

**TOWN OF WESTFIELD
WESTFIELD, NEW JERSEY
GENERAL ORDINANCE NO. 2024-21**

AN ORDINANCE TO AMEND THE LAND USE ORDINANCE OF THE TOWN OF WESTFIELD IN REGARD TO THE DEFINITION OF FLOOR AREA, HABITABLE

WHEREAS, the Zoning Officer recommends an amendment to the definition of a “Floor Area, Habitable” to include a statement as to how habitable floor area is measured in Westfield for top most stories or half-stories; and

WHEREAS, a recommendation contained within the Master Plan Reexamination Report prepared by H2M Associates and adopted by the Planning Board of the Town of Westfield by Resolution dated January 6, 2020 noted that portions of attached, unheated garages are exempted from Floor Area Ratio (FAR) calculations to a certain square footage in the detached single-family residential zones. However, this does not extend to detached single-family construction that is permitted within the RM-12, RM-8, RM-6, and RM-6D zone districts and should be included in those zones; 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 ORDAINED by the Town Council of the Town of Westfield in the County of Union as follows:

SECTION I. Article 2, Subsection 2.08 titled “Definitions; F” is hereby amended by modifying the existing definition at subsection “N” for Floor Area, Habitable, to read as follows:

N. **FLOOR AREA, HABITABLE** – The area of that portion of a building or structure designed, intended, heated, and furnished for year-round human occupancy, measured on each floor from the building’s exterior walls and including the full horizontal area of each floor of the building, regardless of whether or not an actual floor extends throughout it. For the top most story or half-story, habitable floor area shall include all finished areas measuring five (5) feet in height and/or greater, measured from the top of the finished floor to the finished ceiling, or where there is not a finished ceiling to the top of the roof rafters. Habitable floor area shall not include that portion of a finished attic equal to not more than 1/3 the area of the floor below. Habitable floor area shall not include that portion of an attached unheated garage floor area as follows:

RS-6, RS-8 and RS-10 Zones: Up to but not exceeding 250 square feet;

RS-12, RS-16, RS-24, and RS-40 Zones: Up to but not exceeding 450 square feet;

Single-family residential uses in detached single family residential structures in the RM-6, RM-6D, and RM-8 Zones: Up to but not exceeding 250 square feet;

Single-family residential uses in detached single family residential structures in the RM-12 Zone: Up to but not exceeding 450 square feet.

SECTION II. 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 III. 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 IV. 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 September 10, 2024.

Maureen Lawshe, RMC
Town Clerk