

CITY OF WESTWOOD HILLS, KANSAS  
ORDINANCE NO. 202

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE ZONING CODE OF  
THE CITY OF WESTWOOD HILLS, KANSAS

WHEREAS, the Governing Body has determined that it is advisable to amend certain provisions of the Zoning Code of the City to provide clarification on the location of garages.

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

Section 1. Section 8 -101(K) of the Code of the City of Westwood Hills is hereby amended to read as follows:

"(K) GARAGE: An accessory building or portion of a principal building that encloses space for parking or storage of one or more vehicles. A carport shall also be considered a garage."

Section 2. Section 8-202 of the Code of Westwood Hills is hereby amended to read as follows:

"8-202. RESIDENTIAL DISTRICT.

(A) USES PERMITTED. In a residential district, the following uses are permitted: i) single family dwellings and appurtenances incident thereto, including attached and detached garages all built in accordance with the City's most recently adopted building code; ii) public playgrounds or parks; and iii) utility service necessary and expedient to the above uses.

(B)(i) SINGLE-FAMILY DWELLING SETBACK REQUIREMENTS. No building, structure or appurtenance shall be erected, altered, structurally changed, repaired, restored or improved on a lot, tract or parcel of land closer than:

30 feet to the front property line on those lots, tracts or parcels of land included as a part of the plat of Westwood Hills, a subdivision of land in Johnson County, Kansas, and 25 feet to the front property line on those lots, tracts or parcels of land included as a part of the plat of Westport Annex, a subdivision of land in Johnson County, Kansas, provided no Single-family Dwelling or appurtenance shall be hereafter located upon a lot platted as a part of Westport Annex closer to the front Property line than the majority of the buildings or structures facing the street upon which the lot is situated,

4 feet to the side property line,

25 feet to the rear property line.

On corner lots, no building, garage, structure or appurtenance shall be erected on a lot, tract or parcel of land closer than:

20 feet to the side street, or

closer to the said side street than the majority of the buildings or structures facing on such side street, whichever distance provides the greater setback.

Provided that, in the case of fences, the setbacks provided herein shall not be required.

(B)(ii) GARAGE SETBACK REQUIREMENTS. No detached garage shall be erected, altered, structurally changed, repaired, restored or improved on a lot, tract or parcel of land closer than:

30 feet to the front property line on those lots, tracts or parcels of land included as a part of the plat of Westwood Hills; 25 feet to the front property line on those lots, tracts or parcels of land included as a part of the plat of Westport Annex, provided no garage located upon a lot platted as a part of Westport Annex shall be closer to the front Property line than the majority of the buildings or structures facing the street upon which the lot is situated, and

4 feet to the side property line, and

5 feet to the rear property line, and

on corner lots, no building or garage shall be erected on a lot, tract or parcel of land closer than:

10 feet to the side street, or

closer to the said side street than the majority of the buildings or structures facing on such side street, whichever distance provides the greater setback.

(B)(iii) GARAGE HEIGHT LIMITATIONS. No detached garage shall be erected, altered, structurally changed, repaired, restored or improved to a total maximum height taller than 26 feet. Height in a particular case shall be determined by the Planning Commission, which shall use as its standard the requirement of an architectural style, materials, and roof pitch all the same as that of the primary residence. The allowable size of the detached garage shall be determined by the following maximum lot width limitations:

Lot Width  
0 to 49 feet

Maximum Allowable Garage Size  
288 square feet

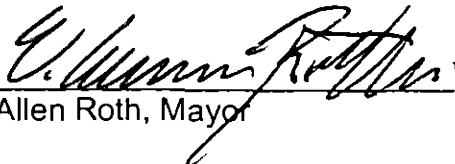
50 feet and over

576 square feet

(B)(iv) GARAGES EXISTING PRIOR TO MARCH 3, 1975. In the case of a garage existing prior to March 3, 1975, which does not comply with Subsections (B)(ii) and (B)(iii) hereof, the Planning Commission may grant an exception for either the rear or side setback lines, or both such setback lines to facilitate the rehabilitation of such garage; and may grant an exception to the side setback lines to facilitate the construction of a new garage in exactly the same location as the existing garage, if the existing garage has a shared party wall. In all other respects, the provisions of Subsections (B)(ii) and (B)(iii) shall apply. Any exception under Subsection (B)(iv) shall be in addition to the rights provided in Section 8-301 hereof concerning non-conforming uses. An application for an exception under this Subsection (B)(iv) shall be filed as part of the application for a permit pursuant to Section 8-501 and shall clearly show the location of both the proposed garage in relationship to the property lines and the location of the existing garage."

Section 3. This Ordinance shall be effective upon its passage, approval by the Mayor and publication once in the official City Newspaper.

PASSED by the Governing Body, and APPROVED by the Mayor this 2nd day of August 2004.

  
E. Allen Roth, Mayor

Attest:

  
Shawna Samuel, City Clerk

# The Legal Record

213 E. Santa Fe, Suite 2  
Olathe, KS 66061  
(913) 780-5790

ORD202

Publication Fees: \$27.92

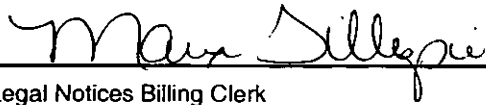
CITY OF WESTWOOD HILLS  
ATTN: SHAWNA SAMUEL  
2004 W 50TH  
WESTWOOD HILLS, KS 66205

## Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS:  
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Billing Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any)

for 1 consecutive week(s), as follows:

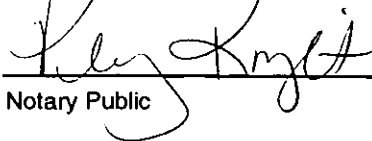
ORDINANCE NO. 202--8/10/04



Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

AUGUST 11, 2004



Notary Public

PENNY KNIGHT  
Notary Public - State of Kansas

My appointment expires: December 31, 2005.

\$27.92

00144155

**ORDINANCE NO. 202**

First published in The Legal Record, Tuesday, August 10, 2004.

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4 feet to the side property line,

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/s/ E. Allen Roth  
E. Allen Roth, Mayor

Attest:

/s/ Shawna Samuel  
Shawna Samuel, City Clerk

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Section 3. This Ordinance shall be effective and publication once in the official City News

PASSED by the Governing Body, on August 2004.

Attest

/s/ Shawna Samuel  
Shawna Samuel, City Clerk