

ORDINANCE NO. 63

AN ORDINANCE AMENDING THE ZONING LAWS AND REGULATIONS OF THE CITY OF WESTWOOD HILLS, REDEFINING THE USE DISTRICTS AND AREA REGULATIONS, THE USES IN A RESIDENTIAL DISTRICT, ESTABLISHING SETBACK LINES, RESTRICTING THE ERECTION OF FENCES, THE REQUIREMENTS FOR BUILDING PERMITS AND LICENSES AND THE BOARD OF ZONING APPEALS AND ITS POWERS AND DUTIES.

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

REPEAL OF SECTION. Section 5-102 of the Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-102 USE DISTRICT AND AREA REGULATIONS. In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location, erection, alteration and repair of buildings in the two "use and area districts" designated as (a) residential district, and (b) retail district, The City of Westwood Hills is hereby divided into the aforesaid districts, the boundaries of which are shown upon the official city map dated October 9, 1950, the residential district being the entire city except that portion in the retail district and the retail district being comprised of Lot 2, excepting the west 10 feet thereof, and Lots 43, 44, 45 and 46, in Block 5, Westwood Hills, an addition in Johnson County, Kansas. Except as hereinafter provided, no building, structure or appurtenance shall be erected, altered, structurally or otherwise changed, repaired, restored or improved, nor shall any building, structure, appurtenance, lot, plot tract or premise be used for any purpose, other than is permitted by this article in the use and area district in which said building, structure, appurtenance, lot, plot, tract or premise is located.

REPEAL OF SECTION. Section 5-103 Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-103 RESIDENTIAL DISTRICT. In a residential district, no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered, structurally or otherwise changed, repaired, restored or improved unless otherwise provided in this article except as a single family dwelling, public playground or park.

No building, structure or appurtenance shall be erected on a lot, tract or parcel of land closer than 30 feet to the front property line, closer than 4 feet to the side property line, nor closer than 1.5 feet to the rear property line and on corner lots not closer than 20 feet to the side street or than the majority of the dwellings facing on such side street, whichever provides the greater setback, provided that, in the case of a homesite located upon a lot, tract or parcel of land where ground frontages, building lines or setbacks are set forth or established in a duly recorded plat or declaration of restrictions, or both, the ground frontage, buildings, and setbacks so set forth or established shall be complied with and prevail over the provisions therefor in this paragraph and in lieu thereof.

No fence of any type may be erected on a lot, tract or parcel of land between the street on which the improvement thereon fronts and the front building line thereof nor, as to a corner lot, between the side street and the side building line. A closed fence not exceeding a maximum height of 3 feet or an open fence may be erected inside a front building line or inside a corner side building line on a lot, tract or parcel of land provided that it shall not be erected within 5 feet of any adjoining property without the consent and approval of the board, which consent and approval shall not be given without at least five days' notice to the owner or occupant of such adjoining property and no other fence shall be erected without the consent and approval of the board. An open fence shall be deemed to mean a fence not in excess of 4 feet in height at any point and the solid area of which does not exceed 50 per cent of the face area of the fence; a closed fence is any masonry, concrete or other fence having a solid area exceeding 50 per cent of the total face area of the fence or any hedge.

REPEAL OF SECTION. Section 5-107, Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-107 PERMITS, LICENSES. No building, structure or appurtenance shall be constructed, erected, added to or materially altered, structurally or otherwise changed, remodeled, or improved or any exterior mechanical equipment installed, nor any such work be commenced upon any lot, tract or parcel of land unless the owner, contractor or the duly authorized agent of either shall have first applied for and received from the City Clerk of the City of Westwood Hills, a building permit therefor, as herein provided. Minor alterations, such as painting, decorating, landscaping, patching, maintenance, changes in material or configuration of pavement, reroofing with materials similar to existing materials, and installation of room air conditioners, screens, storm doors and windows shall be considered as minor repairs and no permit therefor shall be required. Applications for building permits shall be filed with the City Clerk of the City of Westwood Hills, setting forth the legal description of the lot, plot, tract or premise, together with a general description of the building, structure or appurtenance to be constructed, erected, materially altered, structurally or otherwise changed, remodeled or improved, including the approximate size and shape, square foot area, principal material of construction, location of the building, structure or appurtenance upon the lot, plot, tract or premise, the intended use and a set of detailed plans prepared by a professional architect. No such permit shall be issued unless such application sets forth in reasonable detail all of the information herein required, and it can be determined therefrom that the construction, erection, alteration, changing, remodeling or improving shall be in all respects in conformity with the provisions of this chapter. In the event of the refusal of the City Clerk to issue such a building permit, or in the event the City Clerk shall issue such a building permit, which the City Council or a property owner or citizen of the city shall feel violates the terms of this ordinance, the applicant, City Council, property owner, or citizen shall upon written request made within 10 days after such refusal or issuance have the right to a hearing before

the Board at the next regular meeting or, in the Board's discretion, at a special meeting called for that purpose. At the conclusion of such hearing, the Board shall promptly render its decision and such decision shall be final.

REPEAL OF SECTIONS. Sections 5-201, 5-202 and 5-203, Revised Ordinances are hereby repealed and the following section enacted in lieu thereof:

5-201 BOARD OF ZONING APPEALS--POWERS. There is hereby created a Board of Zoning Appeals consisting of the duly elected councilmen of the city, the mayor to be an ex-officio member and presiding officer with the right to cast a vote only in the event of a tie vote by the other members of the Board voting at any meeting. The Board of Zoning Appeals shall administer the application of Article 1 of this chapter and the zoning regulations of the city, hear and determine appeals from the issuance of or refusal to issue a building permit and have the right and authority, in its discretion to authorize exceptions to any of such regulations by either (1) a special temporary permit for a period not exceeding two years, or (2) by a special permit for a specific purpose after conducting a public hearing thereon after reasonable notice thereof by publication prior thereto.

This Ordinance shall take effect and be in force and effect from and after its publication.

Passed by the City Council this 11 day of ^{March} February, 1963.

Approved by the Mayor this 23rd day of ^{March} February, 1963.

Hal Sandy
MAYOR

Attest:

Chas M. Rumberg
CITY CLERK

March I HEREBY CERTIFY that the foregoing is a true and correct copy of the original of an Ordinance passed on the 11th day of February, 1963; that the record of the final vote of passage is found in the minutes of the meeting of the City Council of Westwood Hills, Kansas, held on the 11 day of February, 1963; and that it was published in the JOHNSON COUNTY HERALD, the official city paper, on the 10 day of February, 1963.

January

Orla M. Rindberg
CITY CLERK

ORDINANCE NO. 63

AN ORDINANCE AMENDING THE ZONING LAWS AND REGULATIONS OF THE CITY OF WESTWOOD HILLS, REDEFINING THE USE DISTRICTS AND AREA REGULATIONS, THE USES IN A RESIDENTIAL DISTRICT, ESTABLISHING SETBACK LINES, RESTRICTING THE ERECTION OF FENCES, THE REQUIREMENTS FOR BUILDING PERMITS AND LICENSES AND THE BOARD OF ZONING APPEALS AND ITS POWERS AND DUTIES.

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

REPEAL OF SECTION. Section 5-102 of the Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-102 USE DISTRICT AND AREA REGULATIONS. In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location, erection, alteration and repair of buildings in the two "use and area districts" designated as (a) residential district, and (b) retail district, The City of Westwood Hills is hereby divided into the aforesaid districts, the boundaries of which are shown upon the official city map dated October 9, 1950, the residential district being the entire city except that portion in the retail district and the retail district being comprised of Lot 2, excepting the west 10 feet thereof, and Lots 43, 44, 45 and 46, in Block 5, Westwood Hills, an addition in Johnson County, Kansas. Except as hereinafter provided, no building, structure or appurtenance shall be erected, altered, structurally or otherwise changed, repaired, restored or improved, nor shall any building, structure, appurtenance, lot, plot tract or premise be used for any purpose, other than is permitted by this article in the use and area district in which said building, structure, appurtenance, lot, plot, tract or premise is located.

REPEAL OF SECTION. Section 5-103 Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-103 RESIDENTIAL DISTRICT. In a residential district, no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered, structurally or otherwise changed, repaired, restored or improved unless otherwise provided in this article except as a single family dwelling, public playground or park.

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REPEAL OF SECTION. Section 5-107, Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-107 PERMITS, LICENSES. No building, structure or appurtenance shall be constructed, erected, added to or materially altered, structurally or otherwise changed, remodeled, or improved or any exterior mechanical equipment installed, nor any such work be commenced upon any lot, tract or parcel of land unless the owner, contractor or the duly authorized agent of either shall have first applied for and received from the City Clerk of the City of Westwood Hills, a building permit therefor, as herein provided. Minor alterations, such as painting, decorating, landscaping, patching, maintenance, changes in material or configuration of pavement, reroofing with materials similar to existing materials, and installation of room air conditioners, screens, storm doors and windows shall be considered as minor repairs and no permit therefor shall be required. Applications for building permits shall be filed with the City Clerk of the City of Westwood Hills, setting forth the legal description of the lot, plot, tract or premise, together with a general description of the building, structure or appurtenance to be constructed, erected, materially altered, structurally or otherwise changed, remodeled or improved, including the approximate size and shape, square foot area, principal material of construction, location of the building, structure or appurtenance upon the lot, plot, tract or premise, the intended use and a set of detailed plans prepared by a professional architect. No such permit shall be issued unless such application sets forth in reasonable detail all of the information herein required, and it can be determined therefrom that the construction, erection, alteration, changing, remodeling or improving shall be in all respects in conformity with the provisions of this chapter. In the event of the refusal of the City Clerk to issue such a building permit, or in the event the City Clerk shall issue such a building permit, which the City Council or a property owner or citizen of the city shall feel violates the terms of this ordinance, the applicant, City Council, property owner, or citizen shall upon written request made within 10 days after such refusal or issuance have the right to a hearing before

the Board at the next regular meeting or, in the Board's discretion, at a special meeting called for that purpose. At the conclusion of such hearing, the Board shall promptly render its decision and such decision shall be final.

REPEAL OF SECTIONS. Sections 5-201, 5-202 and 5-203, Revised Ordinances are hereby repealed and the following section enacted in lieu thereof:

5-201 BOARD OF ZONING APPEALS--POWERS. There is hereby created a Board of Zoning Appeals consisting of the duly elected councilmen of the city, the mayor to be an ex-officio member and presiding officer with the right to cast a vote only in the event of a tie vote by the other members of the Board voting at any meeting. The Board of Zoning Appeals shall administer the application of Article 1 of this chapter and the zoning regulations of the city, hear and determine appeals from the issuance of or refusal to issue a building permit and have the right and authority, in its discretion to authorize exceptions to any of such regulations by either (1) a special temporary permit for a period not exceeding two years, or (2) by a special permit for a specific purpose after conducting a public hearing thereon after reasonable notice thereof by publication prior thereto.]

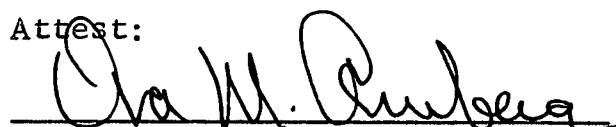
This Ordinance shall take effect and be in force and effect from and after its publication.

Passed by the City Council this 11th day of March, 1963.

Approved by the Mayor this 23rd day of March, 1963.

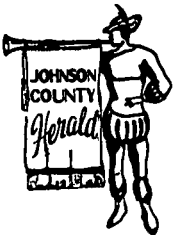

MAYOR

Attest:


CITY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original of an Ordinance passed on the 11th day of ~~February~~ ^{March}, 1963; that the record of the final vote of passage is found in the minutes of the meeting of the City Council of Westwood Hills, Kansas, held on the 11th day of ~~February~~ ^{March}, 1963; and that it was published in the JOHNSON COUNTY HERALD, the official city paper, on the 28th day of ~~February~~ ^{March}, 1963.

Ora W. Amburg
CITY CLERK



AFFIDAVIT OF PUBLICATION

State of Kansas, County of Johnson, ss:
LOYD NEFF

of lawful age, being duly sworn upon oath states that he is the Editor of the Johnson County Herald, that said newspaper has been published at least weekly, fifty (50) times a year, and has been so published for at least one year prior to the first publication of the attached notice. That said paper has a general paid circulation on a semi-weekly basis, was entered as second class matter July 17, 1924 at the postoffice at Overland Park, Kansas, under the Act of March 3, 1897, is not a trade, religious, or fraternal publication, and is printed in Johnson County, Kansas.

The attached notice is a true copy, and was printed and published in the regular and entire issue of the Johnson County Herald for.....1.....consecutive weeks:

First week: March 28, 1963

Second week:

Third week:

Fourth week:

Fifth week:

Sixth week:

Lloyd Neff
Lloyd Neff, Editor

Subscribed in my presence and sworn to before me

this 28 day of March, 1963

Charry L. Lawhead
Notary Public in and for
Johnson County, Kansas

My commission expires January 23, 1967

Publication fee - - - - - \$ 31.07

Affidavits, Notary's fee - - - - - \$

Additional copies - - - @ - - - \$

Total publication fee - - - - - \$ 31.07

IN THE COURT OF

JOHNSON COUNTY, KANSAS

State of Kansas, Johnson County, ss:

....., 19.....

The within Proof of Publication approved by

Johnson County Herald—Fully qualified to
publish legal notices

WESTWOOD HILLS

(First Published in Johnson County
Herald Thursday, March 28, 1963)
ORDINANCE NO 63

AN ORDINANCE AMENDING THE ZONING LAWS AND REGULATIONS OF THE CITY OF WESTWOOD HILLS, RE-DEFINING THE USE DISTRICTS AND AREA REGULATIONS, THE USES IN A RESIDENTIAL DISTRICT, ESTABLISHING SETBACK LINES, RESTRICTING THE ERECTION OF FENCES, THE REQUIREMENTS FOR BUILDING PERMITS AND LICENSES AND THE BOARD OF ZONING APPEALS AND ITS POWERS AND DUTIES.

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

REPEAL OF SECTION. Section 5-102 of the Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-102 USE DISTRICT AND AREA REGULATIONS. In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location, erection, alteration and repair of buildings in the two "use and area districts" designated as (a) residential district, and (b) retail district, The City of Westwood Hills is hereby divided into the aforesaid districts, the boundaries of which are shown upon the official city map dated October 9, 1950, the residential district being the entire city except that portion in the retail district and the retail district being comprised of Lot 2, excepting the west 10 feet thereof, and Lots 43, 44, 45, and 46, in Block 5 Westwood Hills, an addition in Johnson County, Kansas. Except as hereinafter provided, no building, structure or appurtenance shall be erected, altered, structurally or otherwise changed, repaired, restored or improved, nor shall any building, structure, appurtenance, lot, plot, tract or premise be used for any purpose, other than is permitted by

this article in the use and area district in which said building, structure, appurtenance, lot, plot, tract or premise is located.

REPEAL OF SECTION. Section 5-103 of the Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-103 RESIDENTIAL DISTRICT. In a residential district, no building, structure, appurtenance, lot, plot, tract or premise shall be used and no building, structure or appurtenance shall be hereafter erected, altered, structurally or otherwise changed, repaired, restored or improved unless otherwise provided in this article, except as a single family dwelling, public playground or park.

No building, structure or appurtenance shall be erected on a lot, tract or parcel of land closer than 30 feet to the front property line, closer than 4 feet to the side property line, nor closer than 1.5 feet to the rear property line and on corner lots not closer than 20 feet to the side street, or than the majority of the dwellings facing on such side street, whichever provides the greater setback, provided that, in the case of a homesite located upon a lot, tract or parcel of land where ground frontages, building lines or setbacks are set forth or established in a duly recorded plat or declaration of restrictions, or both, the ground frontage, buildings, and setbacks so set forth or established shall be complied with and prevail over the provisions therefor in this paragraph and in lieu thereof.

No fence of any type may be erected on a lot, tract or parcel of land between the street on which the improvement thereon fronts and the front building line thereof nor, as to a corner lot, between the side street and the side building line. A closed fence not exceeding a maximum height of 3 feet or an open fence may be erected inside a front building line or inside a corner side building line on a lot, tract or parcel of land provided that it shall not be erected within 5 feet of any adjoining property without the consent and approval of the board, which consent and approval shall not be given without at least five days' notice to the owner or occupant of such adjoining property and no other fence shall be erected without the consent and approval of the board. An open fence shall be deemed to mean a fence not in excess of 4 feet in height at any point and the solid area of which does not exceed 50 per cent of the face area of the fence; a closed fence is any masonry, concrete or other fence having a solid area exceeding 50 per cent of the total face area of the fence or any hedge.

REPEAL OF SECTION. Section 5-107. Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

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REPEAL OF SECTIONS. Sections 5-201, 5-202 and 5-203 Revised Ordinances are hereby repealed and the following section enacted in lieu thereof:

5-201 BOARD OF ZONING APPEALS. —POWERS. There is hereby created a Board of Zoning Appeals consisting of the duly elected councilmen of the city, the mayor to be an ex-officio member and presiding officer with the right to cast a vote only in the event of a tie vote by the other members of the Board voting at any meeting. The Board of Zoning Appeals shall administer the application of Article 1 of this chapter and the zoning regulations of the city, hear and determine appeals from the issuance of or refusal to issue a building permit and have the right and authority, in its discretion to authorize exceptions to any of such regulations by either (1) a special temporary permit for a period not exceeding two years, or (2) by a special permit for a specific purpose after conducting a public hearing thereon after reasonable notice there- of by publication prior thereto.

This Ordinance shall take effect and be in force and effect from and after its publication.

Passed by the City Council this 11th day of March, 1963.

Approved by the Mayor this 11 day of March, 1963.

S/ Hal Sandy
Mayor

ATTEST:
Ora Amberg
City Clerk

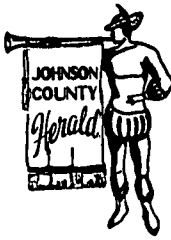
Case No. _____

Plaintiff.

vs.

Defendant.

PROOF OF PUBLICATION



ORDINANCE NO. 63.
AN ORDINANCE AMENDING THE ZONING LAWS AND REGULATIONS OF THE CITY OF WESTWOOD HILLS, REDEFINING THE USE, DISTRICTS AND AREA REGULATIONS, THE USES IN A RESIDENTIAL DISTRICT, ESTABLISHING SETBACK LINES, RESTRICTING THE ERECTION OF FENCES, THE REQUIREMENTS FOR BUILDING PERMITS, AND LICENSES AND THE BOARD OF ZONING APPEALS AND ITS POWERS AND DUTIES.

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

REPEAL OF SECTION: Section 5-102 of the Revised Ordinances is hereby repealed and the following section enacted in lieu thereof:

5-102 USE DISTRICT AND AREA REGULATIONS. In order to regulate and restrict the location of trades, callings, industries, commercial enterprises and the location, erection, alteration and repair of buildings in the two "use and area districts" designated as (a) residential district, and (b) retail district, The City of Westwood Hills is hereby divided into the aforesaid districts, the boundaries of which are shown upon the official city map dated October 9, 1950, the residential district being the entire city except that portion in the retail district and the retail district being comprised of Lot 2, excepting the west 10 feet thereof, and Lots 43, 44, 45 and 46, in Block 5 Westwood Hills, an addition in Johnson County, Kansas. Except as hereinafter provided, no building, structure or appurtenance shall be erected, altered, structurally or otherwise changed, repaired, restored or improved, nor shall any building, structure, appurtenance, lot, plot, tract or premise be used for any purpose, other than is permitted by

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No building, structure or appurtenance shall be erected on a lot, tract or parcel of land closer than 30 feet to the front property line, closer than 4 feet to the side property line, nor closer than 1.5 feet to the rear property line and on corner lots not closer than 20 feet to the side street, or than the majority of the dwellings facing on such side street, whichever provides the greater setback, provided that, in the case of a homestead located upon a lot, tract or parcel of land where ground frontages, building lines or setbacks are set forth or established in a duly recorded plat or declaration of restrictions, or both, the ground frontage, buildings, and setbacks so set forth or established shall be complied with and prevail over the provisions therefor in this paragraph and in lieu thereof.

No fence of any type may be erected on a lot, tract or parcel of land between the street on which the improvement thereon fronts and the front building line thereof nor, as to a corner lot, between the side street and the side building line. A closed fence not exceeding a maximum height of 3 feet or an open fence may be erected inside a front building line or inside a corner side building line on a lot, tract or parcel of land provided that it shall not be erected within 5 feet of any adjoining property without the consent and approval of the board, which consent and approval shall not be given without at least five days' notice to the owner or occupant of such adjoining property and no other fence shall be erected without the consent and approval of the board. An open fence shall be deemed to mean a fence not in excess of 4 feet in height at any point and the solid area of which does not exceed 50 per cent of the face area of the fence; a closed fence is any masonry, concrete or other fence having a solid area exceeding 50 per cent of the total face area of the fence or any hedge.

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Passed by the City Council this 11th day of March, 1963.

Approved by the Mayor this 11 day of March, 1963.

S/ Hal Sandy
Mayor

ATTEST:
Ora Amberg
City Clerk

AFFIDAVIT OF PUBLICATION
State of Kansas, County of Johnson, ss:
LOYD NEFF

of lawful age, being duly sworn upon oath states that he is the Editor of the Johnson County Herald, that said newspaper has been published at least weekly, fifty (50) times a year, and has been so published for at least one year prior to the first publication of the attached notice.

That said paper has a general paid circulation on a semi-weekly basis, was entered as second class matter July 17, 1924 at the postoffice at Overland Park, Kansas, under the Act of March 3, 1897, is not a trade, religious, or fraternal publication, and is printed in Johnson County, Kansas.

The attached notice is a true copy, and was printed and published in the regular and entire issue of the Johnson County Herald for.....1.....consecutive weeks:

- First week: March 20, 1963
- Second week:
- Third week:
- Fourth week:
- Fifth week:
- Sixth week:

Lloyd Neff
Lloyd Neff, Editor

Subscribed in my presence and sworn to before me
this 20 day of March, 1963

Charry L. Lawrence
Notary Public in and for
Johnson County, Kansas

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