



CITY OF WESTWOOD, KANSAS
4700 RAINBOW BLVD.
WESTWOOD, KANSAS 66205

February 10, 2022

City Council Regular Meeting: 7:00 PM

Welcome to your Westwood City Council meeting. In an effort to mitigate the spread of COVID-19, this meeting will be held remotely via Zoom:

Access Online:

<https://us02web.zoom.us/j/89908289796>

Access by Phone:

(346) 248-7799

Webinar ID: 899 0828 9796

REGULAR MEETING AGENDA

[Note: This agenda is subject to changes, additions, or deletions at the discretion of the Governing Body]

I. CALL TO ORDER

II. APPROVAL OF THE AGENDA

III. PUBLIC COMMENT

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda, or about items on the regular agenda for which the Governing Body, at its discretion, accepts public comment. Public comment should be limited to 2-3 minutes and, unless the topic of public comment is before the Governing Body as part of its agenda, no action will be taken by the Governing Body on public comment items. Please state your name and address for the record. Persons attending virtually online will be able to make public comment by using the "raise hand" function on Zoom.

IV. PUBLIC HEARINGS

V. PRESENTATIONS AND PROCLAMATIONS

- A. [Board of County Commissioners Update \(County Commissioner Becky Fast\)](#)

VI. CONSENT AGENDA

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion (roll call vote). There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. [Consider January 13, 2022 City Council Meeting Minutes](#)
B. [Consider Appropriations Ordinance No. 735](#)

VII. MAYOR'S REPORT

VIII. COMMITTEE REPORTS

Reports on events, meetings, updates, and policy matters or proposals undertaken by the committee for future consideration by the City Council.

- A. Administration and Compensation Committee
B. Business and Community Affairs Committee
C. Parks and Recreation Committee

- D. Public Safety Committee
- E. Public Works Committee

IX. STAFF REPORTS

- A. [Administrative Report \(City Clerk and Chief Administrative Officer Leslie Herring\)](#)
- B. [Public Works Report \(Public Works Director John Sullivan\)](#)
- C. [Police/Court Report \(Police Chief Curt Mansell\)](#)
- D. [City Treasurer Report \(City Treasurer Michelle Ryan\)](#)
- E. City Attorney Report (City Attorney Ryan Denk)

X. OLD BUSINESS

XI. NEW BUSINESS

- A. [Consider Appointing Ann Holliday to the Westwood Planning Commission and Renewing the Terms of Clay Fulghum and Matt Prout](#)
- B. [Consider Adopting Ordinance No. 1024 Adopting Text Amendments to the Westwood Zoning Ordinance](#)
- C. [Consider 2022 Addendum to the Public Works Service Agreement with the City of Mission Woods](#)
- D. [Consider Resolution 103-2022 declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 47th Street from Mission Road to Rainbow boulevard](#)
- E. [Consider Adopting Ordinance No. 1025 condemning lands or interests in lands for the reconstruction of 47th Street from Mission Road to Rainbow Boulevard](#)
- F. [Consider Dedication of Permanent Road Right of Way Easement for 47th Street Improvement Project, Mission Road to Rainbow Boulevard](#)

XII. ANNOUNCEMENTS/GOVERNING BODY COMMENTS

XIII. EXECUTIVE SESSION

XIV. ADJOURNMENT

UPCOMING MEETINGS

Regular meetings of the Westwood City Council are held at 7:00 PM on the second Thursday of each month. The next regular meeting of the Westwood City Council will be held Thursday, March 10, at 7:00 PM at Westwood City Hall. The City Calendar may be accessed at www.westwoodks.org. To receive further updates and communications, please see or sign up for the following:

Westwood Buzz Email: <https://bit.ly/3wA4DWx>
Facebook: [City of Westwood Kansas-Government](#)
[Westwood, KS Police Department](#)

Johnson County Government

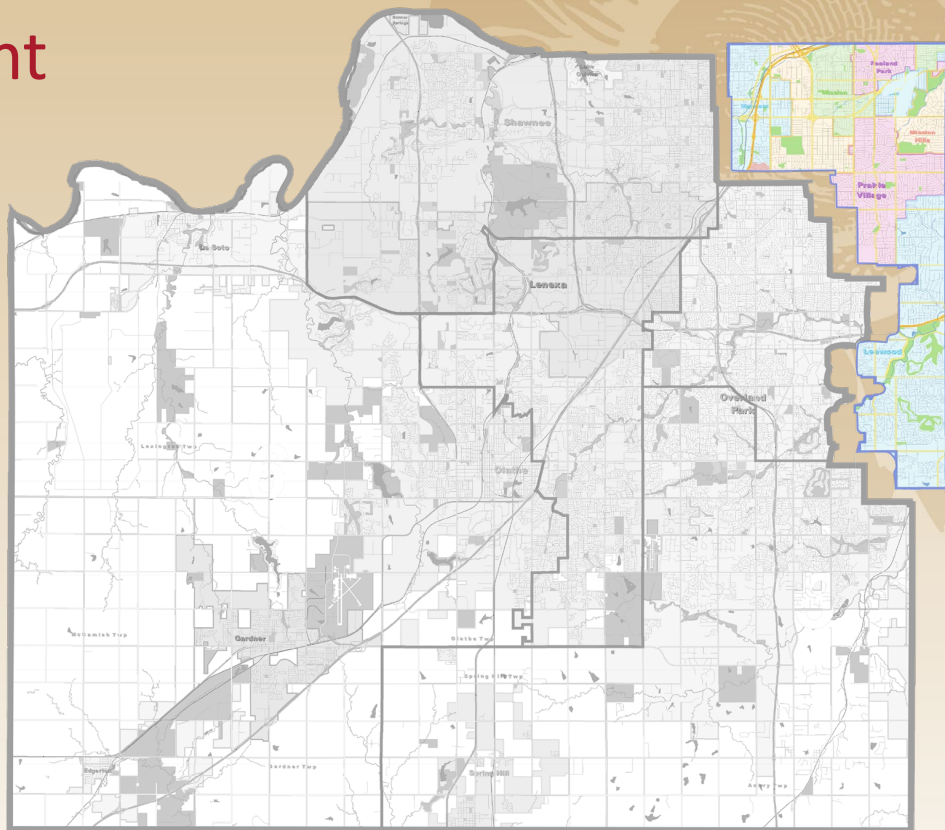
Becky Fast
District 1 Commissioner

Contact Me

jocogov.org/beckyfast

913-715-0725

becky.fast@jocogov.org



CARS PROGRAM



CARS PROGRAM

2022 Funding Sources

Funding Source	Amount
"Gas Tax" (SCCHF)	\$12,732,000
County Support (0.343 mills)	\$4,109,000
Total	\$16,841,000

Funds 50% of eligible construction costs

Projects funded on major and minor roads

Westwood

47th St. Mission Road to Rainbow -\$259,000

3





STORMWATER MANAGEMENT

STORMWATER MANAGEMENT

Stormwater Management Strategic Plan

- Watershed organizations established 2020
- Change from emphasis on city needs to watershed needs
- Cities can submit for projects related to:
 - Flood risk reduction
 - Water Quality
 - System Management

NEW: Voluntary Home Buyout Program

5

\$1.5 million budgeted in 2022



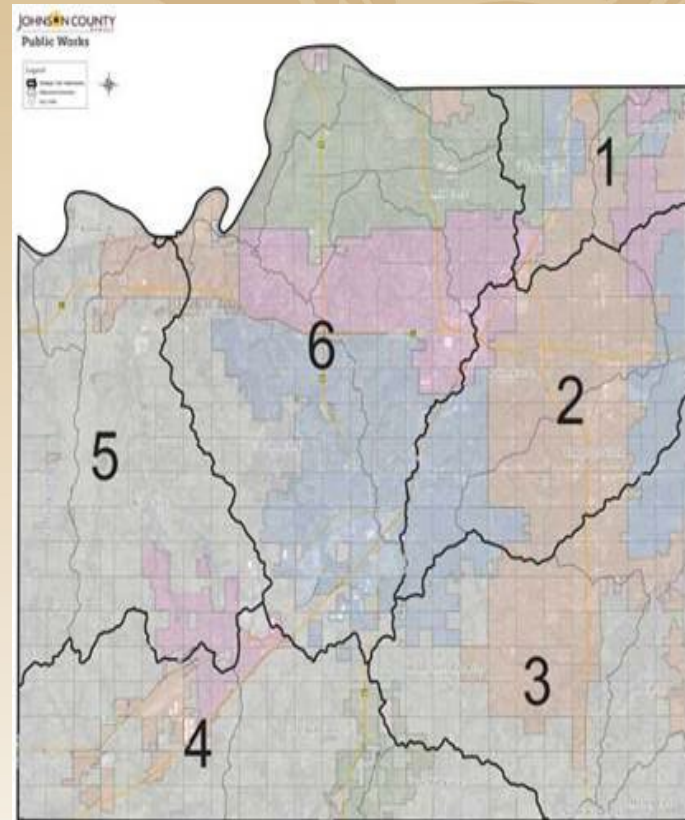
STORMWATER MANAGEMENT

Program funding

- Funded through 1/10 of 1% sales tax
- Total planned expenditure for 2022: \$19,900,000
- Over 96% of 2022 funding is allocated to watershed improvement and system replacement projects

Westwood Funded - Asset Inspection

2019 - \$34,189



WASTEWATER MANAGEMENT



NELSON WASTEWATER TREATMENT FACILITY

- Project Drivers
 - Aging Infrastructure and Water Quality
- 2021 Progress
 - Design Engineer and Construction Manager under contract
 - Public engagement initiated, including open house
 - Federal funding (WIFIA) application submitted
- Schedule
 - Public engagement will continue
 - Open House – Spring 2022
 - Design: 2021 - 2023
 - Construction: 2024 – 2029 (may have early work)
- Updates at [JCWNelson.com](https://www.jcwnelson.com)



Nelson Wastewater Treatment Facility, 1947



Nelson Wastewater Treatment Facility,
Present

A hand is shown dropping a clear plastic bottle into a dark blue recycling bin. The bin has a white recycling symbol on it. Several other plastic bottles are already inside the bin. The background is a blurred outdoor setting with green foliage and a building.

SUSTAINABILITY MEASURES

SUSTAINABILITY MEASURES

CONDUCTING FIRST GREEN HOUSE GAS INVENTORY SINCE 2013

Solid Waste Management Plan 2020-2025

Maximize and Improve Recycling Efforts

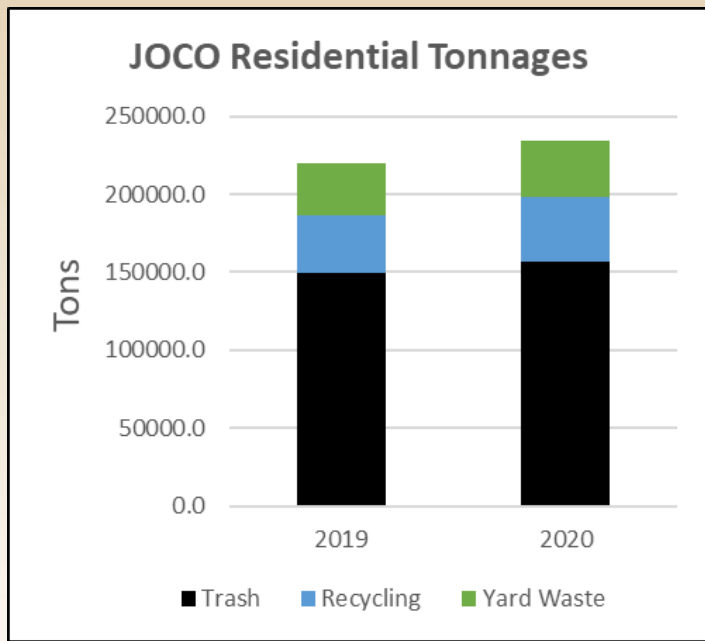
- Organics Management - Exploring new compost facilities
- Regulation & Oversight
 - Continue licensing of residential waste haulers
 - Starting regulation and oversight of commercial haulers

Hazard Waste Innovation Coming - Moving from Nelson Facility

- Next Steps-
 - New site location has been selected
 - Currently working on property acquisition

SUSTAINABILITY MEASURES

Waste and Diversion Trends under COVID



Comparing 2019 and 2020

- Increase in Trash 5%
- Increase in Recycling 14%
- Increase in Yard Waste 4%
- **Overall Diversion – 34.6%**

SUSTAINABILITY MEASURES

Solar panels

- JoCo Planning began meeting in 2021 to address large scale solar installation
- Recommendations approved by Planning Commission on Dec. 14
- County Commission action scheduled in February on Planning Commission recommendations





VULNERABLE POPULATIONS

JOHNSON COUNTY MENTAL HEALTH CENTER

- 2021: JCMHC began answering all local calls to the National Suicide Prevention Lifeline
- CoResponders: The program now includes 18 co-responders, serving 12 law enforcement agencies and one school district.



MUNICIPAL **WORK RELEASE INMATE PROGRAM**

Average cost to house inmates

- Adult Detention Center Jail - \$203 per day
- Adult Residential Center - \$75.32 per day

County jail fees for cities

- \$75 per day for cities – pay a portion of the \$203
- Municipal pay \$35 per day for inmates staying at ARC
 - Inmates can work and access treatment while at ARC Work Release

Since June 2020

- Over 400 municipal inmates have served their sentence at ARC

AFFORDABLE AND WORKFORCE HOUSING

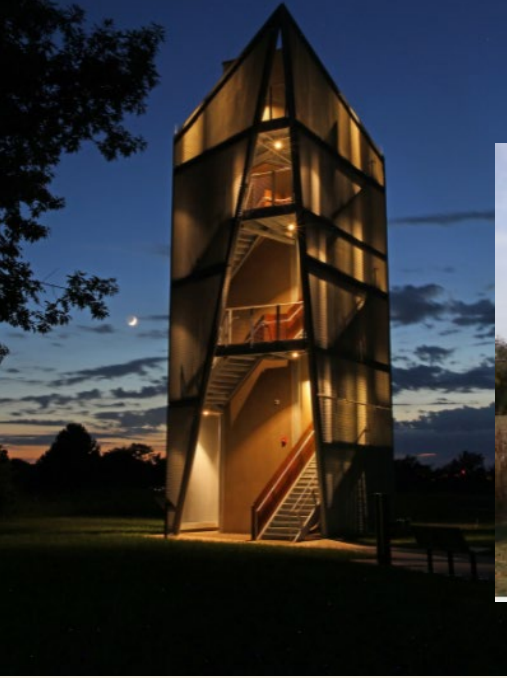
- Feb. 2021: Johnson County Municipalities Community Housing Study released
- April 2021: BOCC sub-committee formed
- Exploring options:
 - Housing Trust Fund
 - Exterior Housing Grant Program Enhancement
 - Weatherization and Energy Efficiency
 - First-time homebuyer tools



FEDERAL FUNDING

- **2020 - CARES Act Funding:**
 - More than \$8.6 million - health department to combat the virus.
 - \$18.1 million – awarded to our local cities
 - \$13.8 million for small business assistance and workforce development
- **2021- ARPA Funding to Johnson County:**
 - \$117,009,332 for Johnson County (½ 2021, ½ May 2022)
 - Beginning Work on Focus Areas: childcare, housing, workforce

Kill Creek park (Means
Observation Tower)

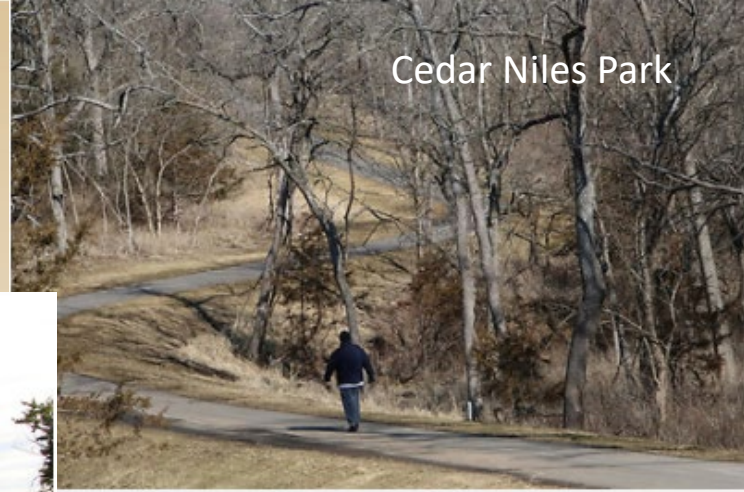


In 2022 try out a
new trail or park!

Meadowbrook Park



Cedar Niles Park



Lake Lexington Park



My favorite parks

How can we better work together?



City of Westwood, Kansas
City Council Work Session
4700 Rainbow Boulevard
January 13, 2022 – 6:00 PM

Council Present: David E. Waters, Mayor
Jeff Harris, Council President
Andrew Buckman, Councilmember
Jason Hannaman, Councilmember
Laura Steele, Councilmember
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Curt Mansell, Chief of Police
John Sullivan, Director of Public Works
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the meeting to order at 6:00 p.m. on January 14, 2022. The meeting was held virtually via Zoom.

Roles of City Council Committees and City Staff

Mayor Waters and Mrs. Herring conducted a follow-up discussion from the December 9, 2021 work session regarding the BOARDynamics Governing Body retreat held on October 3, 2021. Following discussion, the City Council directed the Mayor to work with staff to begin coordinating the process of transitioning to a City Administrator form of government to consider at a future work session.

Adjournment to Regular Meeting

Motion by Councilmember Harris to adjourn the work session. Second by Councilmember Hannaman. The work session adjourned at 7:00 p.m. in order to prepare for the monthly City Council meeting at 7:00 p.m.

**City of Westwood, Kansas
City Council Meeting
January 13, 2022 – 7:00 p.m.**

Council Present: David E. Waters, Mayor
Andrew Buckman, Councilmember
Jason Hannaman, Councilmember
Jeff Harris, Council President
Laura Steele, Councilmember
Holly Wimer, Councilmember

Council Absent: None

Staff Present: Leslie Herring, CAO/City Clerk
Curtis Mansell, Police Chief
John Sullivan, Public Works Director
Michelle Ryan, City Treasurer
Ryan Denk, City Attorney

Call to Order

Mayor David E. Waters called the meeting to order at 7:00 p.m. on January 14, 2022. The City Clerk called the roll. A quorum was present. The meeting was held virtually via Zoom.

Approval of Agenda

Motion by Councilmember Wimer to approve the January 13, 2022 City Council agenda as stated. Second by Councilmember Steele. Motion carried by a 5-0 voice vote.

Public Comment

Attendees who wished to make a comment were instructed to use the “raise hand” feature on Zoom.

No comments were made by members of the public.

Presentations and Proclamations

Mike Kelly, Mayor of Roeland Park, and Tom Jacobs, Environmental Programs Director with Mid America Regional Council, provided a presentation on the Climate Action KC organization.

Consent Agenda

All items listed below are considered to be routine by the Governing Body and will be enacted in one motion. There will be no separate discussion of these items unless a member of the Governing Body so requests, in which event the item will be removed from the consent agenda and considered separately following approval of the consent agenda.

- A. Consider December 9, 2021 City Council Work Session and Meeting Minutes
- B. Consider Appropriations Ordinance 734

Motion by Councilmember Harris to approve the Consent Agenda as presented in the agenda packet. Second by Councilmember Steele. Mrs. Herring performed a roll call vote. Motion passed 5-0.

Mayor’s Report

Mayor Waters wished those in attendance and the community a happy new year.

Mayor Waters provided an update on COVID-19 numbers in Johnson County. With the spike in cases in the area, Mayor Waters reinstituted certain COVID-19 mitigation protocols for the City, including holding all City meetings remotely through at least Thursday, February 10, 2022. All persons entering City Hall will be required to wear face coverings, and signage will be posted to convey the requirement. City staff have been directed to wear masks when interacting with other staff, the public and when utilizing common areas of City Hall. Face masks will be required during Municipal Court and by groups utilizing the Community Room at City Hall. Mayor Waters noted that vaccines are readily available and encouraged those who are eligible to get vaccinated.

Mayor Waters informed the Council that he will be out of town for the February 10th City Council meeting and Councilmember Harris, who serves as Council President, will conduct the meeting in his place.

Mayor Waters provided an update of events he attended as Mayor over the past month.

Committee Reports

Administration & Compensation Committee

Councilmember Hannaman thanked staff for assisting with the change in employee health insurance plan carrier from the State of Kansas to Midwest Public Risk. Councilmember Hannaman noted that City employee 2021 W2 forms are available and can be accessed online or picked up at City Hall.

Business & Community Affairs Committee

Councilmember Buckman noted the Committee met on January 6th and discussed hosting future events.

Parks & Recreation Committee

Councilmember Wimer had nothing additional to report.

Public Safety Committee

Councilmember Harris had nothing additional to report.

Public Works Committee

Councilmember Steele noted the Committee held a joint meeting on January 4th with the Roeland Park Public Works Committee and City staff to discuss possible improvements to Mission Road.

Staff Reports

Administrative Report

Mrs. Herring provided an overview of the December 2021 Administrative Report included in the agenda packet and offered to answer questions.

Public Works Report

Mr. Sullivan provided an overview of the December 2021 Public Works Report included in the agenda packet and offered to answer any questions.

Public Safety Report

Chief Mansell provided an overview of the December 2021 Public Safety Report included in the agenda packet and offered to answer questions.

Treasurer's Report

Mrs. Ryan provided an overview of the December 2021 Treasurer's Report that was included in the agenda packet and offered to answer any questions.

City Attorney's Report

Mr. Denk had nothing to report.

Old Business

No Old Business items were considered.

New Business

Consider Resolution No. 102-2022 Approving the Execution and Delivery of an Agreement to Release and Assign the City's Opioid Claims to the Kansas Attorney General and Certifying Costs Attributable to Substance Abuse and Addiction Mitigation in Excess of \$500

Kansas is part of the multi-state litigation aimed at holding the producers and distributors of opioids accountable for the negative effects that their drugs have had on the American public. In 2021, the State Legislature passed HB 2079 to govern the distributions of settlement funds. The bill requires 75% of settlement funds to go to the state and 25% of these funds to be split between municipal governments. In order to receive settlement funds, cities need to certify previous or expected costs to the City of at least \$500, agree to spend any settlement funds for lawful purposes (identified in the League of Kansas Municipalities information sheet included with the meeting materials), and waive any remaining claims related to the opioid litigation. Going through these steps, presented tonight, will be the only way for the City of Westwood to receive settlement funds.

Westwood Police Department staff has compiled an internal accounting of expenses from just the past five (5) years which record the City of Westwood's costs directly related to the opioid epidemic. These costs to-date have been in personnel – both training in the use of naloxone and in responding to incidents involving opioids within our city. The Westwood Police Department anticipates additional expense in excess of \$500 to purchase replacement naloxone for officers to carry with them in the event they need to perform life saving measures on someone experiencing an opioid overdose.

Staff recommends that the City Council execute and submit to the Attorney General's Office the following form documents, as prescribed and prepared by the League of Kansas Municipalities and reviewed by the City Attorney:

- a. Pass a resolution certifying that City has or anticipates having at least \$500 in costs associated with substance abuse treatment or mitigation
- b. Sign a release agreement with the Attorney General
- c. Sign the Janssen (Johnson & Johnson) Participation Form
- d. Sign the Distributor's Participation Form

Motion by Councilmember Harris to approve Resolution No. 102-2022 approving the execution and delivery of an agreement to release and assign the City's opioid claims to the Kansas Attorney General and certifying costs attributable to substance abuse and addiction mitigation in excess of \$500, and to authorize the Mayor to execute the Janssen (Johnson & Johnson) Participation Form and the

Distributor's Participation Form. Second by Councilmember Buckman. Motion carried by a unanimous voice vote.

Consider 2022 Addendum to the Public Works Service Agreement with the City of Westwood Hills

Each year the Public Works Service Agreement with the City of Westwood Hills is reviewed and revised as needed. The hourly wages have been adjusted to reflect budgeted 2022 wages and benefit rates. No other adjustments are recommended.

The annual addendum to the City's agreement with Mission Woods will be considered at Mission Woods' February regular meeting and, as such, can be expected on Westwood's February regular meeting agenda as well.

Motion by Councilmember Buckman to authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2022 for the city of Westwood Hills. Second by Councilmember Hannaman. Motion carried by a unanimous voice vote.

Announcements/Governing Body Comments

Councilmember Wimer noted that the City recently sold a set of chairs used in the Community Room at City Hall to a buyer in New York City for a sum of \$7,700. Councilmember Wimer thanked Colt McArthur for assisting with the sale of the chairs.

Councilmember Hannaman said he is looking forward to another great year of working and governing in Westwood.

Executive Session

No matters required an Executive Session during this meeting.

Adjournment

Motion by Councilmember Wimer to adjourn the meeting. Second by Councilmember Steele. Motion carried by a 5-0 voice vote. The meeting adjourned at 8:09 pm.

APPROVED: _____
David E. Waters, Mayor

ATTEST: _____
Leslie Herring, City Clerk

City of Westwood, Kansas
Appropriation Ordinance No. 735

AN ORDINANCE APPROPRIATING CITY EXPENDITURES FOR THE PERIOD OF JANUARY 1, 2022 - JANUARY 31, 2022 AND SUMMARIZING SAID EXPENDITURE HEREIN.

	General	Capital	Equipment			Woodside		
	Month Ending	Improvements	Reserve	Stormwater	Special Highway	TIF/CID	Debt Service	Total All Funds
	01/31/2022	Month Ending	Month Ending	Month Ending	Month Ending	Month Ending	Month Ending	Month Ending
	01/31/2022	01/31/2022	01/31/2022	01/31/2022	01/31/2022	01/31/2022	01/31/2022	01/31/2022
Expenditures								
Salary & Benefits	151,514.71	0.00	0.00	0.00	0.00	0.00	0.00	151,514.71
Employee Expenses	1,869.41	0.00	0.00	0.00	0.00	0.00	0.00	1,869.41
Professional Fees	33,085.82	0.00	0.00	0.00	0.00	0.00	0.00	33,085.82
General Operating Expenses	6,708.58	0.00	0.00	0.00	0.00	0.00	0.00	6,708.58
Utilities	11,474.71	0.00	0.00	0.00	0.00	0.00	0.00	11,474.71
Equipment and Maintenance	2,795.25	0.00	0.00	0.00	0.00	0.00	0.00	2,795.25
Street and Stormwater	0.00	0.00	0.00	(1,045.30)	0.00	0.00	0.00	(1,045.30)
Park and Events	(228.57)	0.00	0.00	0.00	0.00	0.00	0.00	(228.57)
Miscellaneous	0.00	0.00	0.00	0.00	0.00	54,487.91	0.00	54,487.91
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	207,219.91	0.00	0.00	(1,045.30)	0.00	54,487.91	0.00	260,662.52

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

SECTION 1. The Claims included herin are hereby approved and allowed.

SECTION 2. That the payment of all claims and charges against the respective accounts and funds provided in the budget for the year 2021 are consistent with that budget and are hereby authorized, ratified and approved.

SECTION 3. This Ordinance shall take effect from and after its passage.

ADOPTED this 10th day of February, 2022.

MAYOR

ATTEST: CITY CLERK



Chief Administrative Officer/City Clerk Report

February 2022

To: Mayor and City Council
From: Leslie Herring, Chief Administrative Officer/City Clerk
Date: February 10, 2022
RE: Update on some of the key areas of focus of the Administration Department

Current Priorities

3rd Quarter (October) 2021 through 1st Quarter (March) 2022

- *Create a Records Retention Policy*
 - Not yet started.
- *Create a Citizen Satisfaction Strategic Plan of Action*
 - Staff is considering how to quantify and make progress on citizen satisfaction, possibly involving administering citizen satisfaction surveys relating to City operations and service delivery. This work will likely branch from creation and adoption of a Governing Body Strategic Plan.
- *Review and consider updates to the Comprehensive Plan and the City's zoning ordinance*
 - The Planning Commission's recommended text amendments to the Zoning Ordinance are on tonight's agenda for consideration.
 - The Planning Commission will consider its 2022 work plan at its March meeting, this would plan will include an approach to conducting the City's annual review of the Comprehensive Plan.
- *Create and adopt a Governing Body Strategic Plan*
 - City staff is working with the Mayor to create an approach for the Council to consider to build a strategic plan for use by City staff and the Council in guiding projects and priorities. This work will likely occur following the organizational restructure directed by the Governing Body at its January work session.
- ✓ *Execute the City's future facilities plan and plan for future use of City-owned/optioned property*
 - The Request for Qualifications and Fee Proposals for the City's Facilities Assessment and Feasibility Analysis was posted publicly and emailed to interested firms on February 8, 2022. [The full document is available here, on the City's website](#), and was reviewed by the study steering committee, which convened for the first time on February 4th and which lends its support to the document and process specified therein.
- ✓ *Support the City's Pavement Management Plan*
 - This work is being scheduled for late April, early May so that the 2023 budget can be built around its findings. A contract for the work (being performed jointly for the cities of Fairway, Roeland Park, and Westwood) is forthcoming and will be presented by Public Works Director John Sullivan once available from the service provider.
- ✓ *Inventory the City's Assets*

- *City staff anticipates the insurance renewal to be ready for consideration by the City Council on the March regular meeting agenda. This renewal will take into account the modifications made to the values of assets, updated in January, and reflected on the City's policy coverage effective retroactively to January 12, 2022, at a prorated cost of \$431.00.*

Building Permits

The following is a snapshot of select building permits of note issued last month:

Residential

New Construction: None

Additions:

- 4953 Norwood Street – Kitchen remodel, family room addition, and tandem garage addition

Alterations:

- 2500 W. 50th Place – Second story remodel to add a second bathroom
- 3000 W. 48th Terrace – Basement finish

Demolition: None

Commercial

New Construction: None

Additions: None

Alterations: None

Demolition: None

Westwood Public Works Monthly Report

TO: GOVERNING BODY
FROM: JOHN SULLIVAN, DIRECTOR OF PUBLIC WORKS
RE: MONTHLY REPORT, JANUARY 2022
DATE: FEBRUARY 8, 2022

Some of the activities for Public Works in January include:

1. Daily collection of trash from City Hall and City Parks.
2. Perform a weekly inspection of the playground equipment and park facilities.
3. Perform a weekly inspection of the traffic control signs throughout the city; replace poles and signs as required.
4. I prepared the Purchase Orders and documentation for those purchases.
5. Performed routine maintenance at the City Hall to include the servicing of the air handling equipment, re-lamping fixtures and repairing or installing appurtenances including plumbing fixtures.
6. I represented the city at various meetings to include:
Kansas Arborists Association Conference – Topeka – 3 days
Operation Greenlight Meeting – Virtual – 1.5 hr.s
ISA Conference – Omaha – 3 days
7. Received, via email, Kansas One-Call Locate Requests, advised callers of their status with the City of Westwood regarding utilities and advised, when appropriate, the need to either get an excavation permit, building permit or fence permit. I provided the building official with a copy of the locate requests for follow-up for any building permits that may be required and answered any questions when asked.
8. We performed routine maintenance on the Public Works vehicles and equipment to include fluid services, cleaning, and general repairs.
9. Routine maintenance of the Public Works Facility to include the air handling equipment, plumbing, electrical, and cleaning.
10. Performed various clerical duties for the Public Works Department's daily functions.
11. I attended Public Works, City Council and Staff and Committee meetings as required.
12. Observed activities associated with ROW Permits.
13. We marked streetlight utilities when requested by the One-Call System.
14. We performed monthly safety checks at all City properties as well as monthly fire extinguisher inspections.
15. Mitch is attending monthly Safety Committee Meetings.
16. We swept the city streets of debris.
17. We loaded roll off containers from the street sweeping efforts.
18. We installed the new radios in the Public Works Vehicles.
19. We performed snow and ice removal in all three cities on two separate occasions.
20. Snowplow damaged during January 1 snow event. Spent a great deal of time getting the accident reported, accessing the damage, and obtaining repair estimates.

21. We replaced the ballasts and bulbs in the electrical room at City Hall.
22. We replaced the battery on the enclosed trailer.
23. We lowered the top on the Dias at City Hall.
24. Mitch attended the pre-construction meeting for the high-pressure gas main replacement on W. 47th Street.

This concludes my activities report for some of the activities for Public Works in January.

To: Governing Body
From: John Sullivan, Director of Public Works
Date: February 8, 2022
Re: Monthly Status Report

- W. 47th Street Project: The ROW easement agent is working on obtaining both permanent and temporary easements. The streetlight shop drawings have been reviewed. We are waiting for the revisions. We currently have a KDOT letting date in July. The Gas Company is to begin work at any time. As soon as I have a date, we will put this information out to the residents.
- 2021 Street Improvement Projects: This project has been delayed until April 1, 2022. Kansas Gas has completed its relocation work of phase I. Phase II on W. 48th Street is nearly complete. We are seeing potholing W. 47th Terrace as of this week.
- State Line CARS Project: We expect a start date of April 1, 2022.
- Mission Woods request for participation in a traffic signal modification, striping and handicap ramp relocation related to Shawnee Mission Parkway and Rainbow: The City of Westwood shares the intersection previously mentioned with the City of Mission Woods (25% Westwood, 75% Mission Woods). Mission Woods would like to add an additional crosswalk on the east side of the intersection and on the south side of the intersection. They would also like to move the crosswalk that is on the west side of the intersection farther east which would require new handicap ramps. I have a meeting scheduled with Mayor Franklin and Council Member Bur tomorrow. Included in this meeting is a representative from OGL and a traffic engineer under contract with OGL.
- Westwood View School Project: The project appears to be moving along. I have a meeting next week with the concrete contractor to discuss the sidewalks we will be adding as part of the project as well obtaining a cost for the work.

WESTWOOD					
Jan-22					
ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
<i>PART I CRIMES</i>					
MURDER					No Change
RAPE					No Change
ROBBERY					No Change
BURGLARY					
BUSINESS	1	1		0.50	1
RESIDENTIAL					No Change
VEHICLE	2	2	1	1.00	1
MOTOR VEH THEFT	1	1		0.50	1
LARCENY / THEFT	3	3		1.50	3
ASSAULT / BATTERY					No Change
ARRESTS					
FELONY					No Change
MISDEMEANOR					No Change
TRAFFIC					No Change
DRUG					No Change
DUI					No Change
WARRANTS			1		-1
CONFINED					No Change
SUMMONS					
HAZARD	13	13	13	6.50	No Change
NON-HAZARD	59	59	92	29.50	-33
DUI					No Change
ORD. VIOLATION			1		-1
ACCIDENTS					
NON-INJURY					No Change
INJURY	1	1		0.50	1
PRIVATE PROPERTY	2	2		1.00	2
ADMIN.DUTIES-PD	48	48	36	24.00	12
ADMIN.DUTIES - CITY	75	75	5	37.50	70
ALARM	2	2	6	1.00	-4
ANIMAL	1	1	5	0.50	-4
ASSIST - POLICE	5	5	4	2.50	1
ASSIST - PUB MOTOR	6	6	20	3.00	-14
BLD. CHECK-SHAKE					No Change
BLD. CHECK-PATROL	655	655	1445	327.50	-790
BUSINESS CHECK	6	6	369	3.00	-363
CIVIL MATTER					No Change
EXTRA PATROL HAZARD					No Change
EXTRA PATROL NON HAZ					No Change
EXTRA PATROL DUI					No Change
EXTRA PATROL ORD.					No Change

WESTWOOD

Jan-22

ACTIVITIES / OFFENSE	THIS MONTH	22-YTD	21-YTD	22-Avg	CHANGE
CRIMINAL DAMAGE					No Change
DISTURBANCE			1		-1
DISORDERLY CONDUCT					No Change
FIELD INTERVIEW FORM					No Change
FIRE	1	1		0.50	1
FOLLOW UP	4	4	5	2.00	-1
INFO / INVEST	1	1	9	0.50	-8
JUVENILE	2	2		1.00	2
MENTAL HEALTH					
SUICIDE					No Change
ATT SUICIDE					No Change
INVOLUNTARY COMMITTAL					No Change
ALL OTHER MENTAL HEALTH					No Change
MEDICAL CALL	11	11	17	5.5	-6
NATURE UNKNOWN	1	1		0.50	1
NOISE COMPLAINT					No Change
OPEN DOOR					No Change
ORD. COMPLAINT					No Change
ORD. VIOL WARNING					No Change
ORD. VIOL LETTER					No Change
OTHER					No Change
PED. CHECK					No Change
PUBLIC SERVICE	6	6	41	3.00	-35
RECOVERED PROP					No Change
RESIDENCE CHECK			20		-20
SUSPICIOUS SUBJECT	2	2	3	1.00	-1
VEH CHECK OCCUPIED			3		-3
VEH CHECK UNOCCUPIED	1	1	6	0.50	-5
TELE. CALL HARASS					No Change
TELE. CALL THREAT					No Change
TRAFFIC COMPLAINT	4	4	1	2.00	3
TRAFFIC WARNING	12	6	1	3.00	5
UNATTENDED DEATH			1		-1

Total Activity	841	Last Year - YTD Activity	1998
Year to Date Activity	841	Difference in Activity	-1157
Total Monthly Summons	72		
Hazardous Summons Percentage	18%		

WESTWOOD INCIDENT SUMMARY

BUSINESS BURGLARY

CASE NO: 20220001 **LOCATION:** 1901 W 47 Pl
DATE : 01/03/2022
ACTIVITY: Unknown suspect entered the unsecured office and took several electronic items and two visa credit cards without permission.

BURGLARY TO AUTO

CASE NO: 20220002 **LOCATION:** 2000 W 47th Pl
DATE : 01/04/2022
ACTIVITY: Unknown suspect(s) broke the rear driver's side window and removed several items from the vehicle including a credit card without permission.

CASE NO: 20220010 **LOCATION:** 2919 W 48th Terr
DATE : 01/14/2022
ACTIVITY: Unknown suspect(s) broke the passenger side window and removed the victim's purse and its contents without permission.

LARCENY / THEFT

CASE NO: 20220012 **LOCATION:** 2001 Shawnee Msn Pkwy
DATE : 01/19/2022
ACTIVITY: Unknown suspect entered an employees only area and removed two credit cards from the victim's purse without permission.

CASE NO: 20220013 **LOCATION:** 1900 W 47th Pl
DATE : 01/21/2022
ACTIVITY: Unknown suspect(s) removed six Ipads from the IT room without permission.

CASE NO: 20220015 **LOCATION:** 2200 W 47th P
DATE : 01/26/2022
ACTIVITY: Unknown suspect(s) removed the decal from the victim's vehicle without permission.

MOTOR VEHICLE THEFT

CASE NO: 20220004 **LOCATION:** 2301 W 51st S
DATE : 01/05/2022
ACTIVITY: Unknown suspect(s) stole the victim's purse out of a car in an adjacent city, took car keys and an ID from that purse and went to victim's residence and stole a car out of the driveway.

WESTWOOD
COURT SUMMARY
JANUARY, 2022

COURT DATE	ARRAIGNMENTS	TRIALS	FINES	LETTERS	WARRANTS
January 07, 2022	29	00	\$1,435.00	10	10
January 21, 2022	23	05	\$3,591.00	13	05
TOTALS					
January, 2022	52	05	\$ 5,026.00	23	15
January, 2021	75	19	\$ 8,044.50	43	41
TOTAL (\$5,026.00) less					
* Kansas DL fees:					\$366.00
* Judges Training Fund:					\$ 9.00
* LET Training Fund:					\$ 202.50
* Seat Belt Fund:					\$ 0.00
January, 2022 TOTAL:					\$4,448.50

Y.T.D. TOTALS 2022		Y.T.D. TOTALS 2021	
ARRAIGNMENTS:	52	ARRAIGNMENTS:	75
TRIALS	05	TRIALS:	19
LETTERS:	23	LETTERS:	43
WARRANTS:	15	WARRANTS:	41
FINES:	\$5,026.00	FINES:	\$8,044.50
KS DL FEES:	\$366.00	KS DL FEES:	\$81.00
JUDGES FUND:	\$9.00	JUDGES FUND:	\$23.50
L.E.T.FUND:	\$202.50	L.E.T FUND:	\$537.50
Comm Correct Fund:	\$0.00	Comm Correct Fund:	\$ 0.00
SEAT BELT FUND:	\$0.00	SEAT BELT FUND:	\$0.00

**City of Westwood
Treasurer's Report
1/31/2022**

1. Balance Sheet by Fund – shows overall ending cash balances for the City by Fund.
 - a. Ending unencumbered cash through 1/31/2022 is \$3,674,324 and remains up from year end by \$684,031 due to the January tax distribution. This still includes \$484,312 of 2021 Encumbered funds that have not been paid out.
2. Cash Flow – shows beginning cash by fund and associated revenues and expenditures for each fund in a more summarized format.
3. Statement of Operations – General Fund
 - a. Revenue to date received of \$622,652 compared to the prior January of \$564,625 which is up by \$58K.
 - i. Taxes – overall up \$50K from prior year. Ad Valorem taxes are up \$38K from prior year. City and County sales tax revenue is up about \$10K compared to prior year. Motor Vehicle down \$1K and Special Assessments up \$3K.
 - ii. Fees and Licenses – down for January by \$10K, Utility Franchise Fees down by \$9K, Occupational Licenses down by about \$1K.
 - iii. Building Permits – Up by \$2K from prior January.
 - iv. Intergovernmental Fees are down by \$12K due to timing of invoicing police services.
 - v. Fines – are down \$3K from prior January.
 - vi. Miscellaneous Income – up by \$30K due to sale of fixed assets received in January 2022.
 - b. Overall Year to Date Expenditures for January total \$207,219, down \$7K compared to the prior January.
 - i. General Overhead total expenditures of \$45,180 for the month. This January is down from prior year by \$28K. Professional Fees has decreased by \$7K, Utilities decreased by \$14K, Capital Improvement expense decreased by \$7K.
 - ii. Administrative expenditures of \$25,052 for the month, down just slightly from prior year by \$1K.
 - iii. Public Works total expenditures of \$47,967 for the month, up from prior January by \$12K. Increases in Salary and Employee Expenses by \$15K, Other professional fees, general operating expenses and utilities decreased by \$3K.
 - iv. Police expenditures are \$89,019 this month up from prior January by \$10K. Increases in Salary and Benefits by \$13K, Employee Expenses down \$3K, Professional Fees down \$1K, General Operating up \$2K, Equipment Maintenance down \$1K.
 - v. Parks and Rec had no spending this month.
 - c. Net Receipts Over (Under) Expenditures in the General Fund are \$415,432 for the month which is up from January 2021 by \$65K.
4. Other Funds – Current Month and Year to Date
 - a. January Sales Tax Revenue was \$25K this month, down a bit from December which was at \$32K.
 - b. Stormwater Fund is showing a negative expense is due to timing of a check that was reissued.

I am happy to answer any questions upon request.

Michelle Ryan
City of Westwood Treasurer



City of Westwood, Kansas
Balance Sheet by Fund
As of January 31, 2022

	General Fund 01/31/2022	Capital Improvements Fund 01/31/2022	Equipment Reserve Fund 01/31/2022	Stormwater Fund 01/31/2022	Special Highway Fund 01/31/2022	Woodside TIF/CID Fund 01/31/2022	Debt Service Fund 01/31/2022	All Funds 01/31/2022
Assets								
Current Assets								
Cash In Bank	1,485,338.54	855,254.11	245,440.39	226,369.21	133,182.83	538,092.54	154,829.86	3,638,507.48
Cash In Bank - Bond Fund	35,428.97	0.00	0.00	0.00	0.00	0.00	0.00	35,428.97
Cash In Bank - Woodside Village Acct	9.35	0.00	0.00	0.00	0.00	0.00	0.00	9.35
PayPal - City Account	120.77	0.00	0.00	0.00	0.00	0.00	0.00	120.77
Petty Cash	257.75	0.00	0.00	0.00	0.00	0.00	0.00	257.75
Total Current Assets	1,521,155.38	855,254.11	245,440.39	226,369.21	133,182.83	538,092.54	154,829.86	3,674,324.32
Total Assets	\$ 1,521,155.38	\$ 855,254.11	\$ 245,440.39	\$ 226,369.21	\$ 133,182.83	\$ 538,092.54	\$ 154,829.86	\$ 3,674,324.32
Liabilities and Fund Balance								
Current Liabilities								
Encumbrances	0.00	449,313.05	0.00	0.00	0.00	0.00	0.00	449,313.05
Woodside Village Deposits	9.19	0.00	0.00	0.00	0.00	0.00	0.00	9.19
Refundable Bond Deposits	34,989.99	0.00	0.00	0.00	0.00	0.00	0.00	34,989.99
Total Current Liabilities	34,999.18	449,313.05	0.00	0.00	0.00	0.00	0.00	484,312.23
Total Liabilities	34,999.18	449,313.05	0.00	0.00	0.00	0.00	0.00	484,312.23
Fund Balance								
Fund Balance	1,070,723.72	380,357.50	245,440.39	164,344.15	118,218.51	381,142.20	145,754.11	2,505,980.58
Fund Balance - Current Year	415,432.48	25,583.56	0.00	62,025.06	14,964.32	156,950.34	9,075.75	684,031.51
Total Fund Balance	1,486,156.20	405,941.06	245,440.39	226,369.21	133,182.83	538,092.54	154,829.86	3,190,012.09
Total Liabilities and Fund Balance	\$ 1,521,155.38	\$ 855,254.11	\$ 245,440.39	\$ 226,369.21	\$ 133,182.83	\$ 538,092.54	\$ 154,829.86	\$ 3,674,324.32

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Cash Flow

For the One Month Ended January 31, 2022

	General Fund Month Ending 01/31/2022	Capital Improvements Fund Month Ending 01/31/2022	Equipment Reserve Fund Month Ending 01/31/2022	Stormwater Fund Month Ending 01/31/2022	Special Highway Fund Month Ending 01/31/2022	Woodside TIF/CID Fund Month Ending 01/31/2022	Debt Service Fund Month Ending 01/31/2022	All Funds Month Ending 01/31/2022
Unencumbered Cash, Beginning Period	1,106,822.90	380,357.50	245,440.39	164,344.15	118,218.51	381,142.20	145,754.11	2,542,079.76
Receipts								
Taxes	536,972.25	25,583.56	0.00	0.00	0.00	0.00	9,075.75	571,631.56
Fees and Licenses	34,018.25	0.00	0.00	0.00	0.00	0.00	0.00	34,018.25
Building Permits	3,133.00	0.00	0.00	0.00	0.00	0.00	0.00	3,133.00
Intergovernmental	13,595.17	0.00	0.00	0.00	0.00	0.00	0.00	13,595.17
Restricted Use	0.00	0.00	0.00	60,979.76	14,964.32	211,438.25	0.00	287,382.33
Fines	4,298.25	0.00	0.00	0.00	0.00	0.00	0.00	4,298.25
Miscellaneous	30,635.47	0.00	0.00	0.00	0.00	0.00	0.00	30,635.47
Total Receipts	622,652.39	25,583.56	0.00	60,979.76	14,964.32	211,438.25	9,075.75	944,694.03
Expenditures								
Salary & Benefits	151,514.71	0.00	0.00	0.00	0.00	0.00	0.00	151,514.71
Employee Expenses	1,869.41	0.00	0.00	0.00	0.00	0.00	0.00	1,869.41
Professional Fees	33,085.82	0.00	0.00	0.00	0.00	0.00	0.00	33,085.82
General Operating Expenses	6,708.58	0.00	0.00	0.00	0.00	0.00	0.00	6,708.58
Utilities	11,474.71	0.00	0.00	0.00	0.00	0.00	0.00	11,474.71
Equipment and Maintenance	2,795.25	0.00	0.00	0.00	0.00	0.00	0.00	2,795.25
Street and Stormwater	0.00	0.00	0.00	(1,045.30)	0.00	0.00	0.00	(1,045.30)
Park and Events	(228.57)	0.00	0.00	0.00	0.00	0.00	0.00	(228.57)
Miscellaneous	0.00	0.00	0.00	0.00	0.00	54,487.91	0.00	54,487.91
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	207,219.91	0.00	0.00	(1,045.30)	0.00	54,487.91	0.00	260,662.52
Prior Year Cancelled Encumbrances	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Increase / (Decrease) in Refundable Bond Deposits	(1,100.00)	0.00	0.00	0.00	0.00	0.00	0.00	(1,100.00)
Unencumbered Cash, End of Period	\$ 1,521,155.38	\$ 855,254.11	\$ 245,440.39	\$ 226,369.21	\$ 133,182.83	\$ 538,092.54	\$ 154,829.86	\$ 3,674,324.32

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and One Periods Ended January 31, 2022 and 2020

	Month Ending 01/31/2022	Year To Date 01/31/2022	Year To Date 01/31/2021	Year Ending 12/31/2022	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Receipts					
Taxes	\$ 536,972.25	\$ 536,972.25	\$ 486,136.02	\$ 1,852,425.00	(1,315,452.75)
Fees and Licenses	34,018.25	34,018.25	43,775.30	446,200.00	(412,181.75)
Building Permits	3,133.00	3,133.00	1,431.00	70,000.00	(66,867.00)
Intergovernmental	13,595.17	13,595.17	25,947.91	328,100.00	(314,504.83)
Fines	4,298.25	4,298.25	7,201.00	90,000.00	(85,701.75)
Miscellaneous	30,635.47	30,635.47	134.67	4,250.00	26,385.47
Total Receipts	622,652.39	622,652.39	564,625.90	2,790,975.00	(2,168,322.61)
Expenditures					
General Overhead					
Salary & Benefits	1,995.80	1,995.80	3,038.34	38,450.00	(36,454.20)
Employee Expenses	1,277.84	1,277.84	100.00	6,000.00	(4,722.16)
Professional Fees	30,135.82	30,135.82	37,679.75	202,550.00	(172,414.18)
General Operating Expenses	694.91	694.91	848.10	34,000.00	(33,305.09)
Utilities	11,304.70	11,304.70	24,871.27	252,850.00	(241,545.30)
Street and Stormwater	0.00	0.00	6,668.75	0.00	0.00
Park and Events	(228.57)	(228.57)	0.00	14,750.00	(14,978.57)
Miscellaneous	0.00	0.00	0.00	15,000.00	(15,000.00)
Intergovernmental	0.00	0.00	0.00	20,000.00	(20,000.00)
Interfund Transfers	0.00	0.00	0.00	127,142.83	(127,142.83)
Total General Overhead	45,180.50	45,180.50	73,206.21	710,742.83	(665,562.33)
Administrative					
Salary & Benefits	24,860.99	24,860.99	24,091.00	289,482.36	(264,621.37)
Employee Expenses	157.08	157.08	1,830.15	14,500.00	(14,342.92)
Professional Fees	0.00	0.00	275.00	10,200.00	(10,200.00)
General Operating Expenses	34.35	34.35	493.45	8,000.00	(7,965.65)
Park and Events	0.00	0.00	0.00	2,000.00	(2,000.00)
Interfund Transfers	0.00	0.00	0.00	5,000.00	(5,000.00)
Total Administrative	25,052.42	25,052.42	26,689.60	329,182.36	(304,129.94)

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas

Statement of Operations

General Fund

For The One Period and One Periods Ended January 31, 2022 and 2020

	Month Ending 01/31/2022	Year To Date 01/31/2022	Year To Date 01/31/2021	Year Ending 12/31/2022	
	Actual	Actual	Prior Year	Current Budget	Over/(Under) Budget
Public Works					
Salary & Benefits	44,323.32	44,323.32	29,137.67	424,712.89	(380,389.57)
Employee Expenses	25.00	25.00	22.00	7,900.00	(7,875.00)
Professional Fees	0.00	0.00	1,130.00	17,000.00	(17,000.00)
General Operating Expenses	654.25	654.25	1,581.48	22,550.00	(21,895.75)
Utilities	170.01	170.01	992.47	14,000.00	(13,829.99)
Equipment and Maintenance	2,795.25	2,795.25	2,705.81	56,000.00	(53,204.75)
Interfund Transfers	0.00	0.00	0.00	50,000.00	(50,000.00)
Total Public Works	47,967.83	47,967.83	35,569.43	592,162.89	(544,195.06)
Police					
Salary & Benefits	80,334.60	80,334.60	66,591.57	1,066,474.23	(986,139.63)
Employee Expenses	409.49	409.49	4,027.09	27,000.00	(26,590.51)
Professional Fees	2,950.00	2,950.00	3,615.62	61,425.00	(58,475.00)
General Operating Expenses	5,325.07	5,325.07	2,708.54	58,000.00	(52,674.93)
Utilities	0.00	0.00	258.38	4,500.00	(4,500.00)
Equipment and Maintenance	0.00	0.00	1,409.68	10,000.00	(10,000.00)
Interfund Transfers	0.00	0.00	0.00	30,000.00	(30,000.00)
Total Police	89,019.16	89,019.16	78,610.88	1,257,399.23	(1,168,380.07)
Parks & Rec					
General Operating Expenses	0.00	0.00	0.00	2,000.00	(2,000.00)
Utilities	0.00	0.00	175.83	30,000.00	(30,000.00)
Equipment and Maintenance	0.00	0.00	0.00	6,000.00	(6,000.00)
Park and Events	0.00	0.00	0.00	11,850.00	(11,850.00)
Total Parks & Rec	0.00	0.00	175.83	49,850.00	(49,850.00)
Total Expenditures	207,219.91	207,219.91	214,251.95	2,939,337.31	(2,732,117.40)
Receipts Over (Under) Expenditures	\$ 415,432.48	\$ 415,432.48	\$ 350,373.95	\$ (148,362.31)	563,794.79

No assurance is provided. Substantially all disclosures omitted.

City of Westwood, Kansas
Statement of Operations
Other Funds
For The One Period Ended January 31, 2022

	Other Funds					
	Capital Improvements Fund Month To Date 01/31/2022 Actual	Equipment Reserve Fund Month To Date 01/31/2022 Actual	Stormwater Fund Month To Date 01/31/2022 Actual	Special Highway Fund Month To Date 01/31/2022 Actual	Woodside TIF/CID Fund Month To Date 01/31/2022 Actual	Debt Service Fund Month To Date 01/31/2022 Actual
Receipts						
Taxes						
Ad Valorem Tax	0.00	0.00	0.00	0.00	0.00	8,850.71
City Sales & Use Tax - Special	25,583.56	0.00	0.00	0.00	0.00	0.00
Motor Vehicle Tax	0.00	0.00	0.00	0.00	0.00	225.04
Total Taxes	\$ 25,583.56	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 9,075.75
Restricted Use						
Stormwater Utility Fee	0.00	0.00	60,979.76	0.00	0.00	0.00
State Hwy Maintenance	0.00	0.00	0.00	3,735.45	0.00	0.00
Special Highway Fund Revenue	0.00	0.00	0.00	11,228.87	0.00	0.00
WV CID-1	0.00	0.00	0.00	0.00	204,902.77	0.00
WV CID-2	0.00	0.00	0.00	0.00	6,535.48	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Receipts	25,583.56	0.00	60,979.76	14,964.32	211,438.25	9,075.75
Expenditures						
Street and Stormwater						
Stormwater Expense	0.00	0.00	(1,045.30)	0.00	0.00	0.00
Total Street and Stormwater	0.00	0.00	(1,045.30)	0.00	0.00	0.00
Miscellaneous						
UMB TIF Payment	0.00	0.00	0.00	0.00	26,776.00	0.00
UMB CID Payment	0.00	0.00	0.00	0.00	27,711.91	0.00
Total Miscellaneous	0.00	0.00	0.00	0.00	54,487.91	0.00
Interfund Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	0.00	(1,045.30)	0.00	54,487.91	0.00
Receipts Over (Under) Expenditures	\$ 25,583.56	\$ 0.00	\$ 62,025.06	\$ 14,964.32	\$ 156,950.34	\$ 9,075.75

No assurance is provided. Substantially all disclosures omitted.

COUNCIL ACTION FORM

Meeting Date: February 10, 2022

Staff Contact: Leslie Herring, Chief Administrative Officer/City Clerk

Agenda Item: Consider mayoral appointment to fill the Planning Commission vacancy being created by Tony Atchity

Background / Description of Item

The members of the Westwood Planning Commission are appointed by the Mayor, with the consent of the Governing Body, and serve a term of three (3) years each (16.1.4.2). Planning Commissioners whose terms are expiring effective February 28, 2022 include:

Candidate	Residential Address	Date Appointed
Tony Atchity	3006 W. 47 th Terrace	September 2013
Clay Fulghum	4837 Booth Street	July 2021
Matt Prout	5106 Belinder Avenue	May 2017

Commissioners Fulghum and Prout are seeking renewal of their terms; however, Commissioner Atchity is not seeking term renewal and has requested a replacement be identified for his seat on Planning Commission.

Mayoral Recommendation

Following Commissioner Atchity's notice to vacate his seat, the Mayor issued an open call for candidates. Letters of interest from three (3) residents were received. Following an interview process where Mayor David Waters and Planning Commission Chair Sarah Page met with the interested individuals, the Mayor is recommending the Governing Body consent¹ to the appointment of Ann Holliday for a three year term.

Ms. Holliday is a 14-year resident of Westwood and holds both a Master of Planning degree from the University of Virginia (also holding a certificate from that school in Historic Preservation) and a Master of Business Administration from UMKC's Bloch School of Business and Public Administration. She is currently the Vice President of Strategic Initiatives for the Downtown Council of Kansas City, Missouri (DTC), for which organization she has worked for the past [almost] 30 years. She is also involved with both the Urban Land Institute (on its Kansas City District Council) as well as the International Downtown Association.

The Mayor notes,

I am very pleased to make this appointment, and I think we have a wonderful group of professionals in place to help us in these next few very important years. I would like to thank those that applied as well, and I hope to find ways to bring in all those that are willing and able to contribute their talents to our city.

¹ Pursuant to Westwood Zoning Ordinance 1.4.2 Commission Membership and Appointment.

Staff Comments

The following candidates, who all reside in Westwood are qualified appointees and are hereby recommended by the Mayor to serve on the Westwood Planning Commission for terms or three years each.

Candidate	Residential Address	Term
Clay Fulghum	4837 Booth Street	March 1, 2022 – February 28, 2025
Ann Holliday	2714 W. 49 th Terrace	March 1, 2022 – February 28, 2025
Matt Prout	5106 Belinder Avenue	March 1, 2022 – February 28, 2025

Suggested Motion of the Mayor

I move to confirm the appointment of Clay Fulghum, Ann Holliday, and Matt Prout to the Westwood Planning Commission, each for a three-year term to expire February 28, 2025, and for City Clerk Leslie Herring to administer the oath of office at the next regular meeting of the Planning Commission.

COUNCIL ACTION FORM

Staff Report

Meeting Date: February 10, 2022

Staff Contact: Leslie Herring, CAO / City Clerk

Discussion Item – Consider Ordinance No. 1024 adopting text amendments to the Westwood Zoning Ordinance

Background

At its November 2020 regular meeting, the Planning Commission began establishing a scope and process to review and amend the City's Zoning Ordinance. This process was initiated largely in response to questions and concerns from residents directed at Westwood elected and appointed officials about architectural trends in new infill housing. However, there were also other sections of the Zoning Ordinance identified by staff, Planning Commissioners, and City Councilmembers outside of new infill housing that, over the course of this process, have been identified for consideration of updating, especially following current regional and local conversations about housing product availability, environmental sustainability, and localized land use issues as illuminated by the Urban Land Institute's October 2021 Technical Assistance Panel performed for the City of Westwood. Conversations about proposed amendments to the Zoning Ordinance have been held at several meetings during the past 15 months, with minutes of those meetings, staff reports, and redlined versions of the Zoning Ordinance being made available to the public on the City's website.

Staff Comments/Recommendations

Text amendments to the Zoning Ordinance are governed by the process laid out in Section 1.6.13 of the City's Zoning Ordinance, which is restated below for convenience:

1.6.13 Consideration of Text Amendments, Rezoning Requests, and Special Use Permits – Process.

A. Public Hearing Required. Consideration of zoning text amendments, rezoning requests, and special use permits shall require a public hearing before the Planning Commission following publication notice as provided in Section 1.6.8 through 1.6.11. Applications for communication facilities or applications for special use permits for communication facilities for wireless services shall be processed within the applicable timeframes set forth in Article Ten, Section 10.4.C.

B. Action by Planning Commission. A vote either for or against a zoning text amendment, rezoning request, or special use permit by a majority of all of the Planning Commissioners present and voting shall constitute a recommendation of the Planning Commission. If a motion for or against the zoning text amendment, rezoning request, or special use permit fails to receive a majority vote of the Planning Commission, the Planning Commission may entertain a new motion. A tie vote of the Planning Commission on any motion shall be deemed to be a failure of the Planning Commission to make a recommendation. The Planning Commission's recommendation to approve or disapprove shall be submitted to the Governing Body for action, accompanied by an accurate written summary of the hearing proceedings. A recommendation to approve a zoning text amendment shall be submitted in the form of an ordinance.

ORDINANCE NO. 1024

AN ORDINANCE OF THE CITY OF WESTWOOD, KANSAS AMENDING AND/OR ADOPTING 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, SECTIONS 1.1, 1.3, 1.4, 1.5, 1.6, 1.8, ARTICLE 2, SECTIONS 2.2, 2.3, ARTICLE 3, SECTIONS 3.2, 3.3, 3.4, 3.8, ARTICLE 4, SECTIONS 4.1, 4.2, 4.3, 4.4, ARTICLE 5, SECTIONS 5.3, 5.4, ARTICLE 6, SECTIONS 6.2, 6.3, 6.4, ARTICLE 7, SECTIONS 7.1, 7.2, 7.3, 7.4, ARTICLE 9, SECTIONS 9.1, 9.2, 9.4, AND ARTICLE 10, SECTION 10.1, 10.3, 10.7.

WHEREAS, on February 7, 2022, 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 February 7, 2022, 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 or adopted as hereinafter provided: Chapter 16, Article 1, Sections 1.1, 1.3, 1.4, 1.5, 1.6, 1.8, Article 2, Sections 2.2, 2.3, Article 3, Sections 3.2, 3.3, 3.4, 3.8, Article 4, Sections 4.1, 4.2, 4.3, 4.4, Article 5, Sections 5.3, 5.4, Article 6, Sections 6.2, 6.3, 6.4, Article 7, Sections 7.1, 7.2, 7.3, 7.4, Sections 9, Sections 9.1, 9.2, 9.4, and Article 10, Sections 10.1, 10.3, 10.7;

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 1.1.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.1.1 Zoning Ordinance Incorporated

This ~~ordinance~~Ordinance is adopted under the authority of the Kansas Statutes and any amendments thereto and other applicable authority, and is enacted by Ordinance ~~883~~ which incorporates this by reference, together with any amendments to said Ordinance. ~~(Ordinance 881)~~

1.1.2 Title

This Ordinance is officially titled, "The Zoning Ordinance of the City of Westwood, Kansas," and shall be known as the "Zoning Ordinance-" or, herein, "this Ordinance". The official map designating the various regulating districts shall be titled, "The City of Westwood Zoning Map," and shall be known as the "Zoning Map."

1.1.3 Effective Date

These regulations shall become effective upon adoption and publication by reference. Upon such date, these regulations shall replace the Westwood Zoning Ordinance ~~876883~~, adopted ~~May 10 February 14, 2007~~ 2008, and any amendments to said Ordinance made after said date.

SECTION 2: That Article 1, Section 1.3.3 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.3.3 Validity

Should any section, clause, or provision of this ~~ordinance~~Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the same shall not affect the validity of the ~~ordinance~~Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

SECTION 3: That Article 1, Section 1.3.5 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.3.5 Vesting of Development Rights

- A. For the purpose of single-family residential developments, development rights in such land use shall vest upon recording of a plat of such land. If construction is not commenced on such land within five years of recording of the plat, the development rights in such shall expire at that time.
- B. For all purposes other than single-family developments, the right to use land for a particular purpose shall vest after the issuance of all permits required for such use by the ~~city~~City, county, and/or state and construction has begun and substantial amounts of work have been completed lawfully under a validly issued permit.

SECTION 4: That Article 1, Section 1.3.7 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.3.7 Penalty

It shall be unlawful for any party to violate the provisions of this ~~ordinance~~Ordinance, and any violation thereof shall be punishable by a fine not to exceed \$500, or by imprisonment for not more than six months, or by both, for each offense. Each day's violation shall constitute a separate offense. Nothing in this section shall be construed as to affect any other remedy the ~~city~~City may have to abate such violation, or any other remedy or authority at law or equity.

SECTION 5: That Article 1, Section 1.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.4 Planning Commission

1.4.1 Commission Created

A Planning Commission for the City of Westwood is hereby created.

1.4.2 Commission Membership and Appointment

The Planning Commission shall consist of nine members, ~~eight of whom shall be entitled to vote, and one non-resident, non-voting ex-officio member. The ex-officio member shall not be counted as a member for any purposes including obtaining a quorum, calculating any votes, or determining what constitutes a majority, except that this member may sit in an advisory capacity only. A minimum of seven voting members shall be residents of the City. No more than two of the members may reside outside the corporate limits but within three miles of the corporate limits of the City; of those, only one may be a voting member.~~ All nine members shall be appointed by the mayor, with the consent of the Governing Body. The members of the Planning Commission shall be appointed for a term of three years each; ~~however, the ex-officio member created by this Ordinance shall serve an initial term of one year and then thereafter shall be appointed for a term of three years.~~ Appointments made to fill current vacancies shall be for the balance of the unexpired term only. Members of the Planning Commission shall serve without compensation for their services. Members of the Planning Commission may be removed for cause as provided by law.

1.4.3 Planning Commission Bylaws

The Planning Commission shall adopt bylaws for the transaction of business and hearing procedures. Except as otherwise provided in this code, and unless otherwise provided by law, action shall be taken by the Planning Commission by a favorable vote of a majority of the members present. A quorum consisting of a majority of the voting members of the Planning Commission shall be necessary for the Planning Commission to conduct any business.

1.4.4 ~~Budget of Expenditures~~

~~On or before the first Monday in July of each year, the Planning Commission shall submit to the Governing Body its budget of expenditures for the following fiscal year. They shall itemize the expenses, amounts, and the purpose for each expenditure. The Governing Body shall consider the budget, make such allowances to the Planning Commission as it deems proper, and add the same to the City's general budget.~~

1.4.5 Comprehensive Plan Adoption and Amendment

- A. The Planning Commission is hereby authorized to make or cause to be made a comprehensive plan for the development of the City.
- B. The Planning Commission may recommend adopting and amending the Comprehensive Plan as a whole by a single resolution or by successive resolutions. Such resolution(s) shall identify specifically any written presentations, maps, plats, charts, or other materials made a part of such plan. In the preparation of such plan, the Planning Commission shall make or cause to be made comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, and natural resources, and may include any other element deemed necessary to the Comprehensive Plan. Such a proposed plan shall show the Commission's recommendations for the development or redevelopment of the City, including the following:
 1. The general location, extent, and relationship of the use of land for agriculture, residence,

business, industry, recreation, education, public buildings and other community facilities, major utility facilities, both public and private, and any other use deemed necessary;

2. The population, building intensity standards, restrictions, and the application of the same;
3. Public facilities, including transportation facilities of all types, whether publicly or privately owned, which relate to the transportation of persons or goods; and
4. Public improvement, based upon a determination of relative urgency.

~~1.4.6~~1.4.5 Review of the Comprehensive Plan

At least once each year the Planning Commission shall review or reconsider the Comprehensive Plan or any part thereof and may propose amendments, extensions, or additions to the same. The procedure for the adoption of any such amendment, extension, or addition to the plan or any part thereof shall be the same as that required for the adoption of the original plan or part thereof.

~~1.4.7~~1.4.6 Recommendations as to Zoning Regulations

The Planning Commission shall recommend the boundaries of ~~city~~City zones and districts to the Governing Body as required by K.S.A. 12-753, et seq. as amended.

SECTION 6: 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. ~~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 owner(s) 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~~Zoning Ordinance. If such determination is not made within sixty 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~~Zoning Ordinance, the Planning Commission shall notify the owner(s) 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 thirty 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 thirty 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 of Westwood 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 this ~~ordinance~~[Ordinance](#) 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 fifteen feet in width is exempt from the above 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. No lot can be platted or replatted as an R-1(A), R-1(B), or R-1(E) residential category lot.

Plats approved by the Governing Body shall be filed with the County within thirty 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 7: That Article 1, Section 1.5.2(I) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- I. Sidewalks shall be ~~brick, stone,~~ concrete, or similar material and ADA compliant.

SECTION 8: That Article 1, Section 1.5.3 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.5.3 Additional Requirements

A. Dedication of Right-of-way for Abutting Streets

1. Whenever a proposed plat or subdivision abuts a public street, or a proposed public street as indicated on the plat or the Zoning Map, and adequate right-of-way does not exist for such street or proposed street in accordance with the standards set forth by the City or such other right-of-way requirements established by a transportation corridor study, traffic analysis, preliminary engineering study or area plan accepted and/or approved by the City, the subdivider shall dedicate to the City, without charge, such right-of-way as is necessary to provide conformity with such standards up to a total of one half of the indicated right-of-way requirements. New rights-of-way shall have a width of not less than fifty feet.
2. If the street alignment shown in a transportation corridor study, traffic analysis, preliminary engineering study or area plan requires a dedication of more than one-half of the indicated total right-of-way requirements for a particular property, the subdivider shall be required to dedicate the additional right-of-way only if the transportation corridor study, traffic analysis, preliminary engineering study or area plan was the subject of a public hearing with notice to the abutting property owners prior to its acceptance and approval by the City Council.

3. However, such dedication requirements shall not apply to thoroughfares unless such dedication can be shown to be reasonably related to the development of the proposed plat or subdivision and the cost of such dedication can be shown to be roughly proportional to the traffic impact of the proposed development. Such dedication shall be shown on the preliminary and final plat.

B. Dedication of Green Space

The City may require reasonable dedication of green space.

C. Construction of Required Public Improvements

The subdivider shall be required to construct certain public improvements within the subdivision as hereinafter provided. Such improvements shall not be installed prior to proper recording of the final plat by the City. All improvements installed by the developer shall comply with the specifications and standards of the City as set forth in this ~~ordinance~~[Ordinance](#) or elsewhere in the City's ordinances.

~~D.~~**D. Required Improvements — Streets**

~~1.~~1. Subdivider shall be responsible for the installation of all streets, including curbs and gutters, within the boundaries of the subdivision. No grading or other construction shall take place within a street right-of-way until the construction plans have been approved by the City Engineer. All street construction shall conform to the specifications of the City and compliance therewith shall be confirmed by the City Engineer prior to release of any surety required hereinafter.

~~2.~~2. The subdivider shall perform whatever grading is necessary so that the subdivision grades are compatible with those depicted for any adjacent existing collector or thoroughfare street in street plans available from the City. Preliminary street plans shall be approved by the City and will be kept on file in the office of the City.

E. Required Improvements — Sidewalks

Within the boundaries of a subdivision, sidewalks shall be installed by the subdivider as required by the City. Sidewalks shall be located in the platted street right-of-way, abutting the property line or in any pedestrian easements.

F. Required Improvements — Storm Water and Drainage

1. The subdivider shall install culverts, storm sewers, rip-rap slopes, stabilized ditches, storm water retention and/or detention facilities, including, but not limited to, providing for any necessary off-site improvements, and other improvements necessary to adequately handle storm water. [A stormwater study may be required to ensure improvements adequately handle anticipated stormwater runoff resulting from the development.](#)
2. All improvements shall comply with the minimum standards of the City and shall be approved by the City Engineer prior to construction. Where developments are determined by the City Engineer to be in close proximity to unimproved stream channels, an engineering study may be required to determine the stability of the stream banks. The

study shall evaluate the likelihood that normal stream bank slippage failure and erosion will endanger structures proposed as a part of the development or the yards of residential lots. Such studies may analyze the impact of full upstream development and include a complete identification and analysis of the soil profile and underlying bedrock upon which the development is to take place. Based on this analysis, engineering plans shall be submitted showing the structural measures to be used to stabilize those banks which are determined to be unstable. The study shall be submitted concurrent with the application for final plat approval and shall be reviewed and approved by the City Engineer prior to recording the plat. Storm drainage easements may be required where necessary to allow on-going maintenance of the stream channel and any stabilization measures.

G. Required Improvements Underground Utilities

1. Except as otherwise provided in this section, all utilities shall be installed underground within designated easements by the subdivider or utility company prior to the issuance of a certificate of occupancy. For purposes of this section, the term “utilities” shall include, but not be limited to, all pipes, poles, wires, connections, conductors, switchers, line transformers and insulators which supply natural gas, electricity, sewage or water, or which may be used for communications transmission.
2. The subdivider, developer or owner of any such area or portion thereof shall make the necessary arrangements for the installation of underground utilities. Such arrangements shall be made with the utility company. A letter from the utility company confirming that such underground insulation as required by this section has been completed shall be submitted to the Building Official at the time that a certificate of occupancy is requested. A certificate of occupancy shall not be granted absent such confirmation.
3. The provisions of this section shall not apply to any of the following uses:
 - a. All electrical power lines rated at or above “feeder” line class. For purposes hereof, a “feeder” line is defined as that portion of an electrical circuit which provides power from a power substation and which has a rated capacity of 3,000 KVA or more.
 - b. All telecable lines rated at or above “trunk” line class. For purposes hereof, a “trunk” line is defined as that portion of a telecable systems line that is .750 inches in diameter.
 - c. Existing poles, overhead wires, and associated overhead structures, when part of a continuous line, or services to individual properties from such existing overhead lines that are within a subdivision previously approved in accordance in conformance with existing regulations.
 - d. Existing poles, overhead wires, and associated overhead structures, when part of a continuous line, or services to individual properties from such existing overhead lines that serve properties adjacent to but not within areas being subdivided.

- e. Any communication line which would otherwise be required by this Section to be underground that uses an overhead pole or structure exempted by this Section.
 - f. Radio and television antennas.
 - g. Structures on corner lots, in streets and alleys, and on easements adjacent thereto, and in cases where electrical and communication wires cross a street or other district boundary from an area where overhead wires are not prohibited, may be connected to said overhead wires.
 - h. Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location of the building to another location of the building or to an adjacent building without crossing a property line.
 - i. Poles used exclusively for street or area lighting or for traffic control facilities.
 - j. Service terminals, transformers, regulators, meters or other on and above-ground appurtenance normally used with and as a part of an underground distribution system.
4. Nothing in this section will prevent the replacement of poles, overhead wires, and associated overhead structures on these lines when necessary for the purpose of maintaining the line or upgrading the capacity thereof, or in the case of single-phase lines, the addition of the necessary facilities to three-phasing of the line.

H. **Required Improvements** ~~=~~ **Sanitary Sewers and Other Utilities**

The subdivider shall be responsible for the proper installation of all utilities and sanitary sewers and connection to approved treatment facilities, water supply approved by the Kansas Board of Health, natural gas, electricity and telephone services. Such utility shall be installed according to the specifications and minimum standards of the controlling utility company or public agency except as otherwise provided by this ~~ordinance~~[Ordinance](#).

I. **Required Improvements** ~~=~~ **Street Signs**

- 1. The subdivider shall be responsible for paying the cost of fabrication and installation of street name signs as determined by the Public Works Department at all street intersections within the subdivision.
- 2. Such signs shall follow the street names designated on the approved final plat.
- 3. Signs on public property shall be installed by the City.
- 4. Signs on private property shall be installed by the developer.
- 5. Payment for all signage fabrication and installation charges for work performed by the City shall be made in full prior to approval of construction plans for each phase of development.

J. Required improvements — Street Lighting

Street lighting shall be installed by the subdivider as required by the City.

K. Improvement Bonds

The proper installation of streets, curbs and gutters, sidewalks, storm drainage facilities, pedestrian walkways, street lights, right-of-way and lot grading and other required improvements shall be guaranteed by the subdivider or his agent by furnishing surety in the form of a performance and maintenance bond. Said bond shall be to the favor of the City and shall be furnished at the time construction plans are submitted for approval. The amount of the bond shall be for the full cost of the improvements and shall remain in effect for two years from the date of completion and acceptance by the City. Said bond shall be properly executed prior to any grading or construction and shall be released upon written approval of the City Engineer. A building permit shall not be issued for a lot or tract in a subdivision which abuts a street for which a bond has not been furnished.

L. Funds for Improvement of Abutting Thoroughfares and Collectors

In the event any development or subdivision shall necessitate modification to or improvement of any other public infrastructure in the City, the subdivider may be required to pay for some or all of such modification, including, but not limited to, all engineering, planning, legal, design, or construction costs of such modification or improvement. Examples of such improvements may include, but shall not be limited to, paying for enhancements to nearby or adjacent sanitary sewers, storm water drainage, or street facilities.

All such modifications shall be reasonably proportionate to the imprint of the subdivision or development upon the other public infrastructures. If the amount of work required herein will cost, in the professional opinion of the City Engineer, \$50,000 or more, the subdivider shall deposit with the City funds equal to the estimated costs of the improvements, either in cash or an irrevocable letter of credit from a financial institution acceptable to the City, such funds to be collectible no later than two years from the date of issuance.

SECTION 9: That Article 1, Section 1.6.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.6.4 Preapplication Conference.

A preapplication conference with City staff may, at the discretion of the Mayor or Building Official, may be required prior to submission of any application for a rezoning request, special use permit, preliminary development plan or site plan. The purpose of this conference shall be to: acquaint the applicant with the procedural requirements of this title; provide for an exchange of information regarding the proposed development plan and applicable elements of this title, the ~~city~~City's Comprehensive Plan and other development requirements; advise the applicant of any public sources of information that may aid the application; identify policies and regulations that create opportunities or pose significant restraints for the proposed development; review any proposed concept plans and consider opportunities to increase development benefits and mitigate undesirable project consequences; and permit staff input into the general design of the project. Specific requirements and provisions related to the proposed development, building, and standards for Communication Facilities for Wireless Services are contained within Article Ten of the Zoning Ordinance.

SECTION 10: That Article 1, Section 1.6.5(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.6.5 Submission of Technical Studies.

- A. City staff may require applicants for rezoning requests, special use permits, preliminary development plans, site plans or plats to submit such technical studies as may be necessary to enable the Planning Commission or Governing Body to evaluate the application. The determination of the need and requirement for technical studies shall be made in a reasonable and nondiscriminatory manner. Technical studies reasonably required for applications for communication facilities or applications for special use permits for communication facilities for wireless services shall be subject to the applicable provisions of state and federal law and regulations. Examples of technical studies that may be required shall include, but not be limited to, traffic studies, engineering studies, geologic or hydro-geologic studies, flood studies, environmental impact assessments, noise studies, market studies, or economic impact reports. The persons or firms preparing the studies shall be subject to the approval of ~~city~~City staff. The costs of all studies shall be borne by the applicant. Any decision of City staff to require any such study or to disapprove the persons or firms selected by the applicant to perform the study may be appealed to the Planning Commission. The decision of the Planning Commission on any such appeal shall be final, subject to the applicable provisions of state and federal law and regulations.

SECTION 11: That Article 1, Section 1.6.15(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.6.15 Consideration of Appeals.

- A. Appeals from the decision of any official administering the provisions of this ~~ordinance~~Ordinance shall be filed with the City Clerk within 30 days from the date of the decision by the officer whose decision is being appealed. A copy of the notice of appeal shall also be served upon the officer whose decision is being appealed. Thereafter, the officer whose decision is being appealed shall prepare and transmit to the Secretary of the Board of Zoning Appeals a complete record of all proceedings relating to the appeal.

SECTION 12: That Article 1, Section 1.6.16(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.6.16 Consideration of Variances.

- A. The Board of Zoning Appeals may grant a variance from the specific terms of this ~~ordinance~~Ordinance which would not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this ~~ordinance~~Ordinance would result in unnecessary hardship for the applicant, and provided that the spirit of this ~~ordinance~~Ordinance shall be observed, the public safety and welfare secured and substantial justice done of the applicant. Provided, however, that the Board shall not have jurisdiction to grant a variance for property zoned under a planned zoning district.

SECTION 13: That Article 1, Section 1.6.17(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- A. The conformance of the proposed use to the ~~city~~City's Comprehensive Plan and other adopted planning policies.

SECTION 14: That Article 1, Section 1.6.20(B) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- B. After the effective date of the ~~ordinance~~Ordinance codified in this title, no property which has a conventional zoning district classification or which requires approval of a site plan may be developed or significantly redeveloped without a site plan which has been submitted to and approved by the Planning Commission, or the Building Official indicating that site will conform to the current applicable requirements of City code. "Significant redevelopment" means alterations or changes to property in such manner that one or more of the following is applicable:
1. The development results in the construction of a building, structure, or addition that increases the gross square footage of the existing development by more than 10 percent.
 2. The estimated construction costs of all improvements to the development exceed 25 percent of the most recent appraised fair market value of the existing property as determined by the County Appraiser.
 3. The construction or paving of a parking lot or facility which covers ground previously not used as a parking lot or facility, or the construction or paving of any parking lot or facility which does not conform to City pavement standards.
 4. The intensification of property by a change of use which increases off-street parking requirements pursuant to Section 5.4.

SECTION 15: That Article 1, Section 1.8.4(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

1.8.4 Appeals, Exceptions, Variances Generally: Procedure

- A. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the city, county, or any governmental agency or body affected by any decision of the officer administering the provisions of the ~~zoning ordinance~~Zoning Ordinance or resolution. Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing a notice of appeal specifying the grounds thereof and the payment of the fee required therefore. The officer from whom the appeal is taken, when notified by the board or its agent, shall transit to the board all the papers constituting the record upon which the action appealed from was taken. The board shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the ~~zoning ordinance~~Zoning Ordinance or resolution. In exercising the foregoing powers, the board, in conformity with the provisions of this act, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or

determination, and to that end shall have all the powers of the officer from whom the appeal is taken, may attach appropriate conditions, and may issue or direct the issuance of a permit.

SECTION 16: That Article 2, Section 2.2(J) of the Westwood Zoning Ordinance is hereby amended to read as follows:

J. Any word denoting gender ~~includes the female and the male~~should be all inclusive.

SECTION 17: That Article 2, Section 2.3 of the Westwood Zoning Ordinance is hereby amended to read as follows:

2.3 Definitions

2.3.010 Accessory Structure: a structure subordinate in square footage and primary use to the primary structure on a lot. In some instances only in commercial and institutional development, an accessory structure may be larger in square footage than the primary structure and may serve in an auxiliary capacity to the primary structure's primary use, e.g., the meeting hall of a church.

2.3.015 Accessory Use: a customary use incidental and subordinate to the primary use of a building, and located on the same lot with such primary use or building.

2.3.020 Alteration: any addition, removal, extension, or change in the location of any exterior surface of a primary building or accessory building.

2.3.025 Apartment House: (See Dwelling, Multiple-Family)

2.3.030 Appurtenance: a subordinate or accessory building or structure or portion of a primary structure, the use of which is incidental and customary to that of said primary structure.

2.3.035 APWA: American Public Works Association.

2.3.040 Arcade: any establishment housing 5 or more video games, pinball games, air hockey, or similar coin-operated amusement apparatus.

2.3.045 Assisted Living, Skilled Nursing, Continuing Care Retirement Facilities: a building, or a group of buildings, where for compensation, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital.

2.3.050 Automotive Repair: any building, premises, and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of motorized vehicles.

2.3.055 Back Yard: (See Yard, Rear)

2.3.060 Baseline Elevation: the average elevation of a building, calculated by adding the elevations at each building corner, the elevations of a minimum of the quarter points between

each corner, and the lowest elevation between corners regardless of location, then dividing the sum by the total number of elevations used in the summation.

2.3.065 Basement: any floor level four feet or more below grade which is beneath the first story in a building.

2.3.070 Board: the City of Westwood Board of Zoning Appeals.

2.3.075 Board of Zoning Appeals: a board appointed by the Westwood Governing Body, which hears and renders decisions regarding appeals and variances arising out of the Zoning Ordinance of the City of Westwood.

2.3.080 Body Shop: any building, premises, and land in which or upon which the primary use of land is a business which involves the painting of vehicles or the repair of exterior damage to vehicles.

2.3.085 Building: a structure having a roof supported by columns or walls, whether or not completely enclosed

2.3.090 Building Height: (See Height)

2.3.095 Building Line: the plane, parallel to the front property line, formed by the majority of the front facades of buildings in a given block.

2.3.100 Building Official: the person authorized by the City of Westwood to interpret and administer the building codes, the Zoning Ordinance and any other related ordinances or regulations of the City or designated by the Governing Body.

2.3.105 Build-Out: the completed construction of all phases of a development as allowed by all ~~Ordinances~~[ordinances](#) that regulate an area. The scale of build-out can be from a single lot to multiple lots within the City.

2.3.110 Building Permit: written permission issued by the City of Westwood for construction, as required by the adopted codes and ordinances of the City.

2.3.115 Build-To Line: the line, parallel to the front property line, at which construction of a building is to occur on a lot.

2.3.120 Carrying Capacity: the amount of traffic which can be accommodated on a street without reducing the level of service the street provides as defined by the Kansas Department of Transportation or street design standards of the Westwood ~~Ordinance~~[ordinances or other regulations](#). Carrying capacity is determined by the amount of traffic per lane per hour.

2.3.125 Certificate of Occupancy: a certificate allowing the occupancy or use of a commercial building and certifying that the structure of use has been constructed or will be used in compliance with this Ordinance and all other applicable codes and regulations.

2.3.130 Child Care Center: a facility which provides care and educational activities for 13 or more children two weeks to 16 years of age for more than three hours and less than 24 hours per day including day time, evening, and nighttime care; or which provides before and after school care for school-age children. A facility may have fewer than 13 children and be licensed as a center if the program and building meet child care center regulations set out in K.S.A. Chapter 65 and K.A.R. Chapter 28.

2.3.135 City Clerk: the person authorized by the City of Westwood to perform all the duties of his/her position as prescribed by statutes or ordinances.

2.3.140 Club: a Class A or Class B Club. Class A Club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class B Club means a premises operated for profit by a corporation, partnership, or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment and less than fifty percent (50%) of the income is generated from the sale of food consumed on the premises, or less than fifty percent (50%) of the income is generated from athletic services provide on the premises.

2.3.145 Collector Street: within the City of Westwood, only Belinder Avenue, West 47th Place, and West 50th Street.

2.3.150 Commission: the City of Westwood Planning Commission.

2.3.155 Community Living Facility: any dwelling or building defined as "group living" or "semi-independent living" by the Kansas Department of Social and Rehabilitation Services (see KAR 30-22-31). This category provides residential care and treatment for patients with mental health and substance abuse illnesses. These establishments provide room, board, supervision, and counseling services. Medical services may be provided if they are incidental to the counseling, mental rehabilitation, and support services offered.

2.3.160 Conditional Use: a use subject to specific provisions or which requires the approval of the Board of Zoning Appeals before the issuance of a zoning permit.

2.3.165 Condominium Dwelling Residence: a building containing two or more dwelling units, which dwelling units are separated by a party wall and which dwelling units are designed and intended to be separately owned in fee under the condominium statutes of the state.

2.3.170 Conservatory: a greenhouse or other structure, primarily of glass or other transparent or translucent material, which encloses a pool, patio, or similar space.

2.3.175 Customary Home Occupation: any use conducted for gain entirely within a residence and carried on by the occupants thereof, which use is clearly incidental and subordinate to the residential use and which does not change the character thereof and in connection with which there is no display or signage. When observed from beyond the lot on which it is located, a home

occupation shall not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

2.3.180 Day Care: the provision of supervision, training, food, lodging or medical services to persons for less than 24 hours a day.

2.3.185 Day Care Home: a structure designed and used as a one or two-family dwelling where day care is provided for a maximum of twelve (12) children, which is regulated under K.S.A. Chapter 65 and K.A.R. Chapter 28.

2.3.190 Deck: a deck is defined as a wooden flat-floored roofless structure, often attached to a building.

2.3.195 Detention: an engineered method or technique to temporarily store storm water on a site and control its rate of runoff.

2.3.200 Detached Building: a building completely surrounded by open space.

2.3.205 Disability, Disabled: physical, mental, or emotional incapacity as defined by State or Federal law.

2.3.210 Disturbed Ground: any area of ground on a site which during construction is broken, dug up, filled, graded, built on or used for storage or parking.

2.3.215 Drinking Establishment - Bar or Night Club: a premises which may be open to the general public, where alcoholic liquor by the individual drink is served and less than fifty percent (50%) of the income is generated from the sale of food consumed on the premises, or less than fifty percent (50%) of the income is generated from athletic services provide on the premises.

2.3.220 Dwelling: a building or portion thereof, designed exclusively for residential occupancy, including single-family and multiple-family dwellings, group homes, but not motels, hotels, or mobile homes.

~~2.3.225~~

2.3.225 Dwelling, Cottage Court: a group of small detached houses, duplexes, or townhouses centered around a common courtyard. The central courtyard enhances the character of the area through the provision of consolidated open space. A cottage court may be developed on individual lots or with a common form of ownership. This term includes Bungalow Court.

2.3.230 Dwelling, Multi-Family: a residential building containing two or more dwelling units occupying a single building site. This term includes apartments, multiplexes, and condominiums..

~~2.3.230~~2.3.235 Dwelling, Senior Adult Independent Living: a building containing one or more living units which building and units are designed for exclusive occupancy by persons 55 years of age or older who are in generally good health. This type of residence does not contemplate continuous health care services but may include a resident nurse. The properties do

not have central commercial kitchen facilities and generally do not provide meals to residents, but may offer community rooms, social activities, and other amenities.

~~2.3.235~~**2.3.240 Dwelling, Single-family:** a detached dwelling designed for or occupied exclusively by one family, including residential-design manufactured homes.

~~2.3.240~~**2.3.245 Dwelling, Townhouse:** a dwelling unit that is part of a building ~~containing more than one~~that includes at least three dwelling ~~unit~~units with such dwelling units being separated by common walls as opposed to one dwelling unit being over another. This term includes rowhouses, townhomes, single family attached units, and attached dwelling development.

~~2.3.245~~

2.3.250 Dwelling, Two-Family: a single structure on a single lot containing two dwelling units, each of which is totally separated from the other by a ceiling, unpierced for any purpose including access, communication, or utility connection.

2.3.255 Dwelling Unit: means one or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by one family and which includes cooking space and lawful sanitary facilities reserved for the occupants thereof.

~~2.3.250~~

2.3.260 Dwelling Unit, Accessory (ADU): a dwelling unit which is an accessory use to a detached single family dwelling unit on one lot. This term includes accessory apartments, garage apartments, and accessory cottage dwellings.

2.3.265 Eave: the overhang of the roof structure of a building beyond its supporting wall, at the point of intersection between the roof and the vertical building wall, typically the lowest part of the roof and where exterior or interior gutters are located.

~~2.3.255~~**2.3.270 Encroachment:** the part of a structure which intrudes into a defined setback.

~~2.3.260~~**2.3.275 Facade:** the vertical surface of a building facing any property line.

~~2.3.265~~**2.3.280 Family:** one or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit, or a group of not more than (3) three, not thusly related, living together by joint agreement and occupying a single housekeeping unit on a non-profit cost sharing basis; plus in either case, usual domestic servants and caregivers.

~~2.3.270~~**2.3.285 Fence:** a vertical structure, including live material, which may provide privacy, divides or defines a boundary.

~~2.3.275~~**2.3.290 Flat Roof:** roof lines or silhouettes with a pitch which is 4:12 or less; that is, a pitch which is less than or equal to four units of vertical change for every twelve units of horizontal change.

~~2.3.280~~**2.3.295 Floodplain, Flood Hazard Area:** any area defined by the Federal Emergency Management Act and shown on its maps to be located in an area subject to flooding.

~~2.3.285~~2.3.300 **Footprint:** the foundation outline of all buildings or structures.

~~2.3.290~~2.3.305 **Fountain-Privately Owned:** a receptacle of stone, concrete, metal, or other similar material, designed for the aesthetic dispensing and pooling of water, with a reservoir depth not exceeding twelve inches.

~~2.3.295~~2.3.310 **Front Yard:** (See Yard, Front)

~~2.3.300~~2.3.315 **Frontage:** the lot boundary which coincides with a public thoroughfare or open space. The facade of a structure facing the street.

~~2.3.305~~2.3.320 **Frontage Build-out:** the portion of lot frontage which has a building or wall running parallel to it.

~~2.3.310~~2.3.325 **Gable:** that portion of a building roof comprised of two sloping roof segments, typically of equal slope, that join together at one end and project to a common point vertically above the exterior building wall. A gable includes that portion of the exterior building wall which is directly beneath the roof, within the slope of the gable.

~~2.3.315~~2.3.330 **Garage, Commercial:** any building, premises, and land in which or upon which the primary use of land is a business which involves the maintenance or servicing of vehicles but does not involve the painting of vehicles or the repair of exterior damage to vehicles.

~~2.3.320~~

2.3.335 **Garage, Residential:** the building or portions of building that fully encloses space for the storage of one or more vehicles. Garages may be attached or detached from the primary structure.

~~2.3.325~~2.3.340 **Gas Station:** a retail establishment which sells gasoline and other fuels for motor vehicles and may sell and install other automotive products, such as lubricants, tires, batteries, and similar accessories, and which may perform minor vehicle maintenance and repairs.

~~2.3.330~~2.3.345 **Gazebo:** a free standing, roofed structure with open sides.

~~2.3.335~~2.3.350 **General Commercial Use:** business and retail establishments providing services and products.

~~2.3.340~~

2.3.355 **Governing Body:** the Mayor and Council of the City of Westwood, Kansas.

~~2.3.345~~2.3.360 **Grade:** the elevation of the land or land level at any given point.

~~2.3.350~~

2.3.370 **Green Roof:** a layer of vegetation planted over a waterproofing system that is installed on top of a flat or slightly-sloped roof. Green roofs are also known as vegetative or eco-roofs.

2.3.375 Group Home: any dwelling, licensed by a regulatory agency of the State of Kansas, which is occupied by no more than ten persons, including no more than eight persons with disabilities who need not be related by blood or marriage, and not more than two staff residents for whom the dwelling is not their primary residence.

2.3.3552.3.380 Health and Welfare Facilities: all hospitals and institutions specializing in medical treatment, mental health treatment, physical therapy, alcohol and drug treatment, and/or assisted living for all ages.

2.3.3602.3.385 Height: the vertical distance from the average ground elevation adjacent to a building or structure grade plane to the average height of the highest roof surface, including, but not limited to, any parapet, roof line, decking of a mansard roof, towers, spires, steeples, and any other roof-top appurtenances, including, but not limited to, mechanical equipment or structures. Height, where not regulated in feet, shall be regulated by stories. A story shall be equal to twelve feet for purposes of measuring structures other than buildings.

2.3.3652.3.390 Irregularly Shaped Lot: any lot which is not square or rectangular in shape.

2.3.3702.3.395 Laboratory: a place equipped for experimentation or observation in a field of study, or devoted to the application of scientific principles in testing and analysis. Quantities of biological or hazardous materials used on site shall be limited to those quantities established by the State and Federal Requirements.

2.3.3752.3.400 Land Use Segregation: the practice of prohibiting mixed-use development or close proximity of residential and non-residential uses. This is accomplished through zoning standards which emphasize the separation of all uses, and the buffering and screening of dissimilar uses from one another.

2.3.3802.3.405 Lot: a parcel of land, the boundaries of which have been established by some legal instrument such as a recorded deed or a recorded map, and which is recognized as a separate tract or legal unit of ownership for purposes of transfer of title. According to the recorded plat thereof, a lot shall be the parcel of land as presently platted. An interior lot is bounded on two opposite sides by other lots and on one side faces a single public right-of-way. A corner lot is bounded on two adjacent sides by two public rights-of-way.

2.3.3852.3.410 Lot Coverage: 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 thirty (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 thirty (30) inches or higher from the ground are to be calculated at fifty (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% of the covered area. Structures covered by green roofs are to be calculated at 50% of the covered area, up to an area equal to 10% of the total lot area.

2.3.3902.3.415 Machine Shop: a mechanized workshop which manufactures, sizes or assembles pieces of machinery.

~~2.3.395~~

~~2.3.420~~ 2.3.420 Major addition: any addition or alteration that increases or alters more than 50% of the existing structure.

2.3.425 Manufactured Structure: a residential or commercial building comprised of one or more component parts constructed in a manufacturing plant and transported to a site for final assembly on a permanent foundation. The City building code standards for traditional on-site construction are not strictly enforced for such structures.

~~2.3.400~~2.3.430 Massing: the shapes, proportion and form of a building. The design elements that may affect the mass of a building may include the following:

- A. Building silhouette;
- B. Spacing between facades;
- C. Setback from property line;
- D. Proportion of windows, bays, and doorways;
- E. Proportion of primary facade;
- F. Location and treatment of entryway;
- G. Exterior materials used;
- H. Building scale;
- I. Geometric shapes offset to create the appearance of less mass.

~~2.3.405~~2.3.435 Mechanical Equipment: heating, ventilation, and air conditioning (HVAC) units.

~~2.3.410~~2.3.440 Mixed Use: the presence of residential and nonresidential uses within the same building or development complex. It may be different categories of nonresidential uses such as institutional, retail, and office within the same complex of buildings.

~~2.3.415~~2.3.445 Mobile Home: a structure that: (1) Is transportable in one or more sections which, in the traveling mode, is eight body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and (2) Is not subject to the federal manufactured home construction and safety standards established pursuant to 42 USC 5403.

~~2.3.420~~2.3.450 Modular Home: a dwelling unit, a majority of which is assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation and constructed in compliance with the City's building codes.

~~2.3.425~~2.3.455 **Mother's Day Out:** a day care program operating more than five (5) consecutive hours or more than one day per week and in which any one child is enrolled for not more than one session per week.

~~2.3.430~~2.3.460 **Multi-Family Dwelling:** a building in which more than two families or households live independently of each other and cook within their own living quarters.

~~2.3.435~~2.3.465 **Nonconforming Use:** any lawful use of any land, building, or structure which later becomes unlawful as a result of legal or regulatory changes in, or amendments to, this Ordinance.

~~2.3.440~~2.3.470 **Off-Street Parking:** parking which occurs on a lot and not on a street or other public right-of-way.

~~2.3.445~~2.3.475 **Office Use:** business, professional, service, or governmental occupations within a building or buildings.

~~2.3.450~~2.3.480 **Open Space:** any area which does not consist of buildings, streets, rights-of-way, pavement, parking, or easements.

~~2.3.455~~2.3.485 **Overlay District:** a set of regulations, which add an additional layer of building standards to a specific area within a zoning district.

~~2.3.460~~2.3.490 **Patio:** a paved outdoor area adjoining a house.

~~2.3.465~~2.3.495 **Paved:** covered by a contiguous, impervious, hard substance such as concrete, asphalt, brick, stone, or other material which is similar in durability, appearance, and permeability.

~~2.3.470~~2.3.500 **Parking Area:** any portion of land designated for the parking of vehicles.

~~2.3.475~~2.3.505 **Pedestrian-Oriented Development:** a land use plan which emphasizes the needs of pedestrians in addition to the needs of automotive traffic.

~~2.3.480~~2.3.510 **Permitted Uses:** uses allowed to occur within a designated zoning district.

~~2.3.485~~2.3.515 **Planning Commission:** a review board appointed by the Mayor and approved by the Governing Body to make recommendations on zoning issues provided herein (see Article 1.4 Planning Commission).

~~2.3.490~~2.3.520 **Platted Lot:** a lot surveyed and recorded at the County Office of Records and Tax Administration.

~~2.3.495~~2.3.525 **Pool:** any constructed, outdoor basin or tank designed to hold water greater than twelve inches in depth.

~~2.3.500~~2.3.530 **Porch:** a structure, attached to the exterior of a building, which leads to an entrance and may be:

- A. Enclosed: roofed, with walls and a second door or doorway;
- B. Open: usually roofed, with no walls, which may have columns or other appurtenances to support the roof;
- C. Screened: roofed with screened sides and a second door or doorway.

~~2.3.505~~2.3.535 **Preschool:** a day care facility providing educational experiences and operating in compliance with the definitions and regulations of the State of Kansas.

~~2.3.510~~2.3.540 **Primary Building:** the structure on a multi-structured lot in which the majority of activities occur.

~~2.3.515~~2.3.545 **Public Safety Station:** police, fire and rescue stations.

~~2.3.520~~2.3.550 **Public Street:** any right-of-way used for vehicular traffic that is permanently maintained by any city, county, or state agency and is open to all traffic.

~~2.3.525~~2.3.555 **Public Utility Buildings:** outside storage of materials and equipment is an accessory use in buildings used by public utilities provided all storage is screened from view off the premises.

~~2.3.530~~2.3.560 **Quadrangle:** a rectangular area, such as a courtyard, enclosed by buildings.

~~2.3.535~~2.3.565 **Rear Yard** (See Yard, Rear)

~~2.3.540~~2.3.570 **Residential Street:** all streets within the City of Westwood except those designated as collector streets or thoroughfares.

~~2.3.545~~2.3.575 **Residential-Design Manufactured Homes:** a manufactured dwelling affixed to a permanent foundation which has minimum dimensions of 22 body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes.

~~2.3.550~~2.3.580 **Retention:** an engineered method to completely retain a specified amount of stormwater without release except by means of evaporation, infiltration, or pumping.

~~2.3.555~~2.3.585 **Ridge Line:** the point at which two sides of a roof meet at their highest edges, which is typically the highest point of the primary roof.

~~2.3.560~~2.3.590 **Right-Of-Way (R-O-W):** an area of public land dedicated to infrastructure such as streets, sewer lines, water lines, electric lines, and gas lines, etc.

~~2.3.565~~2.3.595 **Roof Line:** the shape of a roof, formed by its slope, pitch, eaves, ends, and projections, such as dormers, which are above the eave line.

~~2.3.566~~2.3.600 **Satellite Dish:** any circular or semi-circular dish-shaped receiving antenna used to receive signals transmitted from satellites, generally for highly specialized industrial

communications or for receiving television signals from a satellite. This definition does not apply to antennas regulated pursuant to Article Ten of the Westwood Zoning Ordinance.

~~(Ord. 984, Sec. 11)~~

~~2.3.570~~

2.3.605 Setbacks the mandatory distance between a lot line and the face or nearest part of a structure.

~~2.3.575~~**2.3.610 Shed Dormer:** a dormer with a roof sloping in the same direction as the roof from which the dormer projects.

~~2.3.580~~**2.3.615 Shop-Front:** a business or retail establishment located on the ground floor of a structure, the facade of which is aligned directly along the frontage line and the entrance of which is at grade.

~~2.3.585~~**2.3.620 Side Yard** (See Yard, Street Side and/or Yard, Interior Side.)

~~2.3.590~~**2.3.625 Single-family Dwelling:** a detached dwelling designed for or occupied exclusively by one family, including residential-design manufactured homes.

~~2.3.595~~**2.3.630 Site Plan:** the plan of a construction site showing the position and dimensions of the building to be erected and the dimensions and contours of the lot; a map done by a surveyor or design professional accurately depicting the scale distances and measurements of all existing and planned structures on a lot, and the location and dimensions of the lot itself.

~~2.3.600~~**2.3.635 Storm Water:** storm water runoff, snow melt runoff, surface runoff, and drainage.

~~2.3.606~~**2.3.640 Storm Water Runoff:** rainwater flowing on the surface of the ground.

~~2.3.610~~**2.3.645 Story:** that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that habitable portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. An attic, regardless of its interior dimensions, shall not be considered a story provided it remains unconditioned space, is accessible by nothing more substantial than a pull-down stairway or ladder, and contains no dormers with the exception of minimal vent features. Determination of a building's number of stories shall be based on qualifying floor area being situated directly above other qualifying floor area.

~~Ord No. 1000~~

~~2.3.615~~

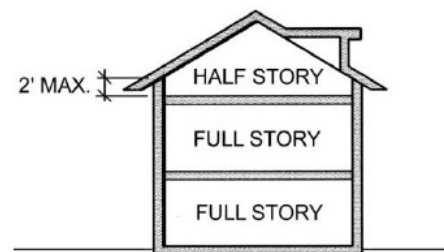
2.3.650 Story Above Grade: any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade when the finished surface of the floor above the basement is:

A. More than six feet above grade plane;

- B. More than six feet above finished ground level for more than fifty percent of the total building perimeter; or
- C. More than twelve feet above the finished ground level at any point.

~~2.3.620~~2.3.655 **Story, First:** the street level of a building which is less than four feet below grade for no more than fifty percent of the perimeter and no portion of which is more than eight feet below grade.

~~2.3.622~~2.3.660 **Story, Half:** 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 2 ft. above the half-story floor level, and window dormers or other projections out from this roof plane do not exceed more than 50% of the horizontal length of the roof for a 2 ½ level, or 85% of the horizontal length of the roof for a 1 ½ story level, measured along both opposite roof planes at 2 ft. above the half-story floor level or higher.



~~Ord No. 1000~~

~~2.3.625~~

2.3.665 **Street:** pavement and sub-grade of a ~~city~~City residential, collector, or thoroughfare roadway, excluding curbs, gutters, and portions adjacent to the pavement and sub-grade of a roadway that lie in a right-of-way.

~~2.3.630~~2.3.670 **Street Frontage:** that portion of a lot that directly faces the public right-of-way along its front property line.

~~2.3.635~~2.3.675 **Street Yard:** the area of land along the front property line parallel to a street (i.e. front yard) that is reserved for tree planting and landscaping.

~~2.3.640~~2.3.680 **Structure:** anything constructed or erected, including retaining walls, the use of which demands a permanent location on the soil, or which is attached to something having a permanent location on the soil.

~~2.3.645~~2.3.685 **Sustainable:** having the ability to accommodate and/or maintain future population growth and economic expansion.

~~2.3.650~~2.3.690 **Testing and Research Facilities:** primarily office uses or an establishment primarily engaged in commercial research and providing testing services for scientific research. This use can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. This use does not involve the fabrication, mass manufacture, or processing of the products, and does not include general medical or dental laboratory services.

~~2.3.655~~2.3.695 **Temporary Structures:** buildings placed on a lot for a specific purpose, which are to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms or office space, construction trailers or guard houses, manufactured housing placed on a lot for temporary housing while the primary home renovations

are done, and produce stands. The duration permitted for a temporary structure is established by this Ordinance.

~~2.3.660~~2.3.700 **Temporary Use Permit:** a permit issued by the City allowing a specific use for a specific period of time.

~~2.3.665~~2.3.705 **Thoroughfare:** within the City of Westwood, only Shawnee Mission Parkway, State Line Road, Rainbow Boulevard, West 47th Street, and Mission Road.

2.3.710 **Through Lot:** a parcel of land that has access to a public right-of-way from both the front and back property line.

~~2.3.670~~2.3.715 **Transitional Yard:** the area of a property running along the side or rear yard of a non-residential lot when it abuts a residential lot, used as a buffer.

~~2.3.675~~2.3.720 **Utility Structure:** any cabinet, pedestal, box, building or other structure used for public utility services, public service corporations, or telecommunications providers including any associated equipment such as condensing units and generators. Towers, poles and traffic signal controllers shall not be considered utility structures. Facilities with a footprint smaller than two square feet, or underground facilities that extend no more than six inches above grade are exempt from this definition.

~~2.3.680~~2.3.725 **Undercroft:** the area underneath any structure that, due to its height above the ground, is exposed to view. Such structure may be a roof or floor.

~~2.3.685~~2.3.730 **Vocational Center:** a teaching or learning business where classes are held, which may be affiliated with an educational institution.

~~2.3.690~~2.3.735 **Yard:** the part of the building plot not occupied by structures and open to sky.

~~2.3.695~~2.3.740 **Yard, Front:** open space across the full width of the lot extending from the front line of the primary structure to the front line of the lot where the street right-of-way begins. On corner lots, the front yard shall be determined by the street address but extends around on the exterior or right-of-way side to the rear corner of the primary structure.

~~2.3.700~~2.3.745 **Yard, Interior Side:** open space between the side of the primary structure and the adjacent sideline of the lot, and between the front yard and the rear yard.

~~2.3.705~~2.3.750 **Yard, Rear:** open space between the rear line of the primary structure and the rear lot line or public right-of-way and between the side lot lines. On corner lots, the rear yard adjacent to the public right-of-way ends at the corner of the primary structure nearest the rear yard and the adjacent side yard public right-of-way.

~~2.3.710~~2.3.755 **Yard, Street Side:** on corner lots, side yards extend along the yard adjacent to the public right-of-way from the rear corner of the primary of the primary structure to the rear property line.

SECTION 18: That Article 3, Section 3.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

3.2 Nonconforming Uses

The provisions of this ~~ordinance~~Ordinance shall not apply to existing buildings or structures, nor to the existing use of any buildings or land at the time of the adoption hereof, but shall apply to any alteration of a building or structure to provide for its use for a purpose or in a manner different from the use to which it was put before the alteration. However, nothing in this article shall prevent the restoration of a building damaged by fire, explosion, act of God or the public enemy, or prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such damage, except that a building which is damaged by more than fifty percent of its fair market value shall not be restored if the use of such building is not in conformance with the regulations herein. A nonconforming use may be changed to a more restricted use, and when so changed, it shall not be changed again to a less restricted use. When a nonconforming use has been discontinued for a period of ninety days, it shall not be reestablished, and any future use shall be in conformity with the provisions of this ~~ordinance~~Ordinance, notwithstanding the purpose for which the premises were erected or used.

SECTION 19: That Article 3, Section 3.3 of the Westwood Zoning Ordinance is hereby amended to read as follows:

3.3 Uses Prohibited

- A. Unless a project is subject to a valid building permit, no open excavation, no partially constructed structure, and no building or structure so damaged as to become unfit for use or habitation, shall be permitted, maintained or remain in such condition within the City for a period of more than six months, except by special permission of the Governing Body.
- B. No building material, construction equipment, machinery, or refuse shall be stored, maintained, or kept in the open on any lot, tract, or parcel within residential (R-I) district, other than during actual construction operations on said premises or related premises. In unusual cases, the Governing Body may waive this requirement for a limited time.
- C. No building or premises now standing in the City, nor any building hereafter erected therein, shall be used or occupied for any of the following purposes:
 - 1. junkyard or junk storage room;
 - 2. tourist cabin or trailer camp;
 - 3. slaughterhouse, commercial poultry dressing or processing establishment where such is primary and not incidental to some authorized use;
 - ~~4. except as provided elsewhere in the Zoning Ordinance of the City of Westwood, Kansas, lodging house, duplex, row house, or multi-family dwelling, except that group homes shall be allowed;~~
 - 4. ~~5.~~ auto wholesale and retail.

- D. No above-ground construction or planting shall be permitted in any public street, sidewalk or right-of-way, except for traffic and public safety signs, plantings less than 24 inches in height, and hydrants or pedestals less than 30 inches in height and having a width or depth not more than 12 inches; provided that, communication facilities for wireless services may be permitted by application and approval subject to the provisions of Article Ten of Westwood Zoning Ordinance-[, as well as City-sponsored improvement projects](#)
- E. No poles, towers, conduits, or lines for any purpose, including for the purpose of transmission of electricity, data, cable television, voice signals, electronic mail, telecommunications, or other purposes shall be permitted or constructed above ground; provided that, communication facilities for wireless services may be permitted by application and approval subject to the provisions of Article Ten of Westwood Zoning Ordinance.
- F. Portable storage units, dumpsters, portable toilets, Portable On Demand Storage units (“PODS”), storage trailers, and other impermanent storage or other facilities are prohibited unless a permit is first obtained. Such a permit shall be for a maximum period of 30 days or as may be required pursuant to any valid building permit. Such permit may be renewable upon a showing of reasonable necessity or as set out in any building permit.

SECTION 20: That Article 3, Section 3.4(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

3.4 Allowed Uses

Uses designated as “permitted uses” and “uses permitted with conditions” are allowed in a district as a matter of right. It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in Westwood. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use shall be made as follows:

- A. For any use not listed in this Ordinance, the owner has the right to appeal to the Board of Zoning Appeals to determine if said use can be reasonably interpreted to fit into a use category where similar uses are described in ~~the~~[this](#) Ordinance and is consistent with the Comprehensive Plan of the City, as provided herein.

SECTION 21: That Article 3, Section 3.8(B) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- B. Every building hereafter erected, moved, or structurally altered shall be located on a single lot. In no case shall there be more than one principal building and its customary accessory building(s) on any lot, except in appropriate regulated districts which permit more than one commercial [or residential](#) structure on a lot.

SECTION 22: That Article 4, Section 4.1.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.1.1 Intent

The R-1 Single-Family Residential District is established to promote the health of the City's historical neighborhoods as well as providing for their expansion along the same traditional lines used when they were established.

A. The following is a list of objectives to achieve housing that is compatible within the existing neighborhood:

1. Materials and colors should be used to reduce the apparent bulk of the structure.
2. The building height should be in proportion to the style and size of the house and to the lot area.
3. Higher portions of structure should be set back from the lot lines to reduce the impression of height.
4. Architectural features should be used to reduce the impression of bulk.
5. A combination of vertical and horizontal elements should be used to break up long or tall facade walls.
6. Recessed and projecting spaces should be used to create interest.
7. The completed structure(s) must not overcrowd or overwhelm neighboring residences.
8. The creation of a vertical canyon effect between houses should be minimized. When a two-story house is proposed adjacent to one-story houses, the space between the houses should increase as wall height increases.
9. Similar materials, colors and roof pitch should be used on all sides and on all structures on the site.
10. The use of highly reflective materials should be avoided.
11. Mechanical equipment should be screened.
12. Large, continuous paved areas should be avoided. Paved areas should be broken up by the use of textured or colored materials.

B. Consistent with the City's Comprehensive Plan, the objectives in ~~developing~~development of this District's ~~Ordinance~~ are:

1. ~~A.~~ to promote positive growth in the City's residential areas;
2. ~~B.~~ to accommodate the renovation and expansion needs of residents;
3. ~~C.~~ to allow for future redevelopment;
4. ~~D.~~ to alleviate problems in compatibility with neighboring properties;

5. ~~E.~~ to provide clear criteria for new infill houses;

6. ~~F.~~ to allow for flexibility in expansion and remodeling of existing homes.

C. In addition, the Governing Body recognizes the unique attributes of the area known as the Westport Annex, and finds as follows:

1. Whereas the area known as ~~the Westport Annex~~ Westwood East of Rainbow (“WEBO”) consists of the area on 47th Terrace and 48th Street between Rainbow Boulevard and State Line Road, and is unique in its construction, platting, and configuration in the City of Westwood; and

2. Whereas ~~the Westport Annex~~ WEBO consists of lots nearly all of which were originally platted to have uniform dimensions of 40 feet in width by 110 feet in depth; and

3. Whereas the housing stock in ~~the Westport Annex~~ WEBO has a significant percentage of smaller, older homes which present remodeling and redevelopment challenges; and

4. Whereas the construction of many homes in ~~the Westport Annex~~ WEBO predate the widespread ownership of automobiles, and thus many homes have little or no garage space; and

5. Whereas the scarcity of garage space contributes to parking congestion which may negatively affect the safety, comfort, and convenience of the citizens; and

6. Whereas creative and distinct efforts may be necessary to create an environment for stable and productive redevelopment in ~~the Westport Annex~~ WEBO; and

7. Whereas the Governing Body has received comments from the Planning Commission, residents of ~~the Westport Annex~~ WEBO, other citizens, and others, and has studied the challenges posed by the unique characteristics of ~~the Westport Annex~~ WEBO, and has concluded that certain rules or requirements may be too restrictive or otherwise interfere with redevelopment or the most productive use of property in ~~the Westport Annex~~ WEBO, and that it is appropriate to create certain rules that pertain to ~~the Westport Annex~~ WEBO based on the unique and distinct characteristics that predominate in the neighborhood, and the circumstances of ~~the Westport Annex~~ WEBO justify the creation of an overlay district or similar special considerations for this area;

8. ~~A~~ Therefore, a category R1-E shall be created as further set forth herein.

SECTION 23: That Article 4, Section 4.1.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.1.2 Residential Zoning Districts Described

The single-family residential areas of the City are divided into the following single-family residential zoning districts as further defined and described herein, including, but not limited to, the definitions and descriptions set forth in Section **4.3.2**:

- R-1 (A) lots which are less than 50 feet in width as measured at the curb along the front property line;
- R-1 (B) lots which are less than 65 feet in width but at least 50 feet in width as measured at the curb along the front property line;
- R-1 (C) lots which are less than 75 feet in width but at least 65 feet in width as measured at the curb along the front property line;
- R-1 (D) lots which are at least 75 feet in width as measured at the curb along the front property line; and
- R-1 (E) lots which are less than 50 feet in width as measured at the curb along the front property line, and which are located on 47th Terrace or 48th Street between State Line Road and Rainbow Boulevard, otherwise referred to as ~~Westport Annex~~ [WEBO](#).

SECTION 24: That Article 4, Section 4.2.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.2.1 Intent

Certain uses exist which may be constructed, continued and/or expanded, provided they meet certain mitigating conditions specific to their design and/or operation. Such conditions ensure compatibility among other building types so that different uses may be located in proximity to one another without adverse effects to either.

Each use shall be permitted in compliance with all conditions listed for the use in this article. A special use permit may be required as identified in Article 8 of this Ordinance for each use permitted with the following conditions. Applications for communication facilities for wireless services and for special use permits for communication facilities for wireless services shall be subject to and processed pursuant to the provisions, definitions, building and design standards, requirements, timelines, and criteria contained within Article Ten of the Westwood Zoning Ordinance, and the City shall not discriminate against applicants with respect to the placement of communications facilities as to other investor-owned utilities, wireless service providers, wireless infrastructure providers, or wireless carriers.

~~(Ord. 984, See~~ [All uses permitted with conditions in a residential district shall comply with Sections 5.1, 5.4, 5.5, and 5.6 of this Article.](#) ~~13)~~

SECTION 25: That Article 4, Section 4.2.3(C) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- C. ~~Where permitted, parking~~ [Parking](#) shall be located toward the interior of the lot. On-street parking may be used to fulfill parking requirements, where permitted. Parking may not occur within a front setback or corner side setback.

SECTION 26: That Article 4, Section 4.2.8 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.2.8 ~~Minimum~~ Parking Space Requirements for Uses with Conditions

- A. The table below includes requirements for employee parking.
- B. Employee parking spaces are included in the ratios in the below table.
- C. No use shall provide more than one hundred fifty (125) percent of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar context.
- D. Any parking permitted over one hundred fifteen (115) percent of the minimum shall require mitigating potential impacts of more parking through one or more of the following strategies:
 - 1. Provide shared parking for other uses on the block or adjacent blocks.
 - 2. Use alternative surfaces designed to infiltrate stormwater or otherwise increase permeability without significantly sacrificing stability and durability.
 - 3. Provide additional buffers and site open spaces to screen parking with at least a ten (10) percent increase in the open space or buffers required for the parking, and at least a twenty (20) percent increase in the landscape material amount required for the parking.
 - 4. Design all parking areas over the one hundred fifteen (115) percent maximum as dual-purpose space, such as plazas or courtyards, playgrounds, event areas for regular use of the space during non-peak times.

Minimum Parking Spaces Per Use

Institutions of higher learning	1 per 5 students / 1 per two residents
High schools	1.5 per five students
All other schools	1.5 per classroom
Government institutions area	1 per 300 sq. ft. / 1 per 4 seats of meeting
Religious institutions	1 per 4 seats of meeting area
Civic organizations	1 per 200 300 sq. ft. / 1 per 4 seats
Group homes	1 per three residents
Nursing homes / retirement	1 per three beds
General Health and Welfare Institutions	1.2 per bed
Independent Living Facilities	1.5 per unit
Convention Facilities	1 per 250 sq. ft.
Post Office	1 per 400 sq. ft.

~~Employee parking spaces are included in the ratios in the above table.~~

SECTION 27: That Article 4, Section 4.3.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.1 Uses Permitted by Right

In the R-1 District, no building or premises shall be used and no building or structure shall be hereinafter erected or altered unless otherwise provided in this ~~ordinance~~Ordinance, except for the following uses:

A. Single-family dwellings and appurtenances incident thereto;

B. Accessory dwelling unit (ADU);

C. Public parks or playgrounds, churches on lots of one acre or more, public or parochial school, city halls and police stations;

D. ~~B. Public parks or playgrounds, churches on lots of one acre or more, public or parochial school, city halls and police stations;~~
Group homes;

E. ~~C.~~ Accessory uses as provided herein;

F. ~~D.~~ Essential utility services subject to the limitations provided herein; or,

G. ~~E.~~ Communication Facilities, limited to the following:

1. Towers and Base Stations, as defined within Article Ten, Section 10.2, designed as an architecturally compatible element to an existing non-residential use such as schools, churches, and the like, and that comply with the same height and setback requirements as other structures in residential districts.
2. Antennas, as defined within Article Ten, Section 10.2, mounted on and designed as an architecturally compatible element to an existing non-residential structure or building.
3. Small Cell and Distributed Antenna Systems, as defined within Article Ten, Section 10.2, mounted or collocated on monopoles, utility poles, or street lights in the public right-of-way.
4. Communication facilities, *e.g.* Towers, Base Stations and Antennas, are subject to the application, location, and performance standards of Article Ten of the Westwood Zoning Ordinance.
5. Communication facilities with conditions as provided herein or as otherwise deemed necessary by the approval authority to protect the public health, safety or welfare.

~~(Ord. 984, Sec. 16)~~

~~4.3.1 Uses Permitted by Right~~

~~In the R-1 District, no building or premises shall be used and no building or structure shall be hereinafter erected or altered unless otherwise provided in this ordinance, except for the following uses:~~

~~A. Single-family dwellings and appurtenances incident thereto;~~

~~B. Public parks or playgrounds, churches on lots of one acre or more, public or parochial school, city halls and police stations;~~

~~C. Group homes;~~

~~D. Accessory uses as provided herein;~~

~~E. Essential utility services.~~

H. Nonresidential development permitted in a residential district shall be in compliance with Section 5.1 (general requirements for commercial development), Section 5.4 and 5.5 (related to parking), and section 5.6 (landscaping).

SECTION 28: 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 Section **4.1.2** (Residential Zoning Districts Described) 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 2½ 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% 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% 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% 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% of their front facade ~~along~~on the front yard ~~setback~~build-to line.
- E. The vertical surface of any building elevation shall not exceed more than 600 square feet or 25' measured horizontally without incorporating architectural relief. Architectural relief shall

be defined as a building element or elements that ~~breaks~~break(s) up a wall plane and occurs cumulatively over at least 25% 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, ~~windows, doors,~~ chimneys, ~~changes of materials (either horizontal or vertical),~~ arches, eaves, alternating roof pitches, and/or by other architectural means. ~~This list is not all-inclusive~~

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. ~~F.~~ Front setback encroachments for all residences shall be no greater than 4 feet into the front yard setback ~~and shall apply only for open stoops, open porches, and raised doorways.~~ See 4.3.3.E

H. ~~G.~~ The maximum height of the primary structure shall be 35 feet.

I. ~~H.~~ With respect to lots which have existing primary or accessory structures less than 5 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 10 feet is maintained between the structure and any extension thereof and any structure on any adjacent lot.

J. Notwithstanding the above, any construction within such a 5-foot setback shall require that any future construction of a structure on the adjacent lot be not less than 10 feet away from the new construction. Thus, for example, and not by way of limitation, an extension on one lot that is 4 feet off the side yard property line would necessitate that any later construction on the adjacent lot be at least 6 feet off of its side yard.

K. 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 or owners:

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 or owners may not build any closer than 10 feet to the proposed project or construction in the future;
3. a statement that said adjacent property owner or owners consent to said project or construction; and
4. this writing shall be acknowledged before a notary public and said permit shall be filed with the Johnson County Office of Records and Tax Administration, and proof of said filing provided to the City before any building permit shall issue.

L. ~~H~~ Except as set forth in Article 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. 7 feet for a second-story side yard,
 - 3. 15 feet for the rear yard,
 - 4. 15 feet for the side yard on corner lots, ~~and the~~
 - 5. other first-story side yard setbacks as set forth in Article 4.3.2.H above;
- c. the maximum lot width coverage at front yard setback shall be 70%;
- 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. 7 feet for a second-story side yard,
 - 3. 15 feet for the rear yard,
 - 4. 15 feet for the side yard on corner lots, ~~and the~~
 - 5. other first-story side yard setbacks as set forth in Article 4.3.2.H above;
- c. the maximum lot width coverage at front yard setback shall be 70%;
- 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. 7 feet for a second-story side yard, ~~the~~
 - 3. The greater of 15 feet or 20% of depth of lot for the rear yard,
 - 4. 15 feet for the side yard on corner lots, ~~and the~~
 - 5. other first-story side yard setbacks as set forth in Article 4.3.2.H above;
- c. the maximum lot width coverage at front yard setback shall be 80%;
- 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, 7 feet for a second-story side yard, ~~the~~
 - 2. The greater of 15 feet or 20% of depth of lot for the rear yard,
 - 3. 15 feet for the side yard on corner lots, ~~and the~~
 - 4. other first-story side yard setbacks as set forth in Article 4.3.2.H above;
- c. the maximum lot width coverage at front yard setback shall be 80%;
- 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. 5 feet for a second-story side yard, 7 feet for the third-story,
 3. 15 feet for the rear yard but 5 feet for a detached garage in the rear yard,
 4. 15 feet for the side yard on corner lots, ~~and the~~
 5. other first-story ~~other~~ side yard setbacks as set forth in Article 4.3.2.H above;
- c. the maximum lot width coverage at front yard setback shall be 70%;
 - 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 and one-half;
 - f. the total square footage of the one-half story above the second story shall not exceed 50% of the total square footage of the second story.
- J. The chart on the following page ~~sets forth other requirements pertaining to~~ is provided to assist property owners for single-family primary structures. ~~The, however the~~ written paragraphs herein shall prevail in the event of any question of interpretation or ambiguity with respect to said chart.

4.3.2 Single-Family Primary Structure Requirements Charted

Primary Structure Requirements	R-1 (A)	R-1 (B)	R-1 (C)	R-1 (D)	R-1 (E)
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 Lot Coverage Including Accessory Structures (deck calculated @ 50%)	40%	35%			40%
Minimum Setbacks:					
Front Yard Build-to Line (see 4.2.3.D)	20'	35'			20'
First Floor Side Yard	See Article 4.3.2.H				
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%	70% 80%
Front Setback Encroachments:					

Open Stoops, Open Porches & Raised Doorways	4' into the front yard setback		
Maximum Eave Height above First Floor	< ½ lot width	23'	
Maximum Height of Primary Structure	35'		
Maximum Stories of Primary Structure	2	2	2½ *
Continuous Wall Limits	Not to exceed more than 600 square feet <u>or 25' horizontally</u> without incorporating architectural relief. See 4.3.2 E.		
<u>Attached Garages</u>	<u>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.</u>		

* New home builds should see 4.4 New Infill Houses & Major Additions for special considerations.

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

** Corner lots side yard diagramed in Section 2 – Definitions

SECTION 29: That Article 4, Section 4.3.4(C) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- C. The following chart sets forth other requirements pertaining to accessory structures. Parameters which do not relate to setbacks are set forth in related sections below the chart. The written paragraphs herein shall prevail over chart data in the event of any question of interpretation or ambiguity.

Accessory Building Setbacks and Other Requirements (Articles 4.3.4, 4.3.5, 4.3.6)	R-1 (A)	R-1 (B)	R-1 (C)	R-1 (D)	R-1(E)
Interior Lots Side Yard	See Article 4.3.2.H				
Rear Yard	5'				
Corner Lots Interior Side	5'				
Corner Lots Side Yard	equal to primary structure setback				
Maximum Accessory Structures per Dwelling	2				
Maximum <u>Detached</u> Garage Height	26 35' or 1½, 2 stories				
<u>Detached Garage Roof Pitch</u>	<u>Same roof pitch as primary structure</u>				
All Other Structure Height	16' or <u>and</u> 1 story				
Maximum Footprint of All Accessory Structures	662 sq. ft.	704 sq. ft.	704 sq. ft.	704 sq. ft.	662 sq. ft.
Minimum Garage Size	175 sq. ft.				

Maximum Garage Door Height	9'
Detached Garage Allowed in Rear Yard or —2' behind Front Wall Line of Primary Structure	Yes
Tandem Garage Permitted	Yes
Adjacent Property Interior Common Wall Garages (see Article 4.3.6.D)	Yes
<u>Materials and construction</u>	<u>Similar to primary structure</u>

SECTION 30: That Article 4, Section 4.3.5 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.5 Accessory Structures

- A. No more than two accessory structures, including detached garage, shall exist for a single residence.
- B. Accessory structures must be clearly incidental to and customarily and commonly associated with the primary structure and must be located in the rear yard. Accessory structures may have plumbing, heating, ventilation, air conditioning, cooking facilities, or other amenities, and may be used for any purpose which is otherwise lawful in the primary structure, including, but not limited to, garages, storage areas, home offices, studios, or workshops, and accessory dwelling units, provided all applicable building, fire safety, and other codes are met.
- C. ~~Accessory structures may not be used by anyone other than the resident or residents of the primary structure. No one may use an accessory structure as a dwelling, apartment, rooming house, dormitory, sleeping quarters, or any purpose akin to habitation. No accessory structure may be leased, rented, sold, conveyed, or permissively used by anyone other than a resident of the primary structure.~~
Only one accessory dwelling unit (ADU) is permitted on any single-family residential building site. If the ADU is greater than 500 sq. ft. in size, an additional parking space located behind the front yard setback and at least 20 feet from the street side lot line is required. ADUs that are 500 sq. ft. or smaller that have code compliant parking for the principal structure at the time the principal structure was constructed are not required to have an additional parking space for the ADU.
- D. For R-1(A) and R-1(E) tracts, the total coverage of the combined footprints of all accessory structures shall not exceed 662 square feet. For R-1(B), R-1(C), and R-1(D) tracts, the total coverage of the combined footprints of all accessory structures shall not exceed 704 square feet. However, notwithstanding the above, an accessory structure may only be constructed provided that all other zoning, building, and other legal requirements are met.

- E. Accessory structures other than garages which are less than 150 square feet in area and do not have a permanent foundation may be constructed of any permitted residential building wall material and may have a roof pitch different from that of the existing pitch of the roof on the primary structure.
- F. No structure may be set in any utility or other easement.
- G. No structure may be more than sixteen feet, ~~or~~and one story, in height.
- H. Dog runs must be in the rear yard and must comply with all setback and fence height requirements, and shall be no more than four feet wide and twelve feet long with a paved floor for sanitation purposes. Each lot shall have no more than one dog run.

SECTION 31: 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~~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 door(s), 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 ~~unattached~~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 ~~at least two feet~~located entirely behind ~~that the~~ front ~~corner~~wall of the primary ~~structure which is nearest to the~~ garage building (2.3.520). Front porches or colonnades shall not constitute the front wall of the dwelling for this review.
- G. Detached garages shall be located entirely behind the rear line of the primary structure.

H. ~~G.~~ Any three-car garage must have at least two garage doors for vehicle access.

I. ~~H.~~ No detached garage shall be more than ~~26~~35 feet ~~or 1½~~and 2 stories in height.

J. ~~I.~~ No garage door shall be more than 9 feet in height.

SECTION 32: 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), 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 33: That Article 4, Section 4.3.8(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.8 Building Additions — Special Conditions

A. For new additions facing the street, roofs shall have the same pitch as one of the existing roofs on the primary structure, and any roof extension facing the street must have the same pitch as the roof from which it extends. For roof additions other than those facing the street, the roof shall have the same pitch as one of the existing roofs on the primary structure with a permitted variation in pitch of up to two feet of vertical drop for twelve feet of horizontal distance in either direction. Dormers can have any roof pitch and can be any size.

~~1.—Shed dormers shall not be located at the front of the house; that is, such shed dormers shall not be on the side with the street frontage.~~

1. ~~2.~~ On corner lots, the front shall be the side with the primary entrance facing the street only.

2. ~~3.~~ Notwithstanding the above, in the case of the replacement of a portion of an existing home, the replacement roof line may replicate the previously-existing roof line. For

example, if a porch has a roof line that differs from that of the roof to which it is attached, and that porch is torn out to be replaced, the previous roof line can be duplicated on the replaced structure. This provision shall not apply to new additions or modifications that deviate from the existing structure.

~~4. A portion of an addition may have a flat roof; provided, that no more than 25% of the footprint of the structure shall have a flat roof.~~

3. ~~5.~~ Further, a roof over an open porch or stoop on the front of a house may have a roof pitch that is different from the pitch or pitches of any of the existing roof(s) on the primary structure.

SECTION 34: That Article 4, Section 4.3.9 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, 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.

B. The requirements for fence and wall height shall be as follows:

1. No fence or wall other than a retaining wall shall exceed ~~four~~ six (6) feet in height, except as hereinafter provided.
- ~~2. Fences or detached walls in rear yards may exceed four feet in height but shall not exceed six feet in height, except as hereinafter provided. For the purposes of this provision, "rear yard" shall refer to the space between the rear property line and each rear corner of the primary structure.~~
2. ~~3.~~ The height requirement established by this section may be exceeded by not more than six inches in situations where additional height is necessary to allow for normal installation.

~~4. Rear or side yards adjacent to properties with nonresidential uses may have solid fences up to six feet in height along the property line adjacent to said nonresidential use.~~

3. ~~5.~~ Fences constructed to secure structural, mechanical, electrical, or other devices not customarily found in residential areas, including, but not limited to, electrical substations and churches or schools with electrical equipment, may be up to twelve feet in height in order to ensure public safety.

C. The requirements for placement of fences and walls shall be as follows:

1. No fence or wall shall be closer to the front property line than the front line of the residence.
2. No fence or wall on a vacant lot shall be closer to the property lines than the allowable building lines as set forth in this Ordinance.
3. ~~No rear yard fence or wall shall be closer to the front property line than the rear line of the primary structure.~~ On a corner lot, no ~~such~~ fence or wall shall be closer than ten (10) feet to the street-side property line ~~than the structure line nearest that side street.~~
4. No fence or wall shall restrict or obstruct ~~normal traffic visibility~~ the sight distance triangle, as defined and illustrated in Section 9.1.3, or any traffic control sign.

D. Retaining walls may be erected, constructed and maintained on any lot, provided any such wall complies with the following requirements:

1. The erection, construction and maintenance of any such wall is reasonably necessary because of the topography of said lot; and
2. Any such wall is located at least two feet back from any street line; and
3. Any such wall shall extend no more than six inches above ground level of the land retained thereby.

E. Fences or walls around pools may be of solid construction, and shall also be no more than six feet in height, and shall be constructed in accordance with the City Code, Chapter 8, Health and Welfare, Sections 8-601 through 8-604, Swimming Pools.

F. Fences or walls which would exceed the height limitation or would fail to comply with any other requirement of this Ordinance may be constructed and maintained, contingent upon the following:

1. Application shall be made to the Governing Body, which shall study said application to determine the following:
 - a. the fence or wall will not adversely affect the general welfare of the immediate neighborhood in which the fence or wall is to be erected, taking into consideration factors including, but not limited to, the value of the property and the safety of residences in said neighborhood;

- b. the appearance, location, and purpose of the proposed fence or wall;
- c. the effect on adjoining properties;
- d. the size of the area to be enclosed; and
- e. the desirability of open views with regard to beauty, value and safety of the neighborhood; and
- f. fence with respect to any fence on a lot adjacent to a street, a variance shall not be granted if the proposed fence would interfere with a safe view of the street for vehicular traffic, or would impair the view from any nearby driveway, or would extend closer to the street than the adjacent front yard setbacks.

Said application must be approved by at least four of the five members of the Governing Body.

SECTION 35: That Article 4, Section 4.3.10(E) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- A. Driveways ~~shall be paved and~~ shall be constructed of pavers, concrete, asphalt, brick, or similar hard surfaces, or hard surfaces interspersed with green space ~~or~~, vegetation, or natural stone or a combination thereof. Driveway approaches shall conform to the current City right-of-way ordinance.

SECTION 36: That Article 4, Section 4.3.11 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.3.11 Off-Street Parking

A minimum of two spaces per primary structure must be provided on the site and off the public right-of-way. Additional off-street parking requirements per accessory structure are outlined in Section 4.3.5.

SECTION 37: That Article 4, Section 4.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.4 New Infill Houses and Major Additions — Special Considerations

4.4.1 Intent

- A. Consistent with the City's Comprehensive Plan, these regulations are designed to allow redevelopment in existing neighborhoods, using the same traditional lines along which each neighborhood was established.
- B. ~~A.~~ All new development shall reflect, complement, and preserve the nature and character of existing adjacent development.
- C. ~~B.~~ All new residential construction shall conform in street orientation and massing to adjacent homes.

4.4.2 Tree Preservation

A. A tree protection and removal plan shall be submitted with the site plan. 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;
2. The tree is diseased or dying, and constitutes a threat to healthy trees, property, or public safety;
3. The tree has visible structural deficiencies; 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 2 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. ~~C. No more than 25% of the footprint of all new residential~~ Be planted once construction shall have a flat roof is complete.

~~D. The following is a list of objectives to achieve new infill housing that is compatible within the existing neighborhood:~~

- ~~1. New houses should be compatible with the neighboring houses in terms of proportion, size, mass, and height.~~
- ~~2. Materials and colors should be used to reduce the apparent bulk of the structure.~~

~~3. Colors~~

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 2 inches in caliper should be ~~selected that are compatible with the neighborhood.~~

~~4. The building height should be in proportion to the style and size of the house and to the lot area.~~

~~5. Areas of maximum height should be minimized, as herein described.~~

~~6. Higher portions of structure should be set back from the lot lines to reduce the impression of height.~~

~~7. Architectural features should be used to reduce the impression of bulk.~~

~~8. A combination of vertical and horizontal elements should be used to break up long or tall facade walls.~~

~~9. A single architectural theme or design should be used, incorporating design elements which are consistent with the chosen style.~~

~~10. Doors and windows should be arranged to create patterns.~~

~~11. Recessed and projecting spaces should be used to create interest.~~

~~12. The completed structure(s) must not overcrowd or overwhelm neighboring residences.~~

~~13. The creation of a vertical canyon effect between houses should be minimized. When a two-story house is proposed adjacent to one-story houses, the space between the houses should increase as wall height increases.~~

~~14. Similar materials, colors and roof pitch should be used on all sides and on all structures on the site.~~

~~15. The use of highly reflective materials should be avoided.~~

~~16. Mechanical equipment should be screened.~~

~~17. Large, continuous paved areas should be avoided. Paved areas should be broken up by the use of textured or colored materials.~~

~~4.4.2~~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.

4.4.3 Massing

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 above.

~~4.4.3~~

4.4.4 Sustainability (“Green”) Features

The City recognizes customer demand for sustainable ("green") design and construction practices. These practices offer increased energy efficiency, reduced water consumption, reduced stormwater runoff, resource conservation, and improved indoor air quality. Where a sustainability effort conflicts with the Zoning Ordinance, consideration will be given to granting a waiver or exception.

4.4.5 Plans and Documents

The Building Official may require documentation from any applicant for a new residential infill building permit necessary to determine whether the project complies with all applicable codes and requirements, including, but not limited to, any plans or drawings of any structure to be built, and a sealed survey which accurately depicts any easements, boundaries, dimensions or structures pertinent to the project.

SECTION 38: That Article 4, Section 4.5.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.5.2 Applicability

This section applies to a request for a waiver or exception from the building design or site development standards of only the following Sections: **4.3.2 Single-Family Primary Structure Requirements; 4.3.5 Accessory Structures; 4.3.6 Garages; 4.3.7 Building Standards; 4.3.8 Building Additions** ~~—~~ **Special Conditions; and 4.4 New Infill Houses** ~~—~~ **Special Considerations.**

SECTION 39: That Article 4, Section 4.5.3 of the Westwood Zoning Ordinance is hereby amended to read as follows:

4.5.3 Initiation

An ~~exceptions~~exception shall be requested at the time of filing a building permit. Consideration of a request for an exception shall require a Public Hearing before the Planning Commission following public notice as provided in **Section 1.6.8** through **1.6.11**.

SECTION 40: That Article 5, Section 5.3.1(B) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- B. Within the City, the following uses should be so arranged as to service the needs of the resident population in a convenient walking environment by providing open space, civic buildings, single-family residential, multi-family residential, retail/commercial, business/workplace, and parking.

SECTION 41: That Article 5, Section 5.3.3(C) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- 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~~ordinances regarding vibration, noise, and odor;

SECTION 42: 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 30,000 gross square feet
- B. ~~B.~~ Multi-family over 45 feet in height
- C. ~~B.~~ Customary home occupations
- D. ~~C.~~ Commercial child care
- E. ~~D.~~ Hotels and/or convention facilities exceeding 50 rooms and 30,000 gross square feet of convention floor area
- F. ~~E.~~ Office uses exceeding 30,000 gross square feet
- G. ~~F.~~ Parking decks
- H. ~~G.~~ Restaurants with outdoor seating
- I. ~~H.~~ Service stations
- J. ~~I.~~ Commercial uses which allow patrons to remain in their automobiles while receiving goods and services.
- K. ~~J.~~ Communication Facilities limited to the following:
 - 1. Antennas, as defined in Section 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 street lights in the public right-of-way.
 - 3. Communication facilities are subject to the application, location, and performance standards of Article Ten of the Westwood Zoning Ordinance.

SECTION 43: That Article 5, Section 5.3.5(L) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- L. Any use which produces adverse impacts which violate any City ~~Ordinance~~ordinance related to vibration, noise, and odor.

SECTION 44: That Article 5, Section 5.4.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

5.4.2 ~~Minimum~~ Parking Space Requirements

- A. Mixed-use parking is as indicated in the specific Overlay District.
- B. The table below includes requirements for employee parking.
- C. Any use not specifically addressed or referred to in this list shall have parking requirements determined by the Planning Commission.
- D. All square footage is in leasable square feet.
- E. No use shall provide more than one hundred fifty (125) percent of the minimum required parking without documented evidence of actual parking demand based on studies of similar uses in similar context.
- F. Any parking permitted over one hundred fifteen (115) percent of the minimum shall require mitigating potential impacts of more parking through one or more of the following strategies:
 - 1. Provide shared parking for other uses on the block or adjacent blocks.
 - 2. Use alternative surfaces designed to infiltrate stormwater or otherwise increase permeability without significantly sacrificing stability and durability.
 - 3. Provide additional buffers and site open spaces to screen parking with at least a ten (10) percent increase in the open space or buffers required for the parking, and at least a twenty (20) percent increase in the landscape material amount required for the parking.
 - 4. Design all parking areas over the one hundred fifteen (115) percent maximum as dual-purpose space, such as plazas or courtyards, playgrounds, event areas for regular use of the space during non-peak times.

5.4.2.1 Minimum Parking Spaces Per Use

Offices	1 per 300 333 sq. ft.
Retail	1 per 250 sq. ft.
Theaters	1 per 3 seats
Night clubs, lounges, bars, restaurants	1 per 75 sq. ft. of patron area
Drive-through (procession lanes)	12 car lengths for first window, 8 lengths per additional window
All other commercial uses	1 per 250 300 sq. ft.

SECTION 45: That the Title of Article 6, Section 6.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.2 ~~CP-1PD~~ Planned ~~Commercial~~Development District

SECTION 46: That Article 6, Section 6.2.1(I) of the Westwood Zoning Ordinance is hereby amended to read as follows:

- I. Additional zoning regulations which apply to ~~CP~~PD-1 Districts, including parking, landscaping, fences and walls, transitional yards, and screens, are set forth in **Article 5, Sections 4, 5 and 6**, of this Zoning Ordinance.

SECTION 47: That Article 6, Section 6.2.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.2.2 Planned Zoning Incorporated

Planned zoning districts and their equivalent districts are as follows:

<u>Planned District</u>	<u>Equivalent</u>
CP-1 <u>PD</u> Planned Business <u>Development</u>	C-1

SECTION 48: That Article 6, Section 6.3.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.3.1 Intent

The Planned Residential Cluster Development district (“PRCD”) is established to provide for ~~higher~~small-scale medium density housing options. The developments can incorporate the Permitted Uses described below, with flexible yard requirements. Projects may be developed on a single lot or parcel of land. Cottage style developments and patio homes, and other cluster subdivision developments that create a higher density single-family residential environment are encouraged.

SECTION 49: That Article 6, Section 6.3.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.3.2 Permitted Uses

No building, structure, land, area or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, remodeled, moved or altered except for one or more of the following uses:

- A. Single-Family dwellings
- B. ~~Townhouse dwellings~~Multi-family dwellings limited to the following building types: Two-Family, Townhouse, and Cottage Court
- C. Group homes;
- D. Accessory structures; or
- E. Accessory uses ~~a provide~~as provided in Sections **4.2.2, 4.2.5, 4.2.6, 4.2.7, 4.3.12, and 4.3.13**
- F. Communication Facilities as defined in **10.2**, limited to:
 1. Towers and Base Stations, as defined within Article Ten, Section **10.2**, designed as an

architecturally compatible element to an existing non-residential use such as schools, churches, and the like, and that comply with the same height and setback requirements as other structures in such districts.

2. Antennas, as defined within Article Ten, Section **10.2**, mounted on and designed as an architecturally compatible element to an existing non-residential structure or building.
3. Small Cell and Distributed Antenna Systems, as defined within Article Ten, Section 10.2, mounted or collocated on monopoles, utility poles, or street lights in the public right-of-way.

SECTION 50: That Article 6, Section 6.3.3(C) of the Westwood Zoning Ordinance is hereby amended to read as follows:

A. Area Regulations

1. The minimum net site area per dwelling unit shall be ~~5,000~~3,500 square feet of the project area.
2. The aggregate total lot coverage of all structures, both principal and accessory, shall not exceed 40% of an individual lot for detached principal residences.
3. Maximum total lot coverage of all buildings and hard surface areas shall not exceed 65% of the total project area.

SECTION 51: That Article 6, Section 6.3.5 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.3.5 Development and Performance Standards

- A. Attached principal dwellings which otherwise comply with the ordinances of the ~~city~~City may be divided at the party wall (or ceiling in the case of two-family dwellings) as to ownership and owned as separate dwelling units by separate owners and such ownership shall not constitute violation of the lot and yard requirements of this chapter.

SECTION 52: That the Title of Article 6, Section 6.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.4 Planned ~~Multi-Family~~Medium Density Residential (~~PMFR~~PMDR) ~~(Ord. 960, Sec. 5)~~District

SECTION 53: That Article 6, Section 6.4.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.4.1 Intent

The Planned ~~Multi-Family~~Medium Density Residential zoning district ("~~PMFR~~PMDR") is established as a planned zoning district to allow attached and/or detached dwelling units, consisting of one or several buildings designed as a planned unified development in a higher-density setting upon a finding of compatibility with surrounding uses while ensuring that livability, property values, open spaces, high levels of landscaping, safety and the general

welfare will be sustained. Projects may be developed on a single lot or parcel of land. Higher density and intensity residential developments are to be located bordering a designated Thoroughfare: Shawnee Mission Parkway, State Line Road, Rainbow Boulevard, West 47th Street, and Mission Road.

SECTION 54: That Article 6, Section 6.4.2(F) of the Westwood Zoning Ordinance is hereby amended to read as follows:

F. Accessory uses a provide in Section ~~4.2.2, 4.2.5~~ 4.2.6, 4.2.7, 4.3.12, and 4.3.13

SECTION 55: That Article 6, Section 6.4.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.4.4. Parking Regulations

A. Parking spaces shall be provided at the following rates for Multi-Family, Senior Adult, or Elderly Housing dwellings:

<u>Dwelling Unit</u>	<u>Number of Spaces Required per Unit</u>
Studio/efficiency	1.33 1
<u>1-bedroom</u>	<u>1.25</u>
<u>2-bedroom</u>	1.5
2-bedroom	1.8
More than 2 bedrooms	2.0

SECTION 56: That Article 6, Section 6.4.5(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

6.4.5 Development and Performance Standards

A. Attached principal dwellings which otherwise comply with the ordinances of the ~~city~~City may be divided at the party wall as to ownership and owned as separate dwelling units by separate owners and such ownership shall not constitute violation of the lot and yard requirements of this chapter.

SECTION 57: That Article 7, Section 7.1.3(A) of the Westwood Zoning Ordinance is hereby amended to read as follows:

A. Reinforce and enhance the ~~Pedestrian System~~pedestrian system: Maintain an attractive access route for pedestrian travel where a public right of way exists or has existed. Recognize the different zones of a sidewalk: curb, street furniture zone, walking zone, and window shopping zone. Where appropriate, develop pedestrian routes through sites and buildings to supplement the public right of way.

SECTION 58: That Article 7, Section 7.1.5 of the Westwood Zoning Ordinance is hereby amended to read as follows:

7.1.5 Commercial Overlay District Map

The boundaries of such districts are shown upon an Overlay District Map of the City of Westwood on file in the office of the City Clerk and made a part of this article, being designated as the “COD Map,” and said map and all of the notations, references, and other things shown thereon shall be as much a part of this ~~ordinance~~Ordinance as if the matters and things set forth by said map are all fully described herein.

SECTION 59: That Article 7, Section 7.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

7.2 COD-1 47th and Mission Road Area Overlay District

7.2.1 47th and Mission Road Area Design Review Overlay District Purpose and Authority

The 47th and Mission Road Area Design Review Overlay District is established by this ~~zoning ordinance~~Zoning Ordinance, enacted to implement the goals and policies of the 47th and Mission Road Area Concept Plan, adopted by the cities of Westwood, Roeland Park, and the Unified Government of Wyandotte County and Kansas City, Kansas. The 47th and Mission Road Area Concept Plan was drafted pursuant to:

- A. the interlocal cooperation acts, Sections 12-2901 through 12-2909 of the Kansas Statutes Annotated;
- B. section 12-744(c) of the Kansas Statutes Annotated; and
- C. the interlocal agreement between the Cities of Roeland Park, Westwood, and the Unified Government of Wyandotte County/Kansas City, Kansas (collectively “Jurisdictions”).

This ~~ordinance~~Ordinance translates the relevant portion of the plan within the boundaries of Westwood into the ~~zoning ordinance~~Zoning Ordinance, in addition to all current regulations. This ~~ordinance~~Ordinance will accompany a similar ordinance adopted by each jurisdiction to ensure consistent implementation of the 47th and Mission Road Area Concept Plan. ~~In addition, this ordinance establishes the 47th and Mission Road Area Development and Management Committee as a multi-jurisdictional body to assist in implementation of the plan, as shown in Section 7.2.16 below.~~

7.2.2 Applicability

~~7.2.3 Property~~

- A. This ~~ordinance~~Ordinance shall apply to all property within Westwood and within the 47th and Mission Road Area Design Review Overlay District, as ~~described shown in the attached Exhibit A~~Section 7.2.16 below as the "Suggested District Boundary", which hereby replaces the "Original District Boundary" as shown. The official zoning map of Westwood is hereby amended to reflect the updated 47th and Mission Road Area Design Review Overlay District.
- B. The standards in this ~~ordinance~~Ordinance shall apply to all property currently or

subsequently zoned for commercial or multi-family use within this overlay district.

- C. Any property zoned for single-family residential use is included within this overlay district to indicate neighborhood areas to be protected by buffers and design enhancements established in this ~~ordinance~~Ordinance for commercial or multi-family use. In addition, to further protect existing neighborhoods, any property currently zoned for single-family residential use within this overlay district which is subsequently rezoned to multi-family or commercial uses must satisfy all design standards in this ~~ordinance~~Ordinance.

~~7.2.4~~

- D. Any legal nonconforming structure or use cannot increase its level of nonconformity without complying with this Ordinance.

7.2.3 Type of Development

These standards shall be applied to new development, redevelopment, or exterior modifications that ~~significantly alter~~alters the appearance of a building or site within the overlay district including, but not limited to, building additions, facade improvements, or landscaping improvements. Only those standards required by this ~~ordinance~~Ordinance and directly related to proposed development, redevelopment, or exterior modification shall be applied.

~~7.2.5~~7.2.4 Other Regulations

Within the overlay district, all Westwood ordinances, policies, regulations, and plans shall apply. Where conflicts occur regarding development standards in this ~~ordinance~~Ordinance, the standards established in this ~~ordinance~~Ordinance shall supersede those in the conflicting ordinance, policy, regulation, or plan.

~~7.2.6~~7.2.5 Definitions

For the purposes of this overlay ~~ordinance~~Ordinance, the following terms and phrases shall have the meaning given in this section. All other terms and phrases shall use definitions given in the Westwood ~~zoning ordinance~~Zoning Ordinance or other codes, unless context indicates that a standard dictionary definition is more appropriate. Terms and phrases not defined in this section or by any Westwood code shall have the standard dictionary definition.

Adjacent lot: a lot having a common border or endpoint with subject lot, or lots that would have a common border or endpoint in the absence of an existing right of way.

Development: the construction of man-made ~~structures~~site elements on an improved or unimproved parcel of land.

Distinctly different hours of operation: uses with hours of operation where 50% or more of one use's hours of operation, including peak hours of operation based on a parking demand study, are mutually exclusive of the hours of operation of the other uses which it proposes to share parking.

Distinctly different peak hours of operation: the peak hours of operation, based on a parking demand study, of uses proposing to share parking are mutually exclusive.

~~**Established-existing-building-line:** a line created by three or more consecutive buildings that are licensed for occupancy and oriented in a consistently similar pattern in relation to the right of way. Deviations in the orientation of the buildings of 10% or less shall be rectified by averaging the distances. Deviations of more than 20% shall not be considered consistent.~~

Exterior modification: any maintenance, improvement, construction, or reconstruction of a structure or site, or any portion of a structure or site, that will result in an apparent change visible from the right of way or adjacent property.

Redevelopment: the reconstruction, enlargement, conversion, relocation of a manmade structure ~~involving structural modifications.~~

~~**Significantly alter:** any change to a structure or site that may potentially result in a comprehensive perceptible difference in the appearance of a specific physical element of a site or the entire site. However, a proposed change that replaces site or structure elements consistent with the existing appearance will not prevent the change from being considered a significant alteration.~~

~~7.2.7 Establishment of the Committee~~

~~The 47th and Mission Road Area Development and Management Committee (“Committee”) is hereby established, effective upon the passage of a similar ordinance by each jurisdiction. The Committee is established for the following purposes:~~

- ~~A. Implement objectives of 47th and Mission Road Area Concept Plan (“Concept Plan”), as adopted and amended by the Jurisdictions;~~
- ~~B. Review development applications within the 47th and Mission Road area, as authorized by the Jurisdictions through ordinances;~~
- ~~C. Make recommendations as to whether development applications are in compliance with the Concept Plan and all ordinances adopted by the Jurisdictions to implement the Plan;~~
- ~~D. Coordinate efforts for cooperation among the Jurisdictions in planning and construction of public improvements within the 47th and Mission Road area to ensure that public improvements are in compliance with the Concept Plan and consistent among the Jurisdictions;~~
- ~~E. Promote development within the 47th and Mission Road area corridor that is in compliance with the Concept Plan and all ordinances adopted by the Jurisdictions to implement the Plan, including business recruitment and business retention and redevelopment;~~
- ~~F. Coordinate with business owners for special events and promotions;~~
- ~~G. Work with neighborhood associations to achieve long-term goals of the Concept Plan;~~
- ~~H. Pursue grants to help with public funding and implementation of the Concept Plan.~~

~~7.2.8 Committee Members—Appointment and Terms~~

- ~~A. The Committee shall consist of nine members, three of which shall be appointed by each Jurisdiction.~~
- ~~B. The Mayor of Westwood shall appoint three members to the Committee, with the advice and consent of the City Council.~~
- ~~C. Of the three initial appointments, one shall be for one year, one shall be for two years, and one shall be for three years.~~
- ~~D. Upon the expiration of any initial appointment, successor appointments shall all be for a period of three years.~~
- ~~E. Committee members shall serve their full term or until a successor is appointed.~~
- ~~F. Committee members may be appointed to more than one successive term.~~
- ~~G. Vacancies by resignation, incapacitation, dismissal, or otherwise shall be filled in the same manner as an initial term and shall be for the duration of the vacated Committee member's term.~~
- ~~H. Committee members may be dismissed for cause after a hearing before the City Council.~~

~~7.2.9 Qualifications~~

- ~~A. All Committee members appointed by the Mayor shall be a resident of Westwood or a business owner or landowner in the Westwood portion of the 47th and Mission Road Area, at all times during the Committee member's term.~~
- ~~B. Committee members may serve in any other elected or appointed position.~~
- ~~C. Committee members should have some demonstrated special qualifications that will enable them to fulfill the purposes of this ordinance. Such qualifications may include any of the following:
 - ~~1. professional experience in a development profession such as planning, architecture, real estate development, or engineering;~~
 - ~~2. business owner within the 47th and Mission Road Area;~~
 - ~~3. experience in other elected or appointed municipal positions dealing with planning, zoning, or community development;~~
 - ~~4. membership on a neighborhood association or committee within the 47th and Mission Road area, or;~~
 - ~~5. any other demonstrated civic involvement that will enable the committee member to understand and enhance the implementation of the 47th and Mission Road Area Concept Plan.~~~~

~~7.2.10 Organization and Procedures~~

- ~~A. The Committee is authorized to adopt bylaws for conducting its business, consistent with the purposes and authority granted by this ordinance.~~
- ~~B. All applicants for development approvals within the Westwood portion of the 47th and Mission Road Area shall submit two additional sets of applications to the City of Westwood. The City of Westwood or its designated contact shall forward these additional applications to the Secretary of the Committee for review.~~
- ~~C. All applications received by the Secretary prior to two weeks in advance of the next regularly scheduled Committee meetings shall be placed on the Committee's agenda for discussion. Any applicant who submits applications more than one month prior to the next regular Committee meeting may make a request to the Chairperson of the Committee that a special meeting be called to hear the application.~~
- ~~D. Applications placed on the Committee agenda shall be discussed for compliance with the 47th and Mission Road Area Concept Plan and the standards of this ordinance.~~
- ~~E. The applicant may appear or otherwise be represented at the Committee meeting and shall be given the opportunity to discuss the application before the Committee.~~
- ~~F. After discussion of an application, the Committee shall make a recommendation to the Planning Commission or Board of Zoning Appeals, as the case may be, on the application's compliance with the 47th and Mission Road Area Concept Plan and the standards of this ordinance.~~
- ~~G. The Committee may continue an application once after discussion if the Committee feels it has received incomplete information or it needs more information to make a recommendation. However, any such continuance must be reheard before the Committee within one month, whether at a special meeting or regular meeting, unless the applicant agrees on the record to a greater duration. Additionally, the applicant may elect to proceed to the Planning Commission or Board of Zoning Appeals, as the case may be, upon the understanding that the application will automatically carry a "Recommendation to Deny due to incomplete application" from the Committee. If an application continued by the Committee is not reheard before the Committee within one month of the original hearing, and the applicant has not agreed on the record to a greater duration, the application shall be deemed to have a recommendation of approval from the Committee and shall proceed to the Planning Commission or Board of Zoning Appeals.~~
- ~~H. To assist the Committee in its duties, the Westwood Planning Department, other staff, or appointed consultants shall prepare a staff report on each application within the 47th and Mission Road Area specifically addressing the application's compliance with the 47th and Mission Road Area Concept Plan and the standards of this ordinance. The staff report shall be submitted to the Secretary of the Committee at least five business days before the scheduled Committee meeting.~~

~~I. The Committee may use funds designated by any Jurisdiction or awarded by any local, state, or federal grant to retain staff members or consultants to review applications or otherwise assist in implementing the 47th and Mission Road Area Concept Plan.~~

~~All Committee meetings shall be open to the public, with notice published and records kept in accordance with the laws of the State of Kansas. The Secretary of the Committee shall be the custodian of records for the Committee.~~

~~7.2.11~~

7.2.6 Underlying Zoning Uses

The uses allowed in the 47th and Mission Road Area Design Review Overlay District shall be those uses allowed by the current or any future underlying zoning classification, provided that all future development and redevelopment meets the standards established in this ~~ordinance~~Ordinance. Any future rezoning shall be to a use district consistent with the 47th and Mission Road Area Concept Plan.

~~7.2.12~~7.2.7 Overlay Uses

In addition to those uses allowed by the underlying zoning, all property zoned for commercial use within the 47th and Mission Road ~~Village area, as described in the attached Exhibit A,~~Area Design Review Overlay District shall be allowed residential uses as a supplemental use, subject to the following:

- A. No property with an underlying zone for Commercial use may have residential uses on the ground floor or at street level.
- B. No structures with supplemental residential uses may exceed 40 feet in height or 3 ½ stories, whichever is less.
- C. All structures with supplemental residential uses, whether new or existing at the time of adoption of this ~~ordinance~~Ordinance, must comply with all other standards established in this ~~ordinance~~Ordinance in order to be eligible for supplemental residential uses.

~~7.2.13~~7.2.8 Commercial Site Design Standards

Commercial site design in the 47th and Mission Road Area Design Review Overlay District shall conform to the principles outlined in the 47th and Mission Road Concept Plan. The following design standards implement and shall be interpreted consistent with the Plan.

~~7.2.14~~7.2.9 Commercial Building Placement

Site design in the 47th and Mission Road Area shall conform to the following design standards.

A. The provisions of this section shall apply to new development.

B. ~~A.~~ Front Setback: All new buildings shall be built ~~into~~ the right of way line, ~~except as provided~~ unless an additional setback is required to meet the minimum sidewalk width and buffer requirements in the Pedestrian Access requirement in Section ~~G. below.~~ 2 titled Site Access.

C. ~~B.~~ Side Setbacks: The minimum side setbacks shall be:

1. 0 feet, ~~provided each sidewall of all buildings on a 0-foot side are constructed with a firewall;~~

~~2. 5 feet, if a firewall is not provided;~~

2. ~~3-property~~Property abutting residential districts shall have a side setback equivalent to this of the abutting residential district. In this case, the side setback area shall be used to provide a buffer according to Section 5 of this Article.

D. ~~C.~~ Rear Setback: Minimum rear setbacks shall be ~~15 feet except~~as defined by the zoning regulations of the municipality that ~~the property with is located in, unless the property is abutting a residential zoned property on its rear lot yard property line. If~~ abutting a residential district shall have a setback equivalent to the residential district. ~~In such case~~zoned property, the rear setback shall be ~~used equal~~to provide a buffer according to Section 5 of this Articlethe residential properties rear yard setback requirements.

E. ~~D.~~ Continuous Building Frontage: Building facades on the street frontage should be maximized to provide continuous corridors within the overlay district. All lot frontages should be occupied by building frontages except for entrance drives or alleys to rear parking, courtyards or patios, or any side parking. In the case of courtyards and patios, or side parking, the appearance of a continuous building frontage shall be maintained by a 2½- to 4-foot fence or wall constructed out of the same material as the building facade, or by a continuous landscape element ~~impenetrable by pedestrians. In all cases, at least 60% of the lot frontage shall be occupied by a building facade.~~

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F. ~~E.~~ Main Entrance: The main entrance of all buildings shall be oriented to the street. In the case of the corner lots, a building may have one entrance on each street or may have one corner entrance facing the intersection at a 45 degree angle.

~~F. Building Area: In addition to meeting all site requirements for landscaping, parking, and building setbacks, no building shall occupy more than 75% of the total lot area.~~

~~G. Exception: Buildings on commercial lots outside the Village Area described in the attached Exhibit A may be set back from the right of way line. In no case shall a front building setback exceed 80 feet. Any parking facilities in front of buildings shall be set back a minimum of 10 feet from the right of way line.~~

7.2.15

7.2.10 Commercial Site Access

A. Pedestrian Access: All buildings shall have a continuous sidewalk along the frontage of the lot. The sidewalk shall be ~~a minimum of 10 feet wide, except as provided in Section D below.~~

7 feet wide. All sidewalks shall be buffered from vehicular traffic with a minimum 3 foot buffer zone that includes landscaping, street trees, street furniture, pedestrian lighting, bicycle facilities, or other amenities that provide physical separation from vehicular traffic.

1. Alternative. Sidewalks outside the Village Area (as identified as the "Suggested Village

Boundary" in the 47th and Mission Road Area Design Review Overlay District) may be a minimum of 5 feet in width, but the 3' buffer zone must be maintained.

2. Alternative: Where unique site characteristics prevent a 7' sidewalk and 3' buffer zone from being achievable in the Village Area, sidewalk widths shall be maximized on that site.

- B. Vehicle Access: Curb cuts in the 47th and Mission Road area should be minimized. Wherever possible, adjacent properties ~~should~~are encouraged to minimize curb cuts by use of shared parking or shared access to separate parking lots.
- C. Connections: Continuous pedestrian connections shall be provided through all parking lots and between parking lots and store-front sidewalks. These pedestrian connections shall primarily be pedestrian-only sidewalks but may include crosswalks across parking lot drive aisles and driveways where necessary. The following design elements shall be used to maintain pedestrian connections and minimize conflicts with vehicles:
1. Alleys, driveways, and parking lot drive aisles shall not exceed 24 feet for two-way access or 12 feet for one-way access.
 2. "Bulb outs" for pedestrian-only travel should be used to minimize the distance of pedestrian walkways across driveways, alleys, parking lots, or other vehicle access ways.
 3. All pedestrian walkways across driveway, alleys, parking lots, or other vehicle access ways shall be distinguished from the vehicle access way by a visually identifiable path or distinctly textured surface.

~~D. Exception: Pedestrian access on commercial lots outside the Village Area in the attached Exhibit A may be provided by smaller sidewalks but shall meet the minimum accessibility standards of the Americans with Disabilities Act across the front of all lots. Additional pedestrian access may be provided as the site allows or may be provided on private property. If the building is set back from the right of way line, an additional pedestrian sidewalk, at least 8 feet wide, shall be provided across the front of the building and connected to the sidewalk at the lot frontage as provided in Section C above.~~

~~7.2.16~~

7.2.11 ~~Commercial~~ Parking

- A. Required Parking: The parking required for uses in the overlay district shall be established by the applicable standards for the underlying zoning ~~ordinance. However, parking shall not cover more than 50% of the lot area.~~
district.
- B. Location: Parking shall be provided primarily behind buildings ~~in the Village Area; however, up to 50% of the required parking may be provided to the side of the building. No off-street parking shall be provided in front of the building line~~ in the Village Area. Parking on commercial lots outside the Village Area should be located primarily behind the building but may be located on the side ~~or in front~~ of the building.

- C. Shared Parking: Parking requirements in the overlay district may be met through shared parking according to the following conditions and standards:
1. A written agreement for the joint use of the parking facilities shall be executed by the parties, approved by Westwood and recorded with the register of deeds for any county in which property subject to the agreement is situated. The agreement shall include any necessary cross access easements among property owners. Must meet all other shared parking standards of the said jurisdiction.
 2. Parking requirements are cumulative except that parking may be shared based on uses either on the same site or on other sites that meet the requirements of this Section 7.2.11.C, at the sole discretion of Westwood, according to the following standards:
 - a. When two or more uses ~~located on the same or adjacent lot~~ have distinctly different hours of operation (e.g., commercial office and residential, or church and school), 100% of the required parking may be shared. Required parking shall be based on the use that demands the greatest amount of parking per the underlying ~~ordinance~~Ordinance requirement.
 - b. When two or more uses ~~located on the same or adjacent lot~~ have distinctly different peak hours of operation (e.g., office and restaurant / entertainment), 50% of the required parking spaces may be shared among the uses.
 - c. Shared parking shall ~~not be allowed if~~meet jurisdiction standards. If the parking spaces are more than ~~700~~800 feet from the main entrance of the building.
 3. Direct pedestrian access, meeting the requirements of Section 7.2.11.C.2.c, ~~shall be provided~~is required between any shared parking and the main entrance of any building proposing to share parking.
 4. Applicants for shared parking shall submit a statement indicating the ability of the proposed shared parking arrangement to meet the demands of all uses involved. The statement shall include hours of operation, hours of peak operation, forecasted demand, and other data indicating the appropriateness of shared parking.
 5. Any change of use or other change causing violation of the shared parking agreement or these standards shall invalidate the shared parking eligibility, and the parking requirements of the underlying ~~zoning ordinance~~Zoning Ordinance shall be met. A plan for meeting the parking requirements of this Ordinance if the shared agreement is invalidated must be submitted with the proposed agreement.
- D. On-Street Parking: Any on-street parking, authorized by Westwood and within 300 feet of the lot, may be credited towards the on-site parking requirements ~~at a rate of one on-site parking space credit for every four on-street parking spaces.~~ A maximum of ~~50~~10% of the required parking may be satisfied by on-street parking credits. On-street parking spaces may be counted by more than one user in meeting this requirement.
- E. Bicycle Parking: Bicycle parking facilities are ~~encouraged. Any bicycle parking spaces~~

~~provided within 100 feet of the main entrance of a building may be credited towards the on-site parking requirements required~~ at a rate of one ~~parking credit~~Bicycle for every ~~515~~required vehicle parking spaces, with a minimum of two (2) bicycle parking spaces. A maximum of 10% of the required Bicycle parking facilities may be satisfiedcounted by ~~the bicycle~~more than one property in meeting this requirement, as long as the facility is within 150 feet of the entrance and the total required parking credit is met for each property.

- F. Landscape Elements: Parking lots larger than 20 spaces shall incorporate at least one internal landscape island into the lot design. Landscape islands shall be at least 10% of the parking lot area. Each required landscape island shall be a minimum of 20 square feet and a maximum of 500 square feet. Landscape islands shall maintain a minimum 5-foot width at all times. Landscape islands shall be planted with landscape elements consistent with Section 5 of this Article. Landscape elements along the perimeter of a parking lot shall not count towards the landscape island requirement. Where a parking lot incorporates internal rows of parking, each row shall be terminated with a landscape element.
- G. Lighting: Exterior lighting on commercial properties shall be designed ~~and maintained as not to cause obtrusive glare onto sidewalks, streets, or property used for single family residences~~to have minimal light trespass onto adjacent residential properties.

7.2.17

- H. All exterior lighting on the building must be full cut-off with non-adjustable heads to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street.
- I. Any lighting used to illuminate an off-street parking area, sign or other structure shall be arranged as to deflect light away from any adjoining residentially zoned property or from public streets. Direct or sky-reflected glare, from floodlights or commercial operations, shall not be directed into any adjoining property. The source of lights shall be full cut-off with non-adjustable heads to direct light 90 degrees downward. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.
- J. Any light or combination of lights that casts light on a public street shall not exceed one foot-candle (meter reading) as measured from the centerline of the street. Any light or combination of lights that cast light on adjacent residentially zoned property shall not exceed 0.5 foot-candles (meter reading) as measured from that property line.
- K. Applicants shall be required to submit a base meter reading as part of their application materials.

7.2.12 Commercial Architecture Features

- A. Enhanced Entrances: All main entrances shall be enhanced by architectural details. Such details may include ~~recessed or~~but are not limited to slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.
- B. Windows: All buildings shall be predominantly transparent at the street level, with a minimum of 40% and a maximum of 80% of the facade occupied by windows. Upper levels

may be less transparent, with a minimum of 25% of the facade occupied by windows.

~~C. Building Materials: The preferred building material in the overlay district is masonry, including brick or stone. Commercial-grade materials should be incorporated into the building only as accent features.~~

~~D. Colors: Primary building colors should be earth tones. Trim or other specialty features should compliment the material and color of the building. Brighter or more dramatic color applications may be provided on doors, windows, awnings, and signs.~~

C. ~~E.~~ Awnings and Canopies: Awnings or canopies are encouraged on facades to provide weather protection and shade to pedestrians, and to add visual appeal to the 47th and Mission Road Area Design Review Overlay District. Awnings and canopies may project into the building setback or right of way provided they are a minimum of seven and one-half (7½) feet above grade. Any awnings provided shall be fabric and shall not be back-lit. Permanent canopies may be constructed if designed as an integral part of the structure. All awnings or canopies on a single block shall be hung at the same height above finished ~~grade~~floor elevation of the building it is associated with.

D. ~~F.~~ Facade Lighting: Facade lighting is encouraged within the overlay district. Facade lighting may be used to highlight architectural features of a building, provide secondary light to the pedestrian zone, or to enhance visibility of signs. Facade lighting shall be shielded so that the light source is applied to the building and does not provide any direct light or glare on sidewalks or streets.

~~G. Proportion: Deviations in building heights of greater than one story or 15 feet, whichever is less, shall be prohibited between adjacent buildings. Three-story buildings or buildings between 35 and 40 feet shall be allowed only at the intersections of streets, unless the entire block is constructed of buildings of the same height. No buildings shall exceed 40 feet in height.~~

E. ~~H. Roofs~~Roof: Flat and pitched roofs are allowed. Flat roofs shall incorporate a roof-screening element, such as a parapet or pediment, as part of the building design. Pitched roofs shall ~~not have a reflective finish and shall have a color~~be complementary to the building ~~color and~~ design. All mechanical equipment shall be screened from view, preferably mounted to the roof and behind a parapet.

~~7.2.18~~7.2.13 ~~Commercial~~ Landscape Requirements and Screening

A. Residential Buffers: All commercial uses and multi-family residential uses shall provide a landscape buffer from any single-family uses. The landscape buffer shall be of a density to provide an all-season visual screen from the single-family property. Treatments may include ~~a~~any combination of earth berms, ~~masonry~~ walls or ~~privacy~~ fences approved by the jurisdiction having authority, and tree, bush, and shrub plantings. The buffer zone shall be a minimum of ten (10) feet in width.

~~B. Landscape Materials: All private landscape materials shall be consistent with the standards for public landscape improvements in the 47th and Mission Road Area, and be consistent with the 47th and Mission Road Area Concept Plan.~~

~~B.~~ C. Screening: Specialty equipment, such as antennas, satellite dishes, trash and recycling containers, meter and utility boxes, and HVAC equipment, shall be screened from direct view from streets, sidewalks, and other areas of regular public access. Ground-mounted equipment and trash enclosures shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material. Roof-mounted equipment shall be placed far enough from the roof edge, or shall be screened with architectural elements, such as parapets, incorporated into the design of the building, so as not to be seen from the sidewalk across any adjacent street.

~~7.2.19~~ 7.2.14 **Commercial Signs**

The following signs are allowed in the overlay district:

A. Facade Sign: One facade sign shall be allowed per building tenant, identifying the business or tenant. ~~However~~ A façade sign shall be allowed on each façade fronting a street utilized for pedestrian or vehicular access, except no more than 10% of a building facade may be occupied by facade signs such sign should face a local street.

B. Pedestrian Signs: One pedestrian sign shall be allowed per building tenant, identifying the business of the tenant. Pedestrian signs may be suspended from canopies or awnings, or affixed perpendicular to a building. Pedestrian signs shall not be lower than 7 feet, 6 inches from grade level and shall not exceed 10 square feet. Building-affixed pedestrian signs shall not protrude more than 3 feet from the building surface.

~~C. Monument Signs: Each building shall be allowed one monument sign no greater than 4 feet in height and no larger than 40 square feet in area. Where a building has multiple tenants, only one monument sign shall be allowed which may identify multiple tenants. No monument sign shall obscure any vehicle or pedestrian sight lines or obstruct pedestrian and vehicle movement. Monument signs shall be constructed of the same material as the primary building material or with materials consistent with the public streetscape elements.~~

~~Illumination of all signs should be only by external illumination. Internal sign illumination and back-lit signs are strongly discouraged.~~

~~7.2.20~~ **Multi-Family Site Design Standards**

~~All multi-family site design shall conform to the principles outlined in the 47th and Mission Road Concept Plan. All new free-standing multi-family development within the zoning overlay shall consist of townhouses or senior housing and include the following development standards. Multi-family residential units are allowed as mixed-use development in the Village Area described in the attached Exhibit A.~~

~~7.2.21~~ **Multi-Family Building Placement**

~~A. Front Setback: All new buildings shall have a minimum front setback of 10 feet and a maximum front setback of 20 feet from the right of way line. However, in the even that an established existing building line on an adjacent lot on the same side of the block, in no case shall the front setback be more than 10 feet closer to the right of way line, than the established existing building line. Covered front porches or uncovered stoops may encroach up to 5 feet into the minimum front setback.~~

~~B. Side Setbacks: The minimum side setbacks shall be:~~

- ~~1. 0 feet, provided each sidewall of all buildings on the 0-foot side are constructed with a firewall. No more than six side-by-side units may be constructed without a separation between buildings.~~
- ~~2. Otherwise, a minimum 10-foot setback or a minimum 20-foot building separation is required.~~
- ~~3. Property abutting single family residential districts shall have a side setback equivalent to that of the abutting single family residential district. In this case, the side setback area shall be used to provide a buffer according to Section 5 of this article.~~

~~C. Rear Setback: Minimum rear setbacks shall be 20 feet except that property with a rear lot line abutting a single family residential district shall have a setback equivalent to the single family residential district. In such case, the rear setback shall be used to provide a buffer according to Section 5 of this Article.~~

~~D. Main Entrance: The main entrance of all buildings shall be oriented to the street. This requirement may be satisfied by a main entrance of each unit opening onto the street, or a common entrance of all units opening onto the street. All main entrances shall be directly connected to the sidewalk with pedestrian access. All individual dwelling units shall have frontage on the street, whether through windows, balconies, or a direct entrance into the units.~~

~~E. Density: Residential density shall be established by the underlying zoning ordinance.~~

~~F. Building Area: In addition to meeting all site requirements for landscaping, parking, and building setbacks, no building shall occupy more than 60% of the total lot area.~~

~~G. Building Height: Buildings are limited to 3½ stories or 40 feet, whichever is less.~~

~~7.2.22 Multi-Family Site Access~~

~~A. Pedestrian Access: All buildings shall have a continuous sidewalk along the frontage of the lot. The sidewalk shall be a minimum of 5 feet wide.~~

~~B. Vehicle Access: Curb cuts in the 47th and Mission Road Area should be minimized. Wherever possible, multi-family residential lots should be accessed by a rear alley.~~

~~7.2.23 Multi-Family Parking~~

~~Parking requirements shall be according to the underlying zoning ordinance. However, no parking or vehicle storage entrances shall be provided on the front of any building. In addition, no more than 25% of a lot area shall be dedicated to surface parking.~~

~~7.2.24 Multi-Family Architectural Features~~

- ~~A. Enhanced Entrances: All main entrances shall be enhanced by architectural details. Such details may include recessed or slightly protruding entrances, building material variations, color variations, or artistic elements and other special treatments.~~
- ~~B. Building Materials: The preferred building material in the overlay district is masonry, including brick or stone. Commercial-grade materials should be incorporated into the building only as accent features.~~
- ~~C. Colors: Primary building colors should be earth tones. Trim or other specialty features should complement the material and color of the building. Brighter or more dramatic color applications may be provided on doors, windows, awnings, and signs.~~
- ~~D. Roofs: Pitched roofs are required which shall not have a reflective finish and shall have a color complementary to the building color design.~~

~~7.2.25 Multi-Family Landscape and Screening~~

- ~~A. Residential Buffers: All multi-family uses shall provide a landscape buffer from any single-family uses. The landscape buffer shall be of a density to provide an all-season visual screen from the single-family property. Treatments may include a combination of earth berms, masonry walls or privacy fences, and tree, bush, and shrub plantings. The buffer shall be a minimum of 10 feet in width.~~
- ~~B. Landscape Materials: All private landscape materials shall be consistent with the standards for public landscape improvements in the 47th and Mission Road Area and be consistent with the 47th and Mission Road Area Concept Plan.~~
- ~~C. Screening: Specialty equipment, such as antennas, satellite dishes, trash and recycling containers, meter and utility boxes, and HVAC equipment, shall be screened from direct view from streets, sidewalks, and other areas of regular public access. Ground-mounted equipment shall be screened from view with year-round landscape coverage or masonry wall enclosure consistent with the main building material. Roof-mounted equipment shall be placed far enough from the roof edge, or shall be screened with architectural elements incorporated into the design of the building, so as not to be seen from the sidewalk across any adjacent street.~~Murals. Murals are allowed in the overlay district.

~~7.2.26~~

- i. Definition. A “mural” is a hand produced or machined graphic applied or affixed to the exterior of a building wall through the application of paint, canvas, tile, metal panels, applied sheet graphic or other medium generally so that the wall becomes the background surface or platform for the graphic, generally for the purpose of decoration or artistic

expression, including but not limited to, painting, fresco or mosaic.

ii. Standards.

1. Murals are not permitted on the primary façade. A primary façade is defined, for purposes of this section, as a building elevation that faces the adjacent street right-of-way and is the primary customer entrance. Buildings located on a block corner with the primary customer entrance located diagonally at the building corner to both intersecting streets has two primary facades.
2. On lots that share a property line with a residential zoning district, murals are not allowed on building walls that face a residential zoning district.
3. Up to 20 percent of a mural may include text or commercial copy. No more than five items of information may be included in the area used for text or commercial copy. However, murals should not include any textural reference to the associated business or shall be considered a sign.
4. The mural shall be kept in good condition for the life of the mural according to the maintenance schedule and responsibilities approved by the director and incorporated into the sign permit. A mural is in a state of disrepair when 10 percent or more of the display surface area contains peeling, faded or flaking paint, or is otherwise not preserved in the manner in which it was originally created.
5. The display surface shall be kept clean, neatly painted, and free from corrosion.
6. Murals shall be subject to the jurisdiction ordinances and requirements.

7.2.15 ~~Multi-Family~~ Public Improvements and Notification

Prior to placement of any public improvements on the Capital Improvements Program, or construction of public improvements within the 47th and Mission Road Area Design Review Overlay District, the City of Westwood shall send notice of the intent to construct public improvements to ~~the Secretary of the Committee and to each jurisdiction. Notice to the jurisdictions shall be sent in the same manner as an application for development within the District for that jurisdiction.~~ This notice shall provide the opportunity for the ~~Committee and the~~ jurisdictions to coordinate for construction of public improvements consistent with the 47th and Mission Road Area Concept Plan and Streetscape Design Concept Plans.

For any proposed development, re-zoning, variance, or other action within the overlay district that would require a public hearing and notification to neighbors, notification will also be sent to the other jurisdictions.

7.2.16 Depiction of 47th and Mission Road Area Design Review Overlay District and 47th and Mission Road Area Concept Plan

The 47th and Mission Road Area Design Review Overlay District is hereby amended such that the overlay district shall consist of that area identified below as the "Suggested District Boundary". The Village Area, as used in this overlay district Ordinance, shall mean that area identified below as the "Suggested Village Boundary".

SECTION 60: That Article 7, Section 7.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

Commercial lots east of Rainbow Boulevard within ~~the Westport Annex~~ WEBO beginning with Lot 1 south to the city limits, including lots 1-2, 31-36, 91-93; provided, however, that COD-3 shall specifically not include any portion of COD-4, as described in Section 7.5.

SECTION 61: That Article 9, Section 9.1.3(Pole Mounted Banner Sign) of the Westwood Zoning Ordinance is hereby amended to read as follows:

Pole Mounted Banner Sign: A temporary sign printed on fabric or other pliant material, mounted to a street light or utility pole, typically within the ~~city~~ City right of way.

SECTION 62: That Article 9, Section 9.1.4 of the Westwood Zoning Ordinance is hereby amended to read as follows:

9.1.4 Prohibited Signs

All signs not expressly permitted within this ~~ordinance~~ Ordinance or exempted herein are prohibited in the City. Such prohibited signs include, but are not limited to:

SECTION 63: That Article 9, Section 9.1.5 of the Westwood Zoning Ordinance is hereby amended to read as follows:

9.1.5 Severability

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ~~ordinance~~ Ordinance and/or any other code provision and/or laws or ordinances are declared invalid or unconstitutional by a judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the validity of any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ~~ordinance~~ Ordinance, including, but not limited to, the prohibitions contained herein, and further including, but not limited to, the prohibition on billboards as contained herein.

SECTION 64: That Article 9, Section 9.2.2 of the Westwood Zoning Ordinance is hereby amended to read as follows:

9.2.2 Signs Exempt from Permit Requirement

The following signs are exempt from the permit process and are not subject to this ~~ordinance~~ Ordinance:

SECTION 65: That Article 9, Section 9.4.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

9.4.1 Site Plan Review

Nothing in this ~~ordinance~~ Ordinance is intended to supersede the plan review process provided in the City's ordinances and regulations. The development of consistent graphics to avoid confusion, to comply with health and safety concerns, and to avoid visual clutter and pollution may be considered as part of the plan review process. However, nothing in the plan review shall be construed to override the requirements set forth herein.

SECTION 65: That the Title to Article 10 of the Westwood Zoning Ordinance is hereby amended to read as follows:

~~ARTICLE TEN: COMMUNICATION FACILITIES FOR WIRELESS SERVICES (Ord. 984, Sec. 27)~~

Article Ten: Communication Facilities for Wireless Services

SECTION 66: That Article 10, Section 10.1 of the Westwood Zoning Ordinance is hereby amended to read as follows:

10.1 Statement of Intent

The Telecommunications Act of 1996 affirmed the City's authority concerning the placement, construction, and Modification of Communications Facilities. The intent of this Article is to ensure the provision of quality Wireless Services within the City limits; establish a fair and efficient process for the review and approval of Communications Facility

~~Applications~~Applications; assure an integrated, comprehensive review of environmental impacts of Communications Facilities, and promote the public health, safety, security, and general welfare of the City.

SECTION 67: That Article 10, Section 10.2(Stealth or Stealth Technology) of the Westwood Zoning Ordinance is hereby amended to read as follows:

Stealth or Stealth Technology means using the least visually and physically intrusive facility by minimizing adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding, and generally in the same area as the requested location of a Communications Facility. Specifically, this means ensuring that all Antenna arrays, cables, and other Accessory Facilities used for providing the Wireless Service are not obtrusive or noticeably visible from adjacent properties or adjacent rights-of-~~ways~~way. Any Accessory Facilities mounted onto a Tower or structure shall not project greater than one (1) foot, as measured horizontally, from the surface of the Tower or structure and shall be painted or screened with materials that are a complementary color as the Tower or structure. Cables shall not be allowed to travel along the exterior of a Tower or structure. Understanding that new technologies are anticipated to change the components of Communications Facilities, the Building Official may determine if a Communications Facility or component of a Communications Facility is designed to be Stealth or utilizes Stealth Technology.

SECTION 68: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

PASSED by the Governing body this 10th day of February, 2022.

David E. Waters, Mayor

Attest:

Leslie Herring, City Clerk

Approved as to form and legality:

Ryan Denk, City Attorney

C. Governing Body Action upon Planning Commission Recommendation of a Zoning Text Amendment, Rezoning Request, or Special Use Permit. The Governing Body may (1) approve such recommendations by the adoption of the same by ordinance or resolution; (2) override the Planning Commission's recommendation by a two-thirds majority vote of the membership of the Governing Body; or (3) return the same to the Planning Commission for further consideration, together with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

D. Applications returned to Planning Commission. Upon receipt of an application returned by the Governing Body, the Planning Commission may resubmit its original recommendation giving the reasons therefor or submit a new or amended recommendation. If the Planning Commission fails to deliver its recommendation to the Governing Body following the Planning Commission's next regular meeting after the receipt of the Governing Body's report, the Governing Body may consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly.

E. Reconsideration by Governing Body. Upon receipt of the Planning Commission's recommendation after reconsideration, the Governing Body, by a simple majority thereof, may take such action as it deems appropriate, including approval, disapproval or amendment of the application and adoption as amended, or the Governing Body may return the same to the Planning Commission for further consideration. Unless the Governing Body returns the application to the Planning Commission for further consideration or continues its consideration of the matter to another date, the Governing Body's action on the application shall constitute a final decision.

At its February 7, 2022 regular meeting, the Planning Commission held a public hearing virtually, via Zoom, to accept public comment on the recommended text amendments. Although members of the public were in attendance, no public comment was offered for the record during the hearing. The Planning Commission thereafter unanimously approved the text amendments as identified in the meeting packet be recommended to the Westwood Governing Body for consideration by way of Ordinance 1024, included in the meeting packet.

Suggested Motion

I move to approve Ordinance 1024 amending the Westwood Zoning Ordinance.

or

I move to return the recommended text amendments to the Planning Commission for further consideration, and issue the following statement specifying the basis for such return...

COUNCIL ACTION FORM

Meeting Date: February 10, 2022

Staff Contact: John Sullivan, Public Works Director

Agenda Item: Consider 2022 Addendum to the Public Works Service Agreement with the City of Mission Woods

Background / Description of Item

Each year the Public Works Service Agreement with the City of Mission Woods is reviewed and revised as needed. The hourly wages have been adjusted to reflect budgeted 2022 wages and benefit rates. No other adjustments are recommended.

Staff Recommendation

Staff recommends Council authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2022 the City of Mission Woods.

Suggested Motion

I move to authorize the Mayor to execute the Public Works Service Agreement Addendum for FY 2022 for the City of Mission Woods.

**PUBLIC WORKS SERVICE AGREEMENT ADDENDUM
MISSION WOODS, KANSAS
CHARGES AND TERMS FOR SERVICE**

**EFFECTIVE DATE OF THIS ADDENDUM, JANUARY 1, 2021
(to apply until a subsequent Addendum is executed)**

For Service provided and attributable to Mission Woods:

1. **Street Cleaning**
120.36 per hour,
19.64 per ton loading fee
51.00 per ton for disposal of material
2. **Snow Removal**
95.33 per hour
3. **De-icing**
95.33 per hour
Current market price to Westwood per ton for material
19.64 per ton loading fee
4. **Other requested services**
Hourly Reimbursement for Time Spent by the Following Individuals:
75.67 per hour straight time -Director of Public Works
39.12 per hour straight time; 54.72 per hour overtime-Superintendent of Public Works
42.43 per hour straight time; 52.47 per hour overtime-Maintenance Worker III
36.98 per hour-Loader
40.97 per hour-Chipper
33.51 per hour-Truck
8.38 per hour-Car
10.50 per hour-Miscellaneous Tool Charges
10.50 per hour-Trailer

Costs of Materials are at cost to the City of Westwood

5. **Any costs may be adjusted on an item-by item basis and mutual agreement as appropriate under the circumstances.**
6. **Payment will be due after receipt of itemized invoice. Normally, if an invoice is received by the Wednesday before the first Tuesday of the month, a warrant for payment will be presented and approved by the Mission Woods Council on that first Tuesday; and payment will be made within 7 days thereafter.**
7. **If an invoice remains unpaid 90 days after presentation, Westwood may decline further service under this Agreement until the delinquency is cured.**

IN WITNESS WHEREOF, the Mayor of Westwood, Kansas, has signed this Agreement on behalf of the City of Westwood, Kansas and the Mayor of Mission Woods, Kansas, has signed this Agreement on behalf of the City of Mission Woods, Kansas.

CITY OF WESTWOOD, KANSAS

CITY OF MISSION WOODS, KANSAS

By: _____
David Waters, Mayor

By: _____
Darrell Franklin, Mayor

ATTEST:

ATTEST:

Leslie Herring, City Clerk

Shelley Floyd, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Ryan Denk, City Attorney

Steven Mauer, City Attorney

Council Action Form

Meeting Date: February 10, 2022

Staff Contact: Ryan Denk, City Attorney

Agenda Item: A Resolution declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 47th Street from Mission Road to Rainbow Boulevard.

Background / Description of Item

47th Street will undergo resurfacing and geometric improvements in 2022. The road Right of Way along 47th Street contains parcels along the dedication that are irregular and inconsistent with some existing public improvements not wholly contained within the established Right of Way. The Engineer, through surveying, has identified several tracts that either need temporary construction easements or permanent construction easements. The City has engaged a right of way agent to act on its behalf to negotiate easements with affected property owners. Any easements which are not able to be successfully negotiated may require the City Council to initiate eminent domain proceedings in the District Court of Johnson County and undertake all other necessary actions to complete acquisition of such parcels.

Staff Comments / Recommendations

This resolution authorizes the City Attorney and the City Public Works Director to cause a survey and description of such parcels to be undertaken and filed with the City Clerk and to prepare and submit to the City Council an Ordinance authorizing the exercise of eminent domain with respect to such parcels.

Suggested Motion

I move to adopt Resolution No. _____.

(Published _____)

RESOLUTION NO. _____

A RESOLUTION declaring the necessity and authorizing a survey and descriptions of lands necessary to be condemned for the reconstruction of 47th Street from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Westwood, Kansas:

Section 1. It is hereby found and determined necessary that certain lands and/or interests in lands be condemned for public use to reconstruct 47th Street from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01).

Section 2. The City Council hereby directs and authorizes the City Attorney and the City Public Works Director to cause a survey and description of such parcels to be undertaken and filed with the City Clerk; to thereafter prepare and submit to the City Council an ordinance authorizing the exercise of eminent domain with respect to such parcels; and upon approval of the same by the City Council to initiate eminent domain proceedings in the District Court of Johnson County, and to undertake all other necessary actions to complete acquisition of such parcels.

Section 3. This Resolution is effective upon its adoption by the City Council and its publication in the official City newspaper.

APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTWOOD, KANSAS THIS
____ DAY OF _____, 2022.

David E. Waters
Mayor

ATTEST:

Leslie Herring
Chief Administrative Officer/City Clerk

APPROVED AS TO FORM:

Ryan Denk
City Attorney

Council Action Form

Meeting Date: February 10, 2022

Staff Contact: Ryan Denk, City Attorney

Agenda Item: An Ordinance condemning lands or interests in lands for the reconstruction of 47th Street from Mission Road to Rainbow Boulevard including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01); and directing the City Attorney to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

Background / Description of Item

47th Street will undergo resurfacing and geometric improvements in 2022. The road Right of Way along 47th Street contains parcels along the dedication that are irregular and inconsistent with some existing public improvements not wholly contained within the established Right of Way. The Engineer, through surveying, has identified several tracts that either need temporary construction easements or permanent construction easements. The City has engaged a right of way agent to act on its behalf to negotiate easements with affected property owners. Any easements which are not able to be successfully negotiated may require the City Council to initiate eminent domain proceedings in the District Court of Johnson County and undertake all other necessary actions to complete acquisition of such parcels.

Staff Comments / Recommendations

This ordinance authorizes the City Attorney to commence proceedings for the acquisition of the described property in Exhibit A and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property

Suggested Motion

I move to adopt Ordinance No. _____.

Published: _____

ORDINANCE NO. _____

AN ORDINANCE condemning lands or interests in lands for the reconstruction of 47th Avenue from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01); and directing the City Attorney to institute eminent domain proceedings as provided by law to acquire the tracts and parcels of land described in this ordinance.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTWOOD,
KANSAS:**

1. The following described lands and/or interests in lands are hereby condemned and appropriated to the City of Westwood, Kansas for the reconstruction of 47th Street from Mission Road to Rainbow Blvd., including the reconstruction of eastbound and westbound driving lanes; a center turn lane; eastbound and westbound bike lanes; sidewalks on the north and south sides of the road, and an upgraded storm water collection system, street lighting, and traffic signals (KDOT Project No. 046-N-0697-01) within Wyandotte County, Kansas to-wit:

See Exhibit "A", which is attached hereto and incorporated herein by reference;

2. It is hereby found that the costs of such project will be paid by the City of Westwood, Kansas; the Unified Government of Wyandotte County/Kansas City, Kansas; and the Kansas Department of Transportation.
3. The City Attorney is hereby ordered and directed forthwith to commence proceedings for the acquisition of the above-described property and to do and perform all things which might be necessary and required by law to acquire the aforementioned rights in and to said property.
4. This ordinance shall take effect and be in force after its passage, approval and publication.

APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTWOOD, KANSAS THIS
____ DAY OF _____, 2022.

David E. Waters
Mayor

ATTEST:

Leslie Herring
Chief Administrative Officer/City Clerk

APPROVED AS TO FORM:

Ryan Denk
City Attorney

EXHIBIT "A"

DESCRIPTION OF REAL PROPERTY AND/OR REAL PROPERTY INTERESTS TO BE ACQUIRED:

PROJECT TRACT NO. 3

Property Address: 4701 Mission Road

County Parcel ID: RF251203-3014

Fee Simple Owner: Wal-Mart Real Estate Trust

Interests to be acquired:

Temporary Construction Easement No. 1:

All that part of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 3, Township 12 South, Range 25 East, of the Sixth Principal Meridian, in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 3; thence North 87°44'56" East, along the North line of said Northeast Quarter, a distance of 250.47 feet; thence South 02°15'04" East, departing said North line, a distance of 35.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established, said point also being the Point of Beginning; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 50.00 feet; thence South 02°19'32" East, departing said South Right-of-Way line, a distance of 12.00 feet; thence South 87°44'56" West, a distance of 50.00 feet; thence North 02°19'32" West, a distance of 12.00 feet, to the Point of Beginning, containing 600.00 square feet or 0.01 acres, more or less.

Temporary Construction Easement No. 2:

All that part of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter of Section 3, Township 12 South, Range 25 East, of the Sixth Principal Meridian, in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 3; thence North 87°44'56" East, along the North line of said Northeast Quarter, a distance of 390.47 feet; thence South 02°15'04" East, departing said North line, a distance of 35.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established, said point also being the Point of Beginning; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 50.00 feet; thence South 02°19'32" East, departing said South Right-of-Way line, a distance of 8.00 feet; thence South 87°44'56" West, a distance of 50.00 feet; thence North 02°19'32" West, a distance of 8.00 feet, to the Point of Beginning, containing 400.00 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 11

Property Address: 2803 W. 47th Street

County Parcel ID: RF251203-3091

Fee Simple Owner: Misejka Living Trust

Interests to be acquired:**Permanent Road Right of Way Easement:**

All that part of the East Half of the West Half of the Northeast Quarter of Section 3, Township 12 South, Range 25 East, of the Sixth Principal Meridian, in the City of Westwood, Johnson County, Kansas, being the North 5 feet of that parcel described in the Quit Claim Deed recorded in Book 200701, Page 000144 and more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 3; thence North 87°44'56" East, along the North line of said Northeast Quarter, a distance of 938.01 feet; thence South 02°15'04" East, departing said North line, a distance of 30.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established, said point being the Northwest corner of said parcel and the Point of Beginning; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 90.67 feet, to the Northeast corner of said parcel; thence South 02°31'38" East, departing said South Right-of-Way and along the East line of said parcel, a distance of 5.00 feet; thence South 87°44'56" West, departing said East line, a distance of 90.69 feet, to a point on the West line of said parcel; thence North 02°17'22" West, along said West line, a distance of 5.00 feet, to the Point of Beginning, containing 453.59 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 13

Property Address: 2801 W. 47th Street

County Parcel ID: RF251203-3025

Fee Simple Owner: Moonkyoung Park

Interests to be acquired:**Permanent Road Right of Way Easement:**

All that part of the East Half of the West Half of the Northeast Quarter of Section 3, Township 12 South, Range 25 East, of the Sixth Principal Meridian, in the City of Westwood, Johnson County, Kansas, being the North 5 feet of that parcel described in the Special Warranty Deed recorded in Book 201605, Page 004833 and more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of said Section 3; thence North 87°44'56" East, along the North line of said Northeast Quarter, a distance of 1,028.68 feet; thence South 02°15'04" East, departing said North line, a distance of 30.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established, said point also being the Northwest corner of said parcel and the Point of Beginning; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 49.33 feet, to the Northeast corner of said parcel; thence South 02°17'22" East, departing said South Right-of-Way line and along the East line of said parcel, a distance of 5.00 feet; thence South 87°44'56" West, departing said East line, a distance of 49.31 feet to a point on the West line of said parcel; thence North 02°31'38" West, along said West line, a distance of 5.00 feet, to the Point of Beginning, containing 246.67 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 17

Property Address: 2601 W. 47th Street

County Parcel ID: RF251203-3059

Fee Simple Owner: Southern Star Central Gas

Interests to be acquired:

Temporary Construction Easement:

All that part of Lot 3, Palmer Heights, a subdivision of land in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 3; thence South 02°19'16" East, along the East line of said Lot 3, a distance of 5.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established; thence South 87°44'56" West, departing said East line and along said South Right-of-Way line, a distance of 65.00 feet, to the Point of Beginning; thence South 02°19'16" East, departing said South Right-of-Way line, a distance of 22.00 feet; thence South 87°44'56" West, a distance of 22.00 feet; thence North 02°19'16" West, a distance of 22.00 feet, to a point on said South Right-of-Way line; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 22.00 feet, to the Point of Beginning, containing 484.00 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 24

Property Address: 2517 W. 47th Street

County Parcel ID: RP54000000 0003

Fee Simple Owner: Donald and Patricia Welsh

Interests to be acquired:

Temporary Construction Easement:

All that part of Lot 3, Palmer Heights, a subdivision of land in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 3; thence South 02°19'16" East, along the East line of said Lot 3, a distance of 5.00 feet, to a point on the South Right-of-Way line of W 47th Avenue, as now established; thence South 87°44'56" West, departing said East line and along said South Right-of-Way line, a distance of 65.00 feet, to the Point of Beginning; thence South 02°19'16" East, departing said South Right-of-Way line, a distance of 22.00 feet; thence South 87°44'56" West, a distance of 22.00 feet; thence North 02°19'16" West, a distance of 22.00 feet, to a point on said South Right-of-Way line; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 22.00 feet, to the Point of Beginning, containing 484.00 square feet or 0.01 acres, more or less.

PROJECT TRACT NO. 28

Property Address: 2509 W. 47th Street

County Parcel ID: RP54000000 0002

Fee Simple Owner: Lance Herring

Interests to be acquired:

Temporary Construction Easement:

All that part of Lot 2, Palmer Heights, a subdivision of land in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of said Lot 2; thence South 02°19'16" East, along the East line of said Lot 2, a distance of 5.00 feet, to the South Right-of-Way line of W 47th Avenue, as now established, said point also being the Point of Beginning; thence South 02°19'16" East, continuing along said East line, a distance of 12.00 feet; thence South 87°44'56" West, departing said East line, a distance of 24.00 feet; thence North 02°19'16" West, a distance of 12.00 feet, to a point on said South Right-of-Way line; thence North 87°44'56" East, along said South Right-of-Way line, a distance of 24.00 feet, to the Point of Beginning, containing 288.00 square feet or 0.01 acres, more or less.

Council Action Form

Meeting Date: February 10, 2022

Staff Contact: Ryan Denk, City Attorney

Agenda Item: Dedication of Permanent Road Right of Way Easement

Background / Description of Item

47th Street will undergo resurfacing and geometric improvements in 2022, including a two-inch mill and overlay and a Complete Streets redesign. This is a joint project with the Unified Government of Wyandotte County-Kansas City, KS ("The UG").

The Road Right of Way along W. 47th Street contains parcels along the dedication that are irregular and inconsistent with some existing public improvements not wholly contained within the established Right of Way. One such parcel belongs to the City of Westwood. The City Council is being asked to consider dedicating a permanent easement as described in the following documents:

1. Dedication of Permanent Road Right of Way Easement
2. Exhibit A, Permanent Right-of-Way

Staff Comments/Recommendation

The proposed easement lays along W. 47th Street along the north 5 feet for nearly the length of the property along W. 47th.

Suggested Motion

I move to authorize the Mayor to execute the granting of the permanent easement as presented.

¹ This project is being funded by multiple partners including The UG, Johnson County, and the federal government through the Surface Transportation Program (STP).

City of Westwood
Project: 47th Street Improvement Project, Mission Road to Rainbow
Project Tract No 37

DEDICATION OF PERMANENT ROAD RIGHT OF WAY EASEMENT

THIS DEDICATION is made this ____ day of February, 2022 by the City of Westwood, Kansas, a municipal corporation organized and existing under the laws of the state of Kansas (hereinafter “the City”).

WITNESSETH:

Whereas, the City, together with the Unified Government of Wyandotte County/Kansas City, Kansas and the Kansas Department of Transportation, is undertaking a roadway improvement project to 47th Street/47th Avenue between Mission Road and Rainbow Boulevard, Project No. 046-N-0697-01 (hereinafter “the Project”); and

Whereas, the City is the fee simple owner of certain real property and the improvements thereon having a common address of 4700 Rainbow, Westwood, Johnson County, Kansas and which is further identified as Johnson County Parcel No. RF03000000-001 (hereinafter “the Property”); and

Whereas, the City has determined that in order to properly construct, maintain, operate and repair the Project it is necessary to utilize the following described portion of the Property as Road Right of Way, to wit:

The North 5 feet of Lot 1, except the East 18 feet thereof, Ackerman’s Subdivision, a subdivision of land in the City of Westwood, Johnson County, Kansas, containing 615.44 square feet, or 0.01 acres, more or less;

and

Whereas, for purposes of this Dedication the term “Permanent Road Right of Way Easement” shall mean the following:

“Subject to existing easements and restrictions of record, a perpetual easement without expiration over, across, upon and under the surface of the described lands for the laying-out, location, construction, reconstruction, repair, maintenance and use of streets and roadways, including but not limited to a) roads, streets, curbs, gutters, collection inlets,

open and closed pipes and culverts, retaining walls, sidewalks, side-slopes and other natural and manmade structures; b) open or closed pipes, culverts or conduits, concrete and rip-rap ditch linings, other structures and open spaces as necessary to clear and/or maintain drainage-ways to facilitate the movement of storm-water from and across such roadways into the surrounding natural drainage courses; c) for the removal of soils, rock, gravel and other borrow materials for such work; d) for the location and relocation of utilities; and e) ingress and egress over and across abutting rights of way and abutting property lines for the above-described purposes.”

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTWOOD, KANSAS that the following described real property is hereby determined and found to be necessary and required for the 47th Street/47th Avenue Improvement Project, Mission Road to Rainbow Boulevard [Project No. 046-N-0697-01], and therefore such real property is hereby dedicated as Permanent Road Right of Way Easement, to wit:

The North 5 feet of Lot 1, except the East 18 feet thereof, Ackerman’s Subdivision, a subdivision of land in the City of Westwood, Johnson County, Kansas, containing 615.44 square feet, or 0.01 acres, more or less;

APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTWOOD, KANSAS THIS
____ DAY OF FEBRUARY, 2022.

David E. Waters
Mayor

ATTEST:

Leslie Herring
Chief Administrative Officer/City Clerk

APPROVED AS TO FORM:

Ryan Denk
City Attorney

PERMANENT RIGHT-OF-WAY:

All that part of Lot 1, Ackerman's Subdivision, a subdivision of land in the City of Westwood, Johnson County, Kansas, being more particularly described as follows:

The North 5 feet of Lot 1, except the East 18 feet, Ackerman's Subdivision, containing 615.44 square feet or 0.01 acres, more or less.

This is to certify that this real property legal description has been prepared by me or under my direct supervision.



Michael D. Lay
Kansas Land Surveyor No. 1612

GBA
architects
engineers

9801 Renner Boulevard
Lenexa, Kansas 66219
913.492.0400
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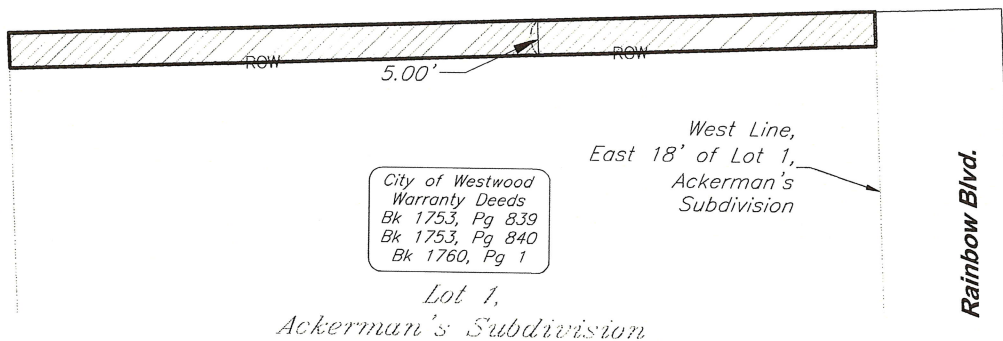
PROJECT NUMBER
14806

DATE
09/28/2021

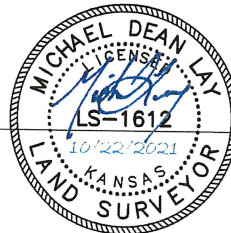
TITLE
Exhibit "A"
Permanent Right-of-Way
City of Westwood, JoCo, KS

SHEET NUMBER
1 of 2


W 47th Avenue



This is to certify that this real property exhibit was prepared by me or under my direct supervision. This exhibit does not warrant that a boundary survey was performed upon the hereon shown tract of land.



Michael D. Lay
Kansas Land Surveyor No. 1612

 Denotes Permanent Right-of-Way
615.44 Square Feet

20' 0' 20'
SCALE : 1 INCH = 20 FEET

GBA
architects
engineers

9801 Renner Boulevard
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