

WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: November 3, 2025

Staff Contact: Leslie Herring, City Administrator

Public Hearing Item – Consider advancing recommendations for text amendments to zoning regulations

Background

Throughout the year, the Planning Commission has identified several areas in the zoning regulations that either conflict with one another, are commonly requested be waived by applicants for building permits, or which constitute possible conflicts between the letter and the spirit of the zoning regulations. Although most of the cases coming before the Planning Commission are for waivers from the zoning regulations pertaining to new home builds, there are also other sections of the Zoning Ordinance identified by staff, Planning Commissioners, and City Councilmembers outside of new infill housing that should be considered for updating, especially following current regional and local conversations about housing product availability and environmental sustainability. Conversations about proposed amendments to the zoning regulations have been a topic at several meetings during public hearings.

Conducting an annual review of the zoning regulations is an established goal of the Planning Commission and is included in the Planning Commission's annual work plan adopted at the beginning of each year. The last time the zoning regulations were updated was in February 2022. In 2023, the City Code recodification process kicked-off and just concluded with adoption of the recodification in August 2025. The zoning regulations were updated during that period only for clarity and consistency, with more substantive revisions to be made now that the recodification has concluded.

The following slate of provisions recommended for revisiting and revision have been discussed by the Planning Commission at the August, September, and October Planning Commission meetings, a builder & developer focus group was invited to review and provide feedback in late September, and a small working group including staff, City Councilmember Jason Hannaman, and Planning Commissioners has convened to discuss the text amendments in between meetings.

Staff Comments

The following provisions of the zoning regulations were flagged for review and possible revision based on recent permit applications and policy-focused conversations. The Planning Commission has reviewed this list, discussed text amendment language, and determined they feel comfortable advancing the following text amendments to the zoning regulations to this November 3rd public hearing. Upon recommendation by the Planning Commission during the public hearing, the City Council will consider formally adopting them at its November 13, 2025 regular meeting.

~~Red struckthrough font~~ indicates existing provisions to be considered for deletion.

Green font indicates suggestions for new language to be added.

Black font indicates existing provisions, provided for context.

Highlighted font indicates revised language for discussion since the last regular Planning Commission meeting.

Article Two: Definitions ([linked here](#))

- Facade
 - Action recommended: Clarify whether “façade” includes the roofline for a covered porch.
 - **Text amendment language** for discussion: *Facade* means the vertical surface of a building facing any property line, **not including architectural elements and fenestration.**
- Lot Coverage
 - Action recommended: Determine whether this definition should be revised to include all impervious surface on a lot.
 - **Text amendment language** for discussion: *Lot coverage shall have the same meaning as building coverage, as set forth in this section. ~~means the entire area on a tract or parcel that is covered by a structure, any impermeable surface, or is otherwise built upon, including, but not limited to, the footprint or foundation outline of all buildings and structures. Lot coverage does not include decks which do not have roofs and are less than 30 inches in height from the ground, and driveways, sidewalks, and patios which are flush with the surface of the ground. Decks which are not roofed and are 30 inches or higher from the ground are to be calculated at 50 percent of the area covered. Overhanging conditions above open-air exterior areas, including, but not limited to, building, roof, or balcony overhangs or cantilevers, shading devices, and light shelves are to be calculated at 50 percent of the covered area. Structures covered by green roofs are to be calculated at 50 percent of the covered area, up to an area equal to 10 percent of the total lot area.~~*
 - **Text amendment language** for discussion: *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.
 - **Text amendment language** for discussion: *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.
- Story, Half
 - Action recommended: Determine whether this definition should be revised to include recent trends in architecture; whether usable open rooftop areas constitute a floor. (citation: [WE 2025-02, March 3, 2025](#))
 - **Text amendment language** for discussion: *Story, half*, means a ~~partial story located above a full story and underneath a sloping roof, where the roof planes intersect two opposite exterior walls at a height of no more than two feet above the half-story floor level, and window dormers or other projections out from this roof plane do not exceed more than 50 percent of the horizontal length of the roof for a 2 1/2 level, or 85 percent of the horizontal length of the roof for a 1 1/2 story level, measured along both opposite roof planes at two feet above the half-story floor level or higher story under a roof 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.

- **Text amendment language** for discussion: Consider adding a definition and then determining where and how regulation is appropriate for *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.

Article Three: General Regulations ([linked here](#))

- 3.5.1 – Construction Trailers and Fencing, Sanitary Facilities, and Roll-off Dumpsters
 - Action recommended: Determine whether construction fencing should be required and whether sanitary facilities must be within the enclosed site.
 - **Text amendment language** for discussion: Construction trailers and roll-off dumpsters may be used in conjunction with construction projects, provided that the following conditions 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.

Article Four: Residential Zoning District

- 4.3.2.D – Minimum façade situated on build-to line ([linked here](#))
 - Action recommended:
 - Clarify whether minimum façade on built to line is a line is calculated using the line along the façade or the vertical plane (surface area); consider adding a diagrammatic illustration (citation: [WE 2024-04, January 6, 2025](#))
 - Clarify whether the build-to line has a width (i.e. +/- 1')
 - Clarify whether stem walls (garbage can screening) can be included in calculation of façade
 - **Text amendment language** for discussion:
 - 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.
- 4.3.2.G & 4.3.3.E – Front yard setback encroachments ([linked here](#) and [linked here](#))
 - Action recommended: Consider increasing allowable encroachments for open front porches (citation: [WE 2025-01, March 3, 2025](#))
 - **Text amendment language** for discussion:
 - 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.

- 4.3.2.H – Maximum height ([linked here](#))
 - Action recommended: Consider whether the height should be measured from the foundation of the existing house, disallowing new foundations to be raised any higher than the foundation of the house being torn down.
 - **Text amendment language** for discussion: Consider adding a new Section I. The following is the language Prairie Village uses:
 - I. (New provision) *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.
- 4.3.2.L.1, 2, & 5 – Residential lots with less than 65’ of frontage at the right-of-way ([linked here](#))
 - Action recommended:
 - Review regulations against houses built and waivers sought to determine whether revisions should be made to more closely align with the existing character of the street
 - Consider eliminating existing prohibition on platting new lots in these residential categories, under 65’ of lot frontage at the right-of-way
 - **Text amendment language** for discussion: ([1.5.1.I, linked here](#))
~~I. — No lot can be platted or replatted as an R-1(A), R-1(B), or R-1(E) residential category lot.~~
 - Text amendment language for discussion: ([4.3.3, linked here](#))
~~A. No new R-1(A) or R-1(B) lots shall be platted.~~
- 4.3.2.L – Single-Family Primary Structure Requirements ([linked here](#))
 - Action recommended:
 - The maximum lot coverage at front yard setback for R-1(E) is listed as 70% in the text but 80% in the table. Make consistent.
 - **Text amendment language** for discussion:
 - 5. R-1(E):
 - c. The maximum lot width coverage at front yard setback shall be ~~70~~ 80 percent;
- 4.3.2.M – Chart 4.3.2. Single-Family Primary Structure Requirements ([linked here](#))
 - Action recommended: Revise table.
 - **Text amendment language** for discussion: table updates noted below.

<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'
Lot size minimum		5,500 sq. ft.	7,020 sq. ft.	9,000 sq. ft.	
Maximum building coverage	40%	30%			40%
Maximum lot impervious surface coverage including accessory structures (deck calculated at 50 percent)	60%	40% 35%			60%
Minimum setbacks:					
Front yard build-to line (see WCC 4.2.3.d)	20'	35'			20'
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' 4' 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.

- 4.3.6.F – Attached garage regulations ([linked here](#))
 - Action recommended:
 - Clarify whether this applies to subgrade garages (citation: [WE 2025-02, March 3, 2025](#))
 - Clarify whether the front wall of the primary building is synonymous with façade or whether a new definition should be added; also determine whether the wall has a width (i.e. +/- 1') (citation: [WE 2025-02, March 3, 2025](#))
 - **Text amendment language** for discussion: The front wall of front-facing attached garages shall be located entirely behind the front ~~wall~~ **façade** of the primary building (WCC 2.3.520). 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.**
- 4.3.7.A & 4.3.9 – Building & fencing materials ([linked here](#) and [linked here](#))
 - Action recommended: Review to determine whether list should be updated to include additional modern materials? (i.e. appearance of wood)
 - **Text amendment language** for discussion: 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.
- 4.4.2 – Tree preservation ([linked here](#))
 - Action recommended:
 - Consider clarifying whether tree health determination must be made by a third-party ISA (International Society of Arborists) Board Certified Master Arborist.
 - Consider requiring demolition permit application be submitted – but not necessarily approved – prior to disruption of any tree roots for utility disconnections required for permit issuance
 - **Text amendment language** for discussion:
 - A. A tree protection and removal plan shall be submitted **commensurate with an application for a demolition permit and with the site plan 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 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 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.
 - 4.4.3 – Massing ([linked here](#))
 - Action recommended: Consider whether requiring one story eaves accomplishes reducing the effect of massing.
 - **Text amendment language** for discussion:

~~A. All new structures must have enough one story eaves that a one story appearance is maintained. Up to one third of any new building structure may be two stories in height without a one story element in front. The portion of a two story structure that does not have a one story structure in front shall have a change in material from the first to the second story, with a line of separation that aligns with the first story eave line.~~

~~B. One story eave lines shall be apparent as described in subsection A of this section.~~

Article Five: Commercial Districts

- 5.3.3 – Uses Permitted by Right ([linked here](#))
 - Action recommended: Consider allowing for more flexibility by right.
 - **Text amendment language** for discussion: 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 ~~30,000~~ 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 ~~30,000~~ 50,000 gross square feet;
 - I. Hotels and/or convention facilities up to 50 rooms and ~~30,000~~ 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 ~~as permitted within an applicable commercial overlay district.~~
- 5.3.4 – Uses Permitted with Conditions ([linked here](#))
 - Action recommended: Consider allowing for more flexibility by right.

- **Text amendment language** for discussion: The following uses are permitted in C-1 districts:
 - A. Commercial uses exceeding ~~30,000~~ 50,000 gross square feet;
 - ~~B. Multifamily over 45 feet in height;~~
 - C. Customary home occupations;
 - D. Commercial child care;
 - E. Hotels and/or convention facilities exceeding 50 rooms and 30,000 gross square feet of convention floor area;
 - F. Office uses exceeding ~~30,000~~ 50,000 gross square feet;
 - G. Parking decks;
 - H. Restaurants with outdoor seating;
 - I. Service stations;
 - J. Commercial uses which allow patrons to remain in their automobiles while receiving goods and services.
 - K. 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.

Article Seven: Commercial Overlay Districts ([linked here](#))

- Action recommended: Review each district and determine whether revisions are desired to more closely align with the City's comprehensive plan
- **Text amendment language** for discussion: Consider eliminating (deleting) COD-2 and COD-3 and allowing Articles 5 and 6 to govern these geographic areas.

Staff Recommendation

City staff recommends the Planning Commission maintain the following approach to this regular review of the zoning regulations:

- ~~1. Review this list of staff-identified zoning regulation provisions (August 4);~~
- ~~2. Share opinions and discuss amongst yourselves as an appointed body responses to the points where action is recommended (August 4);~~
- ~~3. Determine if items should be added or removed from this list (August 4);~~
- ~~4. Allow the City Administrator/Planning Commission Secretary to work with a couple Planning Commissioners and a City Council member or two as well as City staff to draft recommendations for amendments (throughout September);~~
- ~~5. Receive draft recommendations for amendments from work group, review and revise the text amendment language, and determine whether amendments are acceptable and ready to set for public hearing, or whether additional work on the proposed amendments should be conducted (October 6);~~
- ~~6. Set a public hearing on the text amendments to the zoning regulations (November 3)~~
7. Hold the public hearing at a future Planning Commission meeting; make recommendation for City Council consideration for adoption (November 3).

Suggested Motion

I move to recommend to the Westwood City Council the text amendments to the Westwood zoning regulations, Article 16 of the Westwood City Code, as presented, to be adopted by ordinance.