

Wornall Homestead Overlay District (WHO)

1. Introduction

The Wornall Homestead Homes Association began as a group of subdivisions within the Country Club District, a nationally significant and historic group of neighborhoods founded and developed by J.C. Nichols in the first decade of the 20th century. This neighborhood is built on the former property of the John Wornall Homestead, our Association's namesake. It is primarily composed of residences with a variety of architectural styles that give the district a distinct character and richness within its urban setting. Homes are well-maintained and many owners have invested significantly in improvements throughout the years. Wornall Homestead Homes Association's location within the Brookside area along with the condition and character of its properties has established it as a consistently high market performer in metropolitan Kansas City. Protecting and preserving this neighborhood's special character is fundamental to its long-term success as a valuable part of Kansas City's urban fabric. Wornall Homestead Homes Association's boundaries are generally East and West 57th Street on the north, Wornall Road on the west, West 63rd Street on the south and the Trolley Track Trail on the east.

2. Purpose

The establishment of an overlay district will allow the residents of WHHA to address elements of land use control as well as approaches to the design of new, restored or renovated structures inside its boundaries. New regulations are drawn from existing zoning requirements, previously written deed restrictions, current built conditions and new criteria as formulated through consensus with the members of WHHA. In addition, regulations are intended to be flexible enough to allow home owners to meet their particular needs without specifically dictating architectural styles. Further, the creation of the overlay district is based on:

- a.** Its alignment with the WHHA's objectives as stated in the adopted Physical and Image Plan of 2010 regarding growth and development within the neighborhood;
- b.** A desire to preserve and protect the unique character of the WH neighborhood;
- c.** A need to set forth clear procedures for review and approval of new or renovated properties within WHHA's boundaries.

3. Governance

This overlay district is a Special Character Overlay which is outlined in Section 88-205 generally and Section 88-215 specifically of the Zoning and Development Code. The establishment of the overlay district is in accordance with the zoning and development code text amendment procedures of 88-510 (to establish the applicable regulations) and zoning map amendment procedures 88-515 (to establish the district on the zoning map). The district shall be referred to as the Wornall Homestead Overlay District, hereinafter referred to as the WHO District and shall be mapped as such on the City's official zoning map pursuant to 88-20-01.

4. Applicability

Except as addressed in this ordinance, development within the WHO District shall be subject to the provisions of R-6 zoning, and all other applicable City ordinances.

5. Nonconformities

Except as otherwise specified herein, the procedures of 88-610 shall apply to any use, structure, or lot made nonconforming by adoption of these overlay district regulations. Any use, structure, or lot made nonconforming by adoption of these overlay standards shall be considered to be legal-nonconforming and shall not require the landowner to obtain a certificate of legal nonconforming use.

6. Building Permits

No building permit shall be issued on a lot or parcel of land (hereinafter referred to as “lot”) unless:

- a. The lot was established prior to the effective date of the overlay district ordinance and consists of one or more whole platted lots (i.e. its legal description is one or more whole platted lots rather than portions of platted lots or metes and bounds). For the purposes of the WHO District, platted lot shall mean any lot created by plat, whether through the Major or Minor Subdivision process, which has been approved by the City and recorded at the County Recorder of Deeds.
- b. The lot that is either unplatted or platted but consists of portions of platted lots, and which existed in its current form in terms of dimension and lot area prior to March 1, 1954. In such cases the burden is on the property owner to prove that the lot satisfies these conditions.
- c. The lot was created subsequent to the effective date of the overlay district ordinance pursuant to the City’s subdivision regulations and the regulations of the WHO District.

7. Lot and Building Standards

The lot and building standards of the base zoning district shall apply unless otherwise specified below.

a. Permitted Height

The maximum permitted building height shall be the same as the base zoning district, however, its measurement and limitations shall be regulated differently in the WHO District, as follows:

i. Measurement

The maximum permitted building height shall be measured from the average finished ground level adjoining the building to the highest point of the roof.

ii. Limitation on Rooftop Features

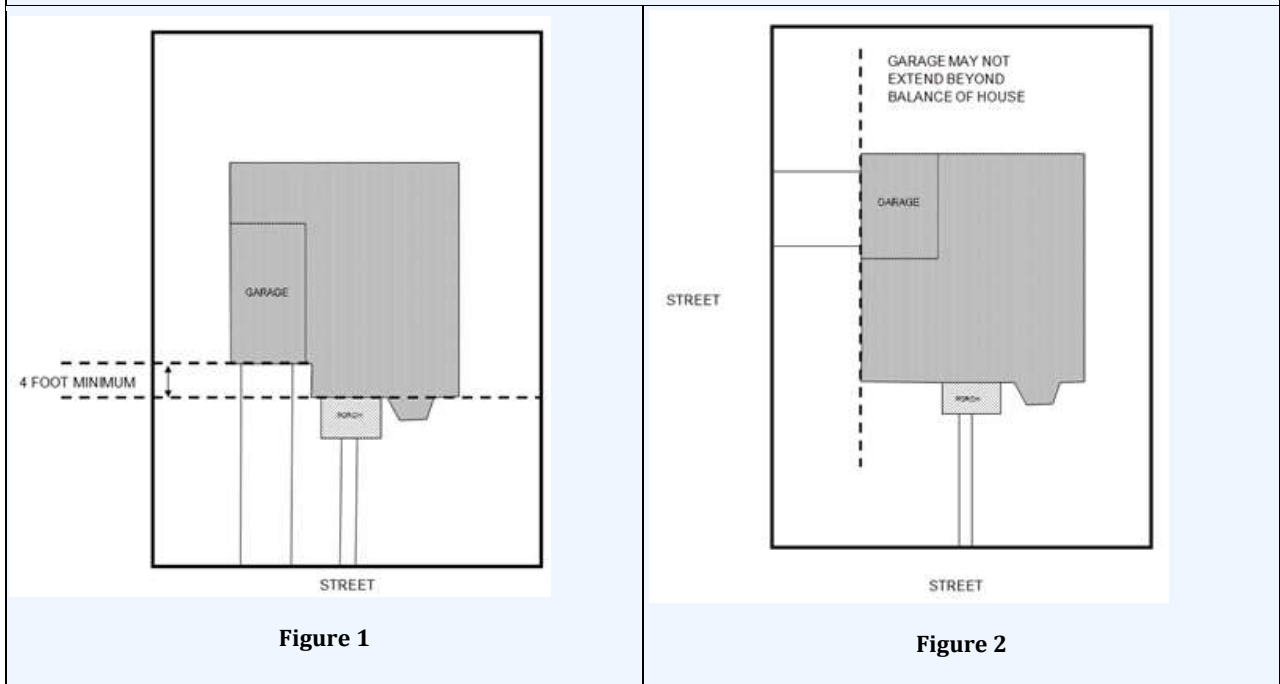
Building-mounted solar energy systems and chimneys may extend up to 3 feet above the maximum permitted building height, but no more than 5 feet above the roof line.

b. Other Lot and Building Standards

The lot and building standards of the base zoning district shall apply unless otherwise specified below.

Table 1. Wornall Homestead Overlay (WHO) Lot and Building Standards ¹						
Standard	Subdistrict					
	1	2	3	4	5	6
Minimum Building Footprint (sq. ft.) ²	800					
Lot Size						
Min. lot area (sq. ft.)	6,000					
Min. lot area per unit (sq. ft.)	6,000					
Max. lot area (sq. ft.)	8,000 ⁷					
Max. lot area per unit (sq. ft.)	8,000					
Front Setback⁸						
Minimum (ft.)	50	³	40	34	45	⁴
Min. attached front-loaded garage setback (See Figure 1 below)	4 feet from the balance of the front plane of the house as constructed and as defined for setback purposes, i. e. exclusive of porches, bay windows or other allowed encroachments into required setbacks.					
Min. attached side-loaded garage setback (See Figure 2 below)	Shall not extend closer to the side street than the balance of the side plane of the house as constructed and as defined for setback purposes, i. e. exclusive of porches, bay windows or other allowed encroachments into required setbacks.					
Side Setback Abutting Street						
Minimum (ft.) ⁶	15	³	15	15	15	⁵
Min. attached front-loaded garage setback (See Figure 1 below)	4 feet from the balance of the front plane of the house as constructed and as defined for setback purposes, i. e. exclusive of porches, bay windows or other allowed encroachments into required setbacks. See Figure 1 below.					
Min. attached side-loaded garage setback (See Figure 2 below)	Shall not extend closer to the side street than the balance of the side plane of the house as constructed and as defined for setback purposes, i. e. exclusive of porches, bay windows or other allowed encroachments into required setbacks.					
Min. detached accessory structure	Not closer to the street than the principal structure.					
Side Setback (internal)						
Minimum	10% of the lot width or 4 ft, whichever is greater, but need not exceed 8 ft					

- ¹ The lot and building standards of 88-110-06 govern with the exception of the above-listed standards.
- ² As measured by the outside of exterior walls and exclusive of porches or attached decks.
- ³ As shown on the Randall & Wheelocks Addition plat.
- ⁴ As shown on the plat for Wornall Homestead, Blocks 5-7.
- ⁵ As shown on the plat for Wornall Homestead, Blocks 5-7 **except** 15 feet for Lot 3, Block 7.
- ⁶ Setbacks for accessory structures shall be those noted herein except that no accessory structure may be permitted closer to the street than the principal structure.
- ⁷ In such cases where an existing lot or lots each of which exceed 8,000 sq. ft. are subdivided via the Minor Subdivision or Major Subdivision process the resulting lots need not be less than 8,000 sq. ft. in area so long as the area of the resulting lots represents a reduction from those of the existing lots.
- ⁸ Front setbacks shall be measured from originally platted right-of-way.



8. Fences and Walls

a. Height on Interior Lots

Fence and wall height may not exceed four (4) feet in that portion of the lot between the principal structure and the street, defined as that portion of the lot bounded by the street right of way line, a line drawn parallel to said right of way line intersecting the portion of the principal structure nearest the street exclusive of porches, and the side property lines. Fence and wall height may not exceed six (6) feet on the balance of the lot. (See Figure 3)

b. Height on Corner Lots

Fence and wall height may not exceed four (4) feet in that portion of the lot between the principal structure and the street, defined as that portion of the lot bounded by the street rights of way lines, lines drawn parallel to said rights of way lines intersecting the portions

of the principal structure nearest the streets exclusive of porches, the rear property line and the side property line opposite the street right of way. Fence and wall height may not exceed six (6) feet on the balance of the lot. (See Figure 3)

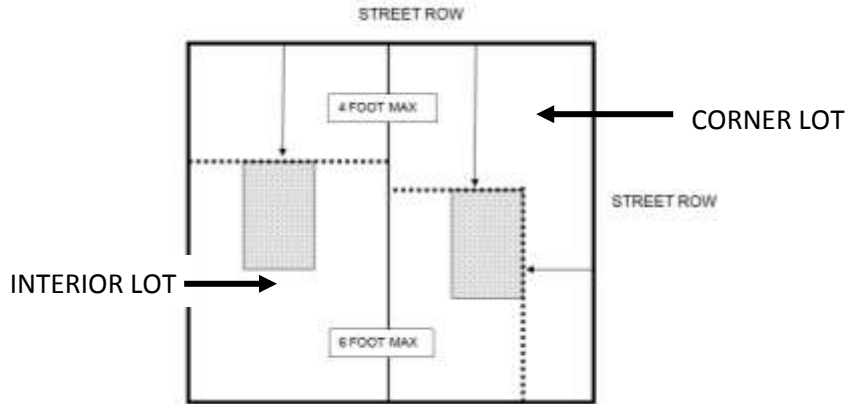


Figure 3

c. Height on Vacant Lots

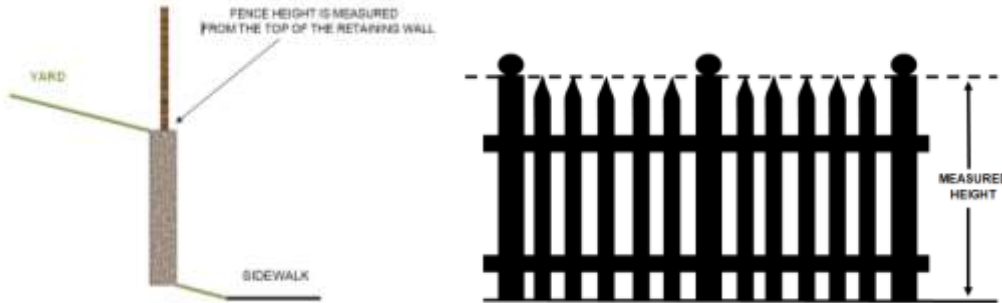
Fence and wall height may not exceed four (4) feet in that portion of the lot between the street right of way line and the extension of the more restrictive of the parallel lines intersecting the principal structures per Sections 88-290-08-A and 88-290-08-B on adjacent occupied lots or the nearest occupied lot(s) along the same street frontage of the same block. Fence and wall height may not exceed six (6) feet on the balance of the lot. (See Figure 4)



Figure 4

d. Measurement

Fence and wall height shall be measured from the highest grade directly adjacent to the base of the fence or wall, and to the top of the primary fence enclosure materials.



e. Permitted Materials

Permitted fence and wall materials are limited to the following:

- i. Wood
- ii. Wrought iron or other metals simulating wrought iron
- iii. Brick
- iv. Stone
- v. Stucco over masonry
- vi. Solid concrete block simulating stone

f. Prohibited Materials

- i. Chain link construction, with or without inserted slats
- ii. Coated or uncoated metal wire construction, (e. g. poultry fencing) except when used as an enclosure for the authorized keeping of small animals and fowl or as a garden enclosure and not exceeding 36 inches in height.
- iii. Post and rail
- iv. Un-stuccoed concrete masonry block
- v. Un-faced concrete
- vi. PVC or other plastic
- vii. Plywood or asbestos panels
- viii. Fiberglass
- ix. Rebar
- x. Any fence that includes as part of its construction barbed wire, razor wire or other materials that are liable to snag, tear, cut or otherwise injure anyone coming in contact therewith
- xi. Any fence that includes as part of its construction uninsulated electric conductors that may be exposed to human contact

g. Applicability

The requirements of this section do not apply to walls of buildings, portions of retaining walls below grade on one or both sides, or to any fence or wall constructed prior to March 20, 2000, or legally constructed prior to the effective date of the overlay district ordinance.

h. Special Exceptions

Special exceptions to the height requirements of Sections 88-290-08-A, 88-290-08-B and 88-290-08-C may be pursued subject to the procedures of Section 27-11 of City ordinances.

9. Exterior Building Materials

- a. All new construction, additions or alterations to existing structures and any exterior work visible from a public street or alley shall utilize exterior building materials of stone, cast stone, brick, stucco, wood siding and / or shingles. Additions or alterations shall be designed and constructed so that new exterior materials match existing materials that will remain on the original structure after completion of the work.
- b. Subject to the approval of the planning and development director, the following exterior building materials may be considered:
 - i. Synthetic materials of substantial quality and weather resistance that faithfully match the natural materials they are designed to resemble.
 - ii. Cementitious siding that closely simulates permitted wood materials in finish and dimension.
 - iii. Materials based on recycled / environmentally sensitive products that are highly durable and well-integrated into the overall design of the structure of which they are a part.
 - iv. Metal or vinyl siding for additions or alterations where matching existing construction is required.
- c. The use of simulated stone veneer or metal building panels is prohibited and will not be considered for variances.

10. Uses

Uses in the WHO District shall be as allowed by section 88-110 of the Zoning and Development Code, table 110-1, with the following exception(s):

- a. **Special Use Permit.** Bed and Breakfast establishments as governed by section 88-320 of the Zoning and Development Code may be allowed subject to the approval of a Special Use Permit in accordance with section 88-525 of the Zoning and Development Code.
- b. **Prohibited.** Short-Term Rentals, as defined by the zoning and development code, or in the absence of such definition, defined as the lease of an entire dwelling unit for less than 30 days where the property owner is not living on the premises during any part of the lease period.

11. Variances

Nothing in this WHO District ordinance shall be construed as prohibiting the right of property owners to seek a variance under section 88-565 of the Zoning and Development Code unless expressly stated herein.