

**TOWN OF WESTFIELD  
WESTFIELD, NEW JERSEY**

**GENERAL ORDINANCE NO. 2115**

**AN ORDINANCE TO AMEND CERTAIN PROVISIONS  
OF THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD  
TO ESTABLISH COMMERCIAL USE OF ROOFTOPS AS A CONDITIONAL USE; TO  
ALLOW FOR USE OF GROUND LEVEL PATIOS AS PLACES FOR EATING AND  
DRINKING; AND TO REMOVE THE PROHIBITION ON THE SALE OF FOOD FOR  
BEVERAGES TO BE SERVED OR CONSUMED ON THE PREMISES BUT OUTSIDE  
THE CONFINES OF A BUILDING; ALL WITHIN THE CBD CENTRAL BUSINESS  
DISTRICT**

**WHEREAS**, periodic update of allowable uses within non-residential zone districts is desirable to help promote economic development and sustainability in Town; and

**WHEREAS**, the commercial use of rooftops would allow for businesses to provide an open-air amenity for its employees, customers, or visitors; and

**WHEREAS**, allowing the commercial use of rooftops as a conditional use within the Central Business District Zone District would enable a land use board to review the development proposal prior to establishment; and

**WHEREAS**, the Town Council does hereby further find that the public interest of the Town of Westfield will be served by amending the Land Use Ordinance of the Town of Westfield in the manner set forth herein.

**NOW, THEREFORE, BE IT THEREFORE ORDAINED** by the Town Council of the Town of Westfield, in the County of Union and the State of New Jersey, as follows:

**SECTION I. Article 11, Section 11.25 titled “CBD CENTRAL BUSINESS DISTRICT”, subsection C. titled “Conditional uses and structures.”** is hereby amended and supplemented by adding the following language.

6. Commercial use of rooftops.

**SECTION II. Article 11, Section 11.25D titled “Prohibited uses and structures”, subsection D.1.** is hereby amended to read as follows.

1. any business conducted outside the confines of a building, except for the commercial use of rooftops, except for the use of ground level patios as places for eating and drinking, except for sidewalk cafes permitted and regulated by § 24-46 through § 24-57 of the Town

Code, and except those temporary activities permitted by special permission from the Town Council;

**SECTION III. Article 11, Section 11.25D titled “Prohibited uses and structures”, subsection D.8.** is hereby amended to read as follows.

8. Drive-in or drive-through restaurants.

**SECTION III. Article 18,** is hereby amended and supplemented by adding a new Section 24, titled Commercial Use of Rooftops which shall read as follows.

**§ 18.24. COMMERCIAL USE OF ROOFTOPS**

The commercial use of a rooftop of a building as an outdoor seating or gathering space that is open to the public for events, entertainment, meetings, and/or as a food and/or beverage service area shall be regulated under this section.

**A. Rooftop use location relative to use it serves.** The rooftop shall be part of an establishment doing business within the building, shall be located directly above or adjacent to the use of which it is a part, and there shall not be other uses located on floors in between the rooftop use and the use to which it is a part.

**B. Design.** Rooftop use shall be designed in an attractive manner that will not detract from adjacent uses, and will prevent nuisance and safety issues. Design of the rooftop must utilize all reasonable efforts to minimize the effect of noise, light, and odor on adjacent properties and on the street. The applicant shall submit a design plan with the application for a rooftop use that, at a minimum, specifies and illustrates the proposed size, dimensions, setbacks from adjacent buildings and roof edges, layout, landscaping elements, and access routes.

1. The rooftop use, including any pergolas, tents, umbrellas, awnings, service areas, bars, or preparation stations, shall be setback from adjacent uses and screened from adjacent uses to the satisfaction of the reviewing Board. The setback and screening must be established in a manner that will not unduly block light, air, or outdoor views from upper floor windows on adjacent buildings. Screening shall prevent patrons of the rooftop from looking directly into a window of a building on an adjacent lot, and into adjacent residential open spaces such as backyards or terraces.
2. The rooftop use shall not produce a risk of unauthorized access to abutting buildings.

3. Parapet walls or guardrails shall be designed to complement the building's architectural design and shall meet all applicable construction codes.
4. Temporary pergolas, tents, umbrellas, and/or awnings or other temporary structures shall be permitted on the rooftop provided evidence of how such structures shall be safely secured to the rooftop is presented to the reviewing Board. They shall be setback from adjacent uses and screened from adjacent uses to the satisfaction of the reviewing Board.

**C. Lighting.** Lighting must comply with §10.11 of the Westfield Land Use Ordinance, however, due to the rooftop location lighting may be located greater than 15 feet above normal grade and the use of lights spaced evenly along a cable or wire, commonly known as "string lights" shall be permitted. In addition, lights must be turned off when the rooftop use is not in operation. A lighting plan shall be submitted that illustrates compliance with these standards.

**D. Electronic visual displays, sound, and amplification.** Due to the potential nuisance to neighboring properties and the general public in the surrounding area, there shall be at no time permitted any television or video or electronic screens or displays and no live entertainment, music, speakers, or public address system shall be permitted on the rooftop. The rooftop must be maintained as a quiet, relaxed environment.

**E. Parking.** Due to the seasonal nature of rooftop use, square footage or seating utilized for same shall not be subject to parking requirements, as is the same for sidewalk cafes.

**SECTION IV.** 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 V.** 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 VII.** This ordinance shall take effect after passage and publication in the manner provided by law.