, and preventing the establishment of land uses which are not permitted; and

WHEREAS, presently, the Town of Westfield does not require that a zoning permit be obtained prior to commencement of construction but rather that a review a project's compliance with the Land Use Ordinance is undertaken as part of a construction permit application, and when a construction permit is not required that a proposed project be communicated to the Zoning Officer who would document approval by issuance of letter to the applicant; and

WHEREAS, despite these provisions, pursuant to the Land Use Ordinance, site improvements such as, fences, driveways and driveway expansions for one- and two-family dwellings, and antennas are presently exempt from a requirement to obtain zoning approval which can result in installations which violate local ordinance; and

WHEREAS, despite these provisions, a process where a letter documenting approval as presently outlined in the Land Use Ordinance, rather than a zoning permit is not common and leads to confusion and oftentimes noncompliance. As a result, the Zoning Officer and Assistant Zoning Officer are forced to take enforcement action when projects commence or are completed without proper zoning approval having been obtained; and

WHEREAS, requiring that a zoning permit be obtained precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and which acknowledges that such use, structure or building complies with the provisions of the Land Use Ordinance provides numerous benefits including:

- A zoning permit provides assurances to existing and future property owners, neighbors, and contractors by confirming that the use or proposed construction is allowed under Westfield's Land Use Ordinance, and that an applicant can proceed with construction or occupation of a

space without fear of violation notices from Land Use Ordinance provisions thereby avoiding costly mistakes if a violation needs to be abated;

- Requiring a zoning permit prior to submitting a construction permit application ensures that Land Use Ordinance compliance is confirmed early in the process. This protects applicants from investing time and money into developing and submitting full construction plans including detailed electrical, plumbing, and mechanical drawings to the Building Department only to discover later that the project does not comply with the Land Use Ordinance.
- Requiring a zoning permit prior to construction is a proactive approach to enforce compliance rather than a reactive approach involving issuing Land Use Ordinance violations;
- Requiring a zoning permit will ensure that site improvements over 200 square feet which are not subject to a construction permit are referred to the Town Engineer to ensure that stormwater will not have a detrimental impact on the property or to adjacent properties; and

WHEREAS, it is the desire of the Town Council of the Town of Westfield to implement a zoning permit application process to review proposed site improvements for compliance with the Town’s Land Use Ordinance ; and

BE IT ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I. Article 2, Section 2.17 titled “Definitions: T to Z” is hereby amended by modifying the existing definition at subsection “T” for Zoning Approval, to read as follows:

T. ZONING PERMIT. A document signed by the administrative officer (1) which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building and (2) which acknowledges that such use, structure or building complies with the provisions of the municipal zoning ordinance or variance therefrom duly authorized by a municipal agency pursuant to the New Jersey Municipal Land Use Law.

SECTION II. Article 3, Section 3.16b titled “Zoning Officer; duties” is hereby amended by modifying the existing regulation at subsection “B” for Zoning Officer; duties, to read as follows:

B. To review applications for construction permits, demolition permits, zoning permits, certificates of occupancy, subdivisions, site plans and variances for compliance with the provisions of the Land Use Ordinance and, in appropriate circumstances as specified by this ordinance, to issue or deny zoning permits;

SECTION III. Article 5, titled “Fees, Deposits, Guarantees and Other Payments” is hereby amended by creating subsection 5.08 “Zoning Permit Fees” to read as follows:

§ 5.08 Zoning Permit Fees

All fees for zoning permits must be paid in full in order for the application to be reviewed. These fees shall be payable upon submission of the

application. Notwithstanding the above, projects of the Town of Westfield and the Town of Westfield Board of Education shall be exempt from the payment of the filing fees required by this article. Any modification to a zoning permit application which necessitates reevaluation of the project by the Zoning Officer shall require a zoning permit resubmission fee equal to fifty percent (50%) of the initial zoning permit application fee. When multiple items listed in this subsection are requested, only the highest applicable fee will be charged.

Residential		Non-Residential / Mixed Non-Residential and Residential Use	
New 1 & 2 Family Building Construction	\$50	New Non-Residential / Mixed Non-Residential and Residential Use Building Construction	\$50
New Multifamily Construction	\$50	Non-residential Tenant Fit-Out	\$25
Sheds, pergolas, detached garages, pool houses, fire pits, etc.)	\$25	Additions to existing principal structures	\$50
Additions to existing principal structures	\$50	Patios, Walkways, & Driveways	\$25
Finish Attic or Basement	\$25	Fences & Retaining Walls	\$25
Patios, Walkways, Driveways, Firepits	\$25	Change of Use	\$25
Deck, Balcony, Porch	\$25	Signage	\$25
Fences, Walls, & Retaining Walls	\$25	Solar Panels	\$25
Change of Use	\$25	AC & Generators	\$25
Signage	\$25	Antennas, Earth Stations, Satellite Dishes, & Similar Equipment	\$25
Solar Panels	\$25	Demolition	\$25
AC & Generators	\$25	Zoning Compliance Certificate	\$25
Pools, Hot tubs, Wading Pools, Landscape Pools, & Fish Pools	\$25		
Game Courts & Hoops	\$25		
Antennas, Earth Stations, Satellite	\$25		

Dishes, & Similar Equipment	
Portable On Demand Structure (POD)	\$25 / \$15 for extension
Home Occupations	\$25
Demolition	\$25
Zoning Compliance Certificate	\$25

SECTION IV. Article 6, Section 6.02 titled “Zoning Approvals” is hereby amended by modifying the existing title “Zoning Approvals,” to “Zoning Permits” and to read as follows:

§ 6.02. Zoning Permits.

Zoning approvals for all work subject to a construction permit is documented by a "Zoning Permit" which is signed by the Zoning Officer. The occasional activity that may not be subject to a construction permit or site plan approval, such as but not limited to parking lots and driveways for single-family detached or two-family dwellings, antennae, fences, retaining walls, freestanding walls, patios, other accessory structures not requiring a construction permit, etc., shall require a "Zoning Permit" approved by the Zoning Officer before the work is started. The above shall not be construed to exempt all of the above activities from the requirement to obtain a construction permit and/or site plan approval in all cases; the provisions of the New Jersey Uniform Construction Code and this ordinance shall control in this regard.

SECTION V. Article 6, Section 6.04 titled “Improvements exempt from requirement to obtain permit or approval” is hereby deleted in its entirety, with remaining subsections renumbered accordingly.

SECTION VI. Article 6, Section 6.06 titled “Records of construction permits, zoning approvals and certificates of occupancy” is hereby amended by modifying the existing subsection to read as follows:

It shall be the duty of the Construction Official and Zoning Officer to keep records of all applications for construction permits, zoning permits and certificates of occupancy, and of all such permits and certificates issued, together with a notation of all special terms or conditions imposed thereunder. They shall be responsible for the filing and safekeeping of all plans and specifications submitted to them with any application and the same

shall form a part of the records of their offices and shall be available to all officials of the Town of Westfield. Duplicate copies of any permits or certificates shall be furnished upon request to any persons who shall have a right thereto by law upon payment of a fee as set forth in Article 5 of this ordinance.

SECTION VII. Article 6, Section 6.07 titled “Violation of requirement of construction permits, zoning approvals or certificates of occupancy” is hereby amended by modifying the existing subsection to read as follows:

The erection or alteration of any building or structure prior to obtaining a construction permit, the installation of any improvement of land prior to obtaining a zoning permit, the use or occupancy in whole or in part of any building or structure in which the nature of the use shall have been changed or wherein there has been a modification of utilization or upon which an improvement has been made, shall be a violation of this ordinance, and shall subject the violator(s) to the penalties herein prescribed.

SECTION VIII. Article 13, Section 13.02 titled “Special provisions for certain residential accessory uses and structures” is hereby amended by modifying the existing subsection “H” to read as follows:

2. Prior to the initial delivery of a portable on-demand storage structure, the applicant or the supplier shall register the placement of the portable on-demand storage structure with the Zoning Official.
 - a. The registration shall be obtained from the Zoning Official by:
 - (1) Completing the application;
 - (2) Presenting an active Building Department building permit for that property if the portable on-demand storage structure is to be used for the storage of building materials;
 - (3) Payment of a nonrefundable registration fee of \$25; and
 - (4) The Zoning Official's written approval of the application.
3. Length of time structures may be on property; extensions; placement on property.
 - a. A portable on-demand storage structure may be located as a temporary structure on property within the applicable zones for a period not exceeding 30 days in duration from time of delivery to time of removal. One thirty-day extension may be granted upon written request by the applicant prior to the expiration of the initial thirty-day period as well as the payment of an additional nonrefundable fee of \$15.

SECTION IX. Article 16, Section 16.02 titled “Zoning approval and permits for exterior signs” is hereby amended by modifying the existing title “Zoning approval and permits for exterior signs” to “Zoning permits for exterior signs” and to read as follows:

§ 16.02. Zoning permits for exterior signs.

No exterior sign shall hereafter be erected, placed, hung, painted, refurbished, altered or replaced until the sign has been approved by the Zoning Officer as evidenced by the issuance of a zoning permit and, when

required, a permit has been granted by the Construction Official. Plans and detailed information for the sign(s) shall be submitted in triplicate with each application for a permit, and the written consent of both the owner and lessee of the property shall be included with the application. The information submitted with the application shall be sufficient to demonstrate the type, location, dimensions, colors and illumination of all proposed signs, as well as existing signs to remain.

SECTION X. Article 16, Section 16.04 titled “Permitted signs” is hereby amended by modifying the existing subsection “16.04R3b4” to read as follows:

A zoning permit shall be required from the Zoning Officer stating the nature and location of the sign(s), and the time period within

SECTION XI. Article 17, Section 17.05 titled “Access aisles and driveways” is hereby amended by modifying the existing subsection “17.05A” to read as follows:

A zoning permit is required to construct a driveway for a permitted principal residential use in the RS-40, RS-24, RS-16, RS-12, RS-10, RS-8, RM-6 and RM-1 zones.

SECTION XII. All ordinances or parts of ordinances in conflict or inconsistent with any part of this ordinance are hereby repealed to the extent that they are in conflict or inconsistent.

SECTION XIII. In the event that any section, provision, or part of provision of this ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION XIV. This ordinance shall take effect after passage and publication in the manner provided by law.

NOTICE

Notice is hereby given that the foregoing ordinance was approved for final adoption by the Town Council of the Town of Westfield at a Regular Meeting held on December 9, 2025.

Maureen Lawshe, RMC
Town Clerk