

ORDINANCE NO. 1063

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING AND/OR ADOPTING OR REPEALING THE FOLLOWING ARTICLES AND SECTIONS OF THE WESTWOOD ZONING ORDINANCE WHICH IS INCORPORATED BY REFERENCE WITHIN THE WESTWOOD CITY CODE BY CHAPTER 16, ARTICLE 1, SECTION 1.5, ARTICLE 2, SECTION 2.3, ARTICLE 3, SECTION 3.5.1, ARTICLE 4, SECTIONS 4.3 AND 4.4, ARTICLE 5, SECTION 5.3, AND ARTICLE 7, SECTIONS 7.3 AND 7.4.

WHEREAS, on November 3, 2025, the Planning Commission of the City of Westwood conducted a public hearing to consider amendments to the Zoning Ordinance of the City of Westwood;

WHEREAS, following the public hearing by the Planning Commission on November 3, 2025, the Planning Commission provided a unanimous recommendation to the governing body that the following Articles and Sections of the City’s Zoning Ordinance be amended, adopted, or repealed as hereinafter provided: Chapter 16, Article 1, Section 1.5, Article 2, Section 2.3, Article 3, Section 3.5.1, Article 4, Sections 4.3 and 4.4, Article 5, Section 5.3, and Article 7, Sections 7.3 and 7.4;

WHEREAS, the Governing Body has determined to accept the recommendation of the Planning Commission and has determined to amend the Zoning Ordinance of the City as hereinafter provided;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:

SECTION 1: That Article 1, Section 1.5.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.5.1 Procedures

- A. Plats shall be required on any land in the city for which the following is proposed:
 - 1. The subdivision or merger of tracts into new lots, blocks, tracts or parcels;
 - 2. The establishment of any street, alley, right-of-way, park, or other property intended for public use.
- B. Such plat shall accurately describe the subdivision, lots, tracts, or parcels of land, giving the location and dimensions thereof, and the location and dimensions of all streets, alleys, parks, or other properties intended to be dedicated to public use or for the use of purchasers or owners of lots, blocks, tracts, or parcels of land fronting thereon or adjacent thereto.
- C. All plats shall be verified by the owners thereof. All such plats shall be submitted to the planning commission.
- D. The planning commission shall determine if the plat conforms to the provisions of the zoning ordinance. If such determination is not made within 60 days after the first meeting of such commission following the date of the submission of the plat to the city clerk, such plat shall be deemed to have been approved, and a certificate shall be issued by the city

clerk upon demand. If the planning commission finds that the plat does not conform to the requirements of the zoning ordinance, the planning commission shall notify the owners of such fact. If the planning commission finds that the plat conforms to the requirements of such regulations, the commission's seal and approval shall be affixed thereto.

- E. The governing body shall accept or refuse the dedication of land for public purposes within 30 days after the first meeting of the governing body following the date of the submission of the plat to the city clerk. The governing body may defer action for an additional 30 days for the purpose of allowing for modifications to comply with the requirements established by the governing body. No additional filing fees shall be assessed during that period. If the governing body defers or refuses such dedication, it shall advise the planning commission of the reasons therefor.
- F. The city may establish a scale of reasonable fees to be paid to the city by the applicant for approval for each plat filed. The register of deeds shall not file any plat until such plat shall bear the approval hereinbefore provided.
- G. The register of deeds shall not file any plat until such plat shall bear the approval hereinbefore provided and any land dedicated for public purposes shall have been accepted by the governing body.
- H. Any lot already platted as of the effective date of the ordinance from which this division is derived may be divided into not more than two lots or tracts without having to replat the original lot, provided that the resulting lots or tracts shall not again be divided without replatting, subject to the following conditions and procedures:
 - 1. Each resulting lot or tract must have the minimum frontage required within the zoning district.
 - 2. A certificate of survey for each resulting lot or tract, including the certificate by a registered engineer or surveyor that the details contained on the survey are correct, shall be submitted to the city clerk and shall contain the following information:
 - a. The dimension and location of each of the lots or tracts, including a metes and bounds description of each lot or tract on the plat;
 - b. The location and character of all proposed and existing public utility lines and easements, including sewers (storm and sanitary), water, gas, and power lines;
 - c. Building setback lines with dimensions;
 - d. The location of proposed or existing streets and driveways providing access to said lots or tracts; and
 - e. A physical property survey, including topography with contour intervals of not more than two feet and including the location of water courses, ravines, existing significant trees, permanent structures, and proposed drainage structures.
 - 3. Any building or structures existing on the lot or tract at the time of the lot or tract split must remain in compliance with other ordinances of the city after the lot or tract split has been completed.
 - 4. All costs resulting from an application for a lot or tract split shall be paid by the applicant.
 - 5. All applications will be referred to the planning commission for a recommendation to the governing body.

6. Conveyances by an adjacent property owner of a tract less than 15 feet in width is exempt from the approval process, provided that both tracts remain large enough to be built upon lawfully, and, if the tracts are in a residentially zoned area, each tract must remain in the same frontage size category, provided that the resulting lots or tracts shall not be divided without replatting.
 - I. Plats approved by the governing body shall be filed with the county within 30 days of approval by the governing body. Failure to file is a violation of this Code. No building permit shall be issued before filing is complete.

SECTION 2: That Article 2, Section 2.3 of the Westwood Zoning Ordinance is hereby amended to read as follows relating only to the specific definitions identified here, all other definitions to remain unamended:

2.3 Definitions

Building coverage means that portion of a lot, which is covered by a structure or structures, excluding the first four feet of projecting roof eaves and excluding open, unenclosed and uncovered decks or other structures 30 inches or less in height.

Facade means the vertical surface of a building facing any property line, not including architectural elements and fenestration.

Impervious surface coverage means that portion of the lot, which is covered by a structure, material, or other fixed physical element that does not allow the infiltration of ground water at the same rate of flow under natural conditions as undisturbed property and cannot be planted with landscape materials. Impervious area includes but is not limited to building footprint, driveways, sidewalks, patios, decks, pools and sheds.

Lot coverage shall have the same meaning as building coverage, as set forth in this section.

Rooftop patio, means a horizontal surface located on the roof of a building that is designed, intended, or used as an outdoor amenity space for occupants of the building. A rooftop patio may be open to the sky or partially covered by an unenclosed structure (such as a pergola) and may include guardrails, seating, and landscaping features. Any space that has projections such as pergola shade structures that are permanent that are over 48” high counts against the 50% maximum to constitute a half story, where a half story is allowed.

Story, half, means a floor level under and within the roof structure of a building, typically with sloped ceilings and limited usable floor area, where the floor area with a ceiling height of at least 7 feet occupies no more than 50% of the area of the story below.

SECTION 3: That Article 3, Section 3.5.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

3.5.1 Construction Trailers and Fencing, Sanitary Facilities And Roll-Off Dumpsters

Construction trailers and roll-off dumpsters may be used in conjunction with construction projects, provided that the following conditions are met:

- A. Construction trailers may be located at a building site where there is a valid permit for the construction project.
- B. All construction trailers shall be located at least ten feet off any street right-of-way.
- C. Roll-off dumpsters must be utilized during all such projects and shall be located at least ten feet of any street right-of-way, and shall be emptied at least monthly of all debris or when filled above the top rim.
- D. Temporary sanitary facilities shall be located at least ten feet away from any street right-of-way, and serviced on a weekly basis or more often, as needed.
- E. In addition to construction trailers, at any construction site for a construction project valued at \$1,000,000.00 or more, one or more security guard houses may be installed. Use of such structures may include overnight stay, provided adequate sanitary facilities are provided and the same conditions for construction trailers, listed above, are met.
- F. Temporary construction fencing shall be installed around the perimeter of any active construction site for a new structure, demolition of at least 10% of an existing structure, and any additions greater than 600 square feet. Fencing shall be located outside of the right-of-way and shall be a minimum of six (6) feet in height and shall be constructed with durable materials and include screening or privacy mesh. The fencing shall remain in place for the duration of construction and be removed upon project completion. All required signage shall be posted and maintained and all construction-related equipment, including all other requirements of this provision shall be fully enclosed within the fencing.

SECTION 4: That Article 4, Section 4.3.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.2 Single-Family Primary Structure Requirements

- A. Residential lots are described and defined in WCC 4.1.2 and are reaffirmed herein by reference. For lots which have front footage lying on a curve or arc (such as may occur on a lot on a cul-de-sac) or which otherwise are not rectangular and have a front width which is narrower than the width at the back property line, the width shall be measured along the front building line of the primary structure for purposes of determining the lot category.
- B. The primary structure of all residences in R-1(A), R1-(B), R1-(C), and R1-(D) shall be a maximum of two stories in height. Residences in R-1(E) shall be a maximum of 2 1/2 stories.
- C. For all residential tracts in R-1(A) and R-1(E), the total lot coverage of all structures, including, but not limited to, all primary and accessory structures, shall not exceed 40 percent of the area of the lot. For R-1(B), R-1(C), and R-1(D) lots, the total lot coverage of all structures, including, but not limited to, all primary and accessory structures, shall not exceed 35 percent of the area of the lot. However, in calculating lot coverage, decks which are at least 30 inches high, measured from the ground, shall be calculated at 50

percent of the area they encompass. Thus, a deck having an area of 100 square feet shall count as 50 square feet for purposes of calculating total lot coverage. Decks lower than 30 inches in height are not counted toward lot coverage.

- D. Primary structures shall have at least 60 percent of their front facade width – or horizontal length – on the front yard build-to line, or within +/- 1' of it, measured perpendicularly from the lot line. For purposes of this provision, stems walls are not included in the calculation of how much of the front façade is in compliance.
- E. The vertical surface of any building elevation shall not exceed more than 600 square feet or 25 feet measured horizontally without incorporating architectural relief. Architectural relief shall be defined as a building element or elements that breaks up a wall plane and occurs cumulatively over at least 25 percent of the wall plane requiring relief.
 - 1. Examples may include dormers, projecting primary entrance features, projections or recessions in the building face (either horizontal or vertical), columns, chimneys, arches, eaves, alternating roof pitches, and/or by other architectural means.
 - 2. Windows, doors, and changes of material do not constitute architectural relief.
- F. Window openings shall match or exceed the existing percentage of wall-to-window openings of the existing house or the construction of adjacent properties for new homes. The requirements of this provision, however, shall not apply to the first floor of attached garages.
- G. Front setback encroachments for all residences shall be no greater than four feet into the front yard setback, except for open front porches, which may encroach up to 10'. See WCC 4.3.3.E.
- H. The maximum height of the primary structure shall be 35 feet.
- I. Building Foundations. (1) New residential structures shall establish the top of foundation between six inches and 24 inches above the finished grade along the front facade. (2) No new residential structure may be built with a top of foundation more than 12 inches higher than the top of foundation of a previous existing home, or the height allowed by sub-sections (1), whichever is less. (3) New residential structures or additions may raise the top of foundation an additional six inches for every additional five feet over the minimum side setback that the building sets back from both side property lines, up to 36 inches above the finished grade along the front facade. (4) Any elevation that has more than 24 inches of foundation exposed due to grade changes shall cover the foundation by extending the siding to within 24 inches of finished grade, or by covering the foundation with decorative materials such as stone or brick that compliments the principal materials of the building.
- J. With respect to lots which have existing primary or accessory structures less than five feet from a side property line, such existing primary or accessory structure's existing wall

may be extended further along the property line provided that a distance of ten feet is maintained between the structure and any extension thereof and any structure on any adjacent lot.

- K. Notwithstanding the above, any construction within such a five-foot setback shall require that any future construction of a structure on the adjacent lot be not less than ten feet away from the new construction. Thus, for example, and not by way of limitation, an extension on one lot that is four feet off the side yard property line would necessitate that any later construction on the adjacent lot be at least six feet off of its side yard.
- L. A permit for construction of a non-conforming primary or accessory structure in the setback will not be granted until the applicant obtains the following in writing signed by the adjacent property owner:
 - 1. A statement advising the adjacent neighbor of the nature of the project or construction under consideration;
 - 2. An acknowledgement by said adjacent neighbor that that property owner may not build any closer than ten feet to the proposed project or construction in the future;
 - 3. A statement that said adjacent property owner consent to said project or construction; and
 - 4. This writing shall be acknowledged before a notary public and said notarized acknowledgement shall be filed with the county office of records and tax administration, and proof of said filing provided to the city before any building permit shall issue.
- M. Except as set forth in WCC 4.3.3, lot exceptions below, specific requirements for each residential zoning district are as follows:
 - 1. R-1(A):
 - a. Lots shall be less than 50 feet in width;
 - b. Minimum setbacks are established at:
 - 1. 20 feet for the front yard;
 - 2. Seven feet for a second-story side yard;
 - 3. 15 feet for the rear yard;
 - 4. 15 feet for the side yard on corner lots;
 - 5. Five feet for first story side yard;
 - 6. Other first-story side yard setbacks as set forth in subsection I of this section;

- c. The maximum lot width coverage at front yard setback shall be 80 percent;
 - d. The maximum eave height above the first floor shall not be greater than half the width of the lot as measured at the curb along the front property line;
 - e. The maximum stories of the primary structure shall be two.
2. R-1(B):
- a. Lots shall be at least 50 feet and less than 65 feet in width and have a minimum area of 5,500 square feet;
 - b. Minimum setbacks are established at:
 - 1. 35 feet for the front yard;
 - 2. Seven feet for a second-story side yard;
 - 3. 15 feet for the rear yard;
 - 4. 15 feet for the side yard on corner lots;
 - 5. Five feet for first story side yard;
 - 6. Other first-story side yard setbacks as set forth in subsection H of this section;
 - c. The maximum lot width coverage at front yard setback shall be 80 percent;
 - d. The maximum eave height above the first floor shall not exceed 23 feet;
 - e. The maximum stories of the primary structure shall be two.
3. R-1(C):
- a. Lots shall be at least 65 feet and less than 75 feet in width and have a minimum area of 7,020 square feet;
 - b. Minimum setbacks are established at:
 - 1. 35 feet for the front yard;
 - 2. Seven feet for a second-story side yard;
 - 3. The greater of 15 feet or 20 percent of depth of lot for the rear yard;
 - 4. 15 feet for the side yard on corner lots;
 - 5. Five feet for first story side yard;

6. Other first-story side yard setbacks as set forth in subsection H of this section;
 - c. The maximum lot width coverage at front yard setback shall be 70 percent;
 - d. The maximum eave height above the first floor shall not exceed 23 feet;
 - e. The maximum stories of the primary structure shall be two.
4. R-1(D):
 - a. Lots shall be at least 75 feet width and have a minimum area of 9,000 square feet;
 - b. Minimum setbacks are established at:
 1. 35 feet for the front yard, seven feet for a second-story side yard;
 2. The greater of 15 feet or 20 percent of depth of lot for the rear yard;
 3. 15 feet for the side yard on corner lots;
 4. Five feet for first story side yard;
 5. Other first-story side yard setbacks as set forth in subsection H of this section;
 - c. The maximum lot width coverage at front yard setback shall be 70 percent;
 - d. The maximum eave height above the first floor shall not exceed 23 feet;
 - e. The maximum height of the primary structure shall be 35 feet;
 - f. The maximum stories of the primary structure shall be two.
5. R-1(E):
 - a. Lots shall be less than 50 feet in width;
 - b. Minimum setbacks are established at:
 1. 20 feet for the front yard;
 2. Five feet for a second-story side yard, seven feet for the third-story;
 3. 15 feet for the rear yard but five feet for a detached garage in the rear yard;
 4. 15 feet for the side yard on corner lots;

5. Five feet for first story side yard;
 6. Other first-story side yard setbacks as set forth in subsection H of this section;
- c. The maximum lot width coverage at front yard setback shall be 80 percent;
 - d. The maximum eave height above the first floor shall not exceed 23 feet;
 - e. The maximum stories of the primary structure shall be 2 1/2;
 - f. The total square footage of the one-half story above the second story shall not exceed 50 percent of the total square footage of the second story.
- N. The chart below is provided to assist property owners for single-family primary structures, however subsections A through I of this section shall prevail in the event of any question of interpretation or ambiguity with respect to said chart.

Chart 4.3.2. Single-Family Primary Structure Requirements

<i>Primary Structure Requirements</i>	<i>R-1(A)</i>	<i>R-1(B)</i>	<i>R-1(C)</i>	<i>R-1(D)</i>	<i>R-1(E)</i>
Lot width minimum		50'	65'	75'	
Lot width maximum	< 50'	< 65'	< 75'		< 50'
Maximum building coverage	40%	30%			40%
Maximum impervious surface	60%	40%			60%
Minimum setbacks:					
Front yard build-to line (see WCC 4.2.3.d)	20'	35'			20'
First story side yard setbacks (see WCC 4.3.2.1)	5'	5'	5'	5'	5'

Corner lots side yard**	15'		15'
Rear yard	15'	greater of 15' or 20% of lot depth	15', detached garage at 5'
Maximum lot width coverage at front yard setback	80%	70%	80%
Front setback encroachments:			
Open stoops, open porches & raised doorways	10' into the front yard setback		
Maximum eave height above first floor	< 1/2 lot width	23'	
Maximum height of primary structure	35'		
Maximum stories of primary structure	2	2	2 1/2*
Continuous wall limits	Not to exceed more than 600 square feet or 25' horizontally without incorporating architectural relief. See WCC 4.3.2 E		
Attached garages	The front wall of front-facing attached garages shall be located entirely behind the front wall of the primary building (2.3.520). Front porches or colonnades shall not constitute the front wall of the dwelling for this review.		

*New home builds should see division 4.4 of this article for special considerations.

*The total square feet of the top one-half story shall not exceed 50 percent of the area of the second story.

**Corner lots side yard diagramed in the definition of the term "yard, street side" in WCC 2.3.

SECTION 5: That Article 4, Section 4.3.3 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.3 Lot Exceptions

- A. A cul-de-sac lot shall have a minimum width of 30 feet at the front building line.
- B. Lot splits of existing platted lots shall be subject to the requirements set forth in article 1.5 of this chapter.
- C. Setback exceptions are as follows:
 - 1. 47th Street Terrace and 48th Street between Rainbow Boulevard and State Line Road: front yard setback 20 feet;
 - 2. 50th Street Terrace east of Belinder Road: front yard setback 30 feet and rear yard setback ten feet;
 - 3. 47th Street Terrace between Belinder Road and Rainbow Boulevard: front yard setback 25 feet;
 - 4. Fairway Road between 49th Street and 50th Street: front yard setback 23 feet;
 - 5. Norwood Road between 49th Street and 50th Street: front yard setback 32 feet;
 - 6. Where irregular front yard setbacks exist and specific setbacks are not indicated above, the front yard shall not be less than the primary structure on either side.
- D. Encroachment exceptions are as follows:
 - 1. Chimneys, open steps, and medically necessary ramps may encroach on front setbacks;
 - 2. Bay windows may encroach on the front yard to a maximum of 30 inches;
 - 3. All encroaching stoops and porches shall be open with no enclosing screens or windows;
 - 4. All the above encroachments shall be constructed using materials and construction methods similar to those of the existing house.
- E. Height exceptions are as follows:
 - 1. Roof equipment;
 - 2. Spires;
 - 3. Chimneys and other roof appurtenances not intended for human occupancy and which are necessary to the structure to which they are attached.

SECTION 6: That Article 4, Section 4.3.6 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.6 Garages

- A. Each single-family residence hereinafter constructed within the city limits must have at least a one-car garage.

- B. No remodeling or construction shall be permitted which eliminates all garage space for a single-family residence.
- C. Basement parking garages in R-1(A) and R-1(E) districts may extend above existing grade a maximum of four feet if the front entrance to the first floor faces the street and no exterior entrance to the garage, other than the garage doors, faces the street.
- D. One detached garage on each of two adjacent lots may be built on the side property line and share a common wall. Such a garage may be built only following a hearing before the governing body with notification by certified mail to all property owners who are adjacent, abutting, or opposite the properties upon which the garage is proposed to be built. At the hearing, the governing body may approve such a garage provided that the applicants have appropriate easements, party wall agreements, or other documentation and provided further that no existing easements or property rights will be affected by the garage.
- E. Any detached garage shall have a permanent foundation, cover an area of at least 175 square feet, and be constructed using materials and construction similar to the primary structure, including the same roof pitch as the existing roof on the primary structure.
- F. The front wall of front-facing attached garages shall be located entirely behind the front facade of the primary building. Front porches or colonnades shall not constitute the front wall of the dwelling for this review. This requirement shall not apply to subgrade garages, which may be flush with the front wall.
- G. Detached garages shall be located entirely behind the rear line of the primary structure.
- H. Any three-car garage must have at least two garage doors for vehicle access.
- I. No detached garage shall be more than 35 feet and two stories in height.
- J. No garage door shall be more than nine feet in height.

SECTION 7: That Article 4, Section 4.3.7(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.7 Building Standards

- A. Acceptable materials for all structures in all R-1 districts are as follows:
 - 1. The exterior surfaces of residential building walls shall be stone, brick, finished concrete, precast concrete, copper, plaster stucco, EIFS (exterior insulation finishing system), clear glass, wood (clapboard, shingle, drop siding, primed board, or board and batten) or a material substantially similar in appearance as wood, brick, metal (for detailing and awnings), vinyl siding and details (including soffits), aluminum siding, or steel siding. Also, vinyl windows are permitted. All other materials shall be prohibited, including, but not limited to, plastic columns or other ornamentation, concrete masonry units, corrugated metal, and mirror or other reflective glass.

2. Residential roofs shall be dressed in wood shingles, slate, asphalt shingles, copper, tern-coat metal, tile, concrete tile, painted metal, or single membrane roof. No person shall construct a green roof prior to first submitting a detailed maintenance plan to the city and obtaining a conditional use permit from the building official.
3. Gutters and downspouts shall be made of copper, galvanized metal, painted metal, baked finish aluminum or vinyl.

SECTION 8: That Article 4, Section 4.3.9(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.9 Fence and Wall Standards

No fence may be placed upon any public right-of-way except by the city. No fence or wall detached from or attached to any building shall be erected or constructed upon any lot, plot, tract, or premises without a valid permit specific to said construction project.

A. The requirements for materials and style of construction shall be as follows:

1. The type and design of any fence or wall must be suitable to and in conformity with the improvements on the lot on which it is constructed and shall be compatible with the surrounding neighborhood. Both sides of any fence or wall shall be of equal quality or finish; any fence or wall of post-and-support construction shall be built with the posts facing the interior of the tract. All fences and walls must be kept in good repair and appearance.
2. All fences and walls exceeding four feet in height shall be made of wood and of board-on-board style, of a material substantially similar in appearance as wood, or shall be of live material such as bushes or shrubs.
3. All fences and walls constructed of live material must be kept trimmed and of an orderly appearance, may not exceed six feet, and may be situated at any location upon the lot or tract subject to easements and the city's tree ordinance.

SECTION 9: That Article 4, Section 4.4.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.4.2 Tree Preservation.

A. A tree protection and removal plan shall be submitted commensurate with an application for a demolition permit and prior to any utility disconnections or site excavation begins. The tree protection and removal plan shall:

1. Show all existing trees, including size and species;
2. Identify trees proposed for removal and those to be retained; and
3. Include locations of protection fences and other protection measures.

B. Tree removal is only permitted if:

1. The tree is dead, in the official opinion of a third-party ISA (International Society of Arborists) Board Certified Master Arborist contracted by the property owner or applicant at their own expense;
2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety, in the official opinion of a third-party ISA (International Society of Arborists) Board Certified Master Arborist contracted by the property owner or applicant at their own expense;
3. The tree has visible structural deficiencies, in the official opinion of a third-party ISA (International Society of Arborists) Board Certified Master Arborist contracted by the property owner or applicant at their own expense; or
4. Removal of the tree is necessary for construction, development, or redevelopment under the following criteria:
 - a. All reasonable efforts have been made to avoid removing the tree through comparable alternative design;
 - b. The presence of the tree places an undue financial burden on the applicant; and
 - c. No other reasonable accommodations, including adjustments to the otherwise allowable building footprint or site design can be made to preserve the tree.

C. All removed trees shall be replaced. Replacement trees shall:

1. Be at least two inches in caliper;
2. Be placed in the front yard if the tree removed was in the front yard;
3. Be placed anywhere on site if the tree removed was not in the front yard;
4. Be outside of the right-of-way; and
5. Be planted once construction is complete.

D. All infill construction properties shall:

1. Contain at least one front yard tree;
2. If no front yard trees exist on the property at the time of construction:
 - a. A tree of at least two inches in caliper should be planted in the front yard of the property;
 - b. The new tree shall be planted outside of the right-of-way, once construction is complete.

SECTION 10: That Article 4, Section 4.4.3 of the Westwood Zoning Ordinance is repealed.

SECTION 11: That Article 5, Section 5.3.3(C) of the Westwood Zoning Ordinance is hereby amended to read as follows:

5.3.3 Uses Permitted By Right

Unless otherwise provided in this article, no buildings or premises shall be used, and no building or structure shall be erected or altered hereafter in C-1 Commercial Mixed-Use Districts, except for the following uses:

- A. Retail stores;
- B. Retail trade and shops for custom work or the making of articles to be sold at retail on the premises;
- C. Manufacturing, clearly incidental or necessary to a retail business, lawfully conducted on the premises, provided that it is not in any way a nuisance or a hazard, and it meets all city ordinances regarding vibration, noise, and odor;
- D. The place of business of a baker, barber, beauty shop, caterer, light dry cleaning and dyeing, confectioner, decorator, dressmaker, electrician, florist, furrier, milliner, theater, public utility station or substation, painter, paperhanger, photographer, plumber, printer, publisher, restaurant, shoe repairer, tailor, upholsterer, small animal veterinarian, health club, aerobics studio or similar facility;
- E. Fire and police stations or other public buildings;
- F. Any and all uses enumerated in division 5.2 of this article;
- G. Other general commercial uses up to 50,000 gross square feet. (Exceptions: automotive repair, garages, welding shops, machine shops, outdoor storage or sales, pool halls, game rooms);
- H. Other office uses up to 50,000 gross square feet;
- I. Hotels and/or convention facilities up to 50 rooms and 50,000 gross square feet of convention floor area;
- J. Restaurants (exception: drive-through restaurants);
- K. Nursing or assisted living facilities;
- L. In addition to multifamily uses in connection with a mixed-use development, freestanding multifamily residential uses which are restricted to individually owned townhouse developments as defined in the Townhouse Ownership Act (K.S.A. 58-3701 et seq.), as amended, and residential condominium units as defined in the Apartment Ownership Act (K.S.A. 58-3101 et seq.), as amended, shall be permitted in C-1 districts. Any requirement or regulation pertaining to C-1 uses shall apply also to such individually owned townhouse developments and residential condominium units. Furthermore, in addition to meeting all plan, development, building code, and other approvals and regulations imposed by the city, or state or federal law, any such multifamily use shall meet the following criteria:

1. Multifamily condominium or townhouse developments may be located only in areas which have adequate street, drainage, and other infrastructure capabilities, and further must be located so that such developments can be adequately buffered from, or transitioned to, surrounding or nearby properties;
2. Multifamily condominiums or townhouse developments can be located only on or at intersections with Rainbow Boulevard, 47th Street, State Line Road, or Shawnee Mission Parkway.

M. Multifamily residential.

SECTION 12: That Article 5, Section 5.3.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

5.3.4 Uses Permitted with Conditions

The following uses are permitted in C-1 districts:

- A. Commercial uses exceeding 50,000 gross square feet;
- B. Customary home occupations;
- C. Commercial child care;
- D. Hotels and/or convention facilities exceeding 50 rooms and 30,000 gross square feet of convention floor area;
- E. Office uses exceeding 50,000 gross square feet;
- F. Parking decks;
- G. Restaurants with outdoor seating;
- H. Service stations;
- I. Commercial uses which allow patrons to remain in their automobiles while receiving goods and services.
- J. Communication facilities limited to the following:
 1. Antennas, as defined in WCC 10.2, mounted on and designed as an architecturally compatible element to an existing structure or building or affixed to water tower.
 2. Small cell or distributed array facilities on utility poles or streetlights in the public right-of-way.
 3. Communication facilities are subject to the application, location, and performance standards of article 10 of this chapter.

SECTION 13: That Article 7, Section 7.3 of the Westwood Zoning Ordinance is hereby repealed.

SECTION 14: That Article 7, Section 7.4 of the Westwood Zoning Ordinance is hereby repealed.

SECTION 15: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

PASSED by the Governing body this 13th day of November, 2025.

David E. Waters, Mayor

Attest:

Abby Schneweis, City Clerk

Approved as to form and legality:

Ryan Denk, City Attorney