

# Planning & Building Guide

City of Mission Hills, Kansas | 913-362-9620 | [www.missionhillsks.gov](http://www.missionhillsks.gov)

## WELCOME

We are pleased that you are considering investing in a property in Mission Hills, a unique city known for its abundance of greenspace and architectural excellence.

The Planning & Building Guide provides helpful information about the application, approval, and permitting processes for all types of building and improvement projects you may wish to undertake. Please contact City Hall if you have any questions.

## PLANNING RESPONSIBILITIES

### Permits & Licensing

The City Clerks manage the permitting and licensing process which includes receiving applications, permit fees, and scheduling inspections.

### Planning & Zoning

The City Planner provides assistance in determining applicable Zoning Regulations and Design Guidelines, and manages the Architectural Review Board process. The part-time City Architect reviews all applications and plans submitted for Architectural Review Board approval.

### Professional Review Panel

The Professional Review Panel reviews proposed plans for new homes and substantial additions before the plans are reviewed by the ARB.

### Architectural Review Board

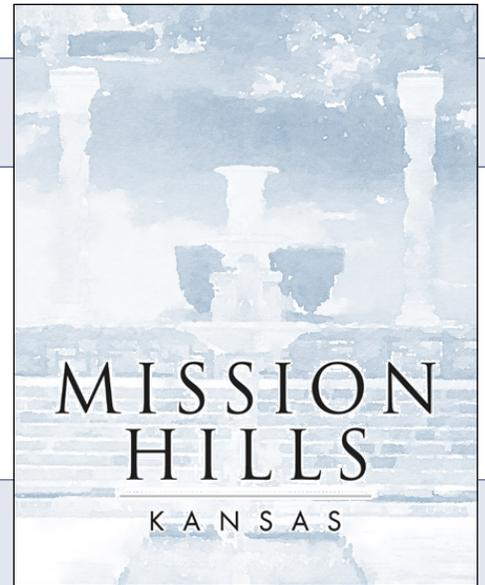
The Architectural Review Board (ARB) approves building permits for exterior alterations. The ARB's purpose is to ensure that all structures within the City conform to certain minimum architectural and aesthetic standards of appearance.

### Board of Zoning Appeals

The Board of Zoning Appeals hears all appeals related to variances from the Zoning Regulations and appeals of decisions made by ARB or City staff.

### Building Code/Inspections

The Building Inspectors ensure that construction projects comply with all City building codes. They review construction drawings, land disturbance permits, stormwater drainage studies, and inspect building projects.



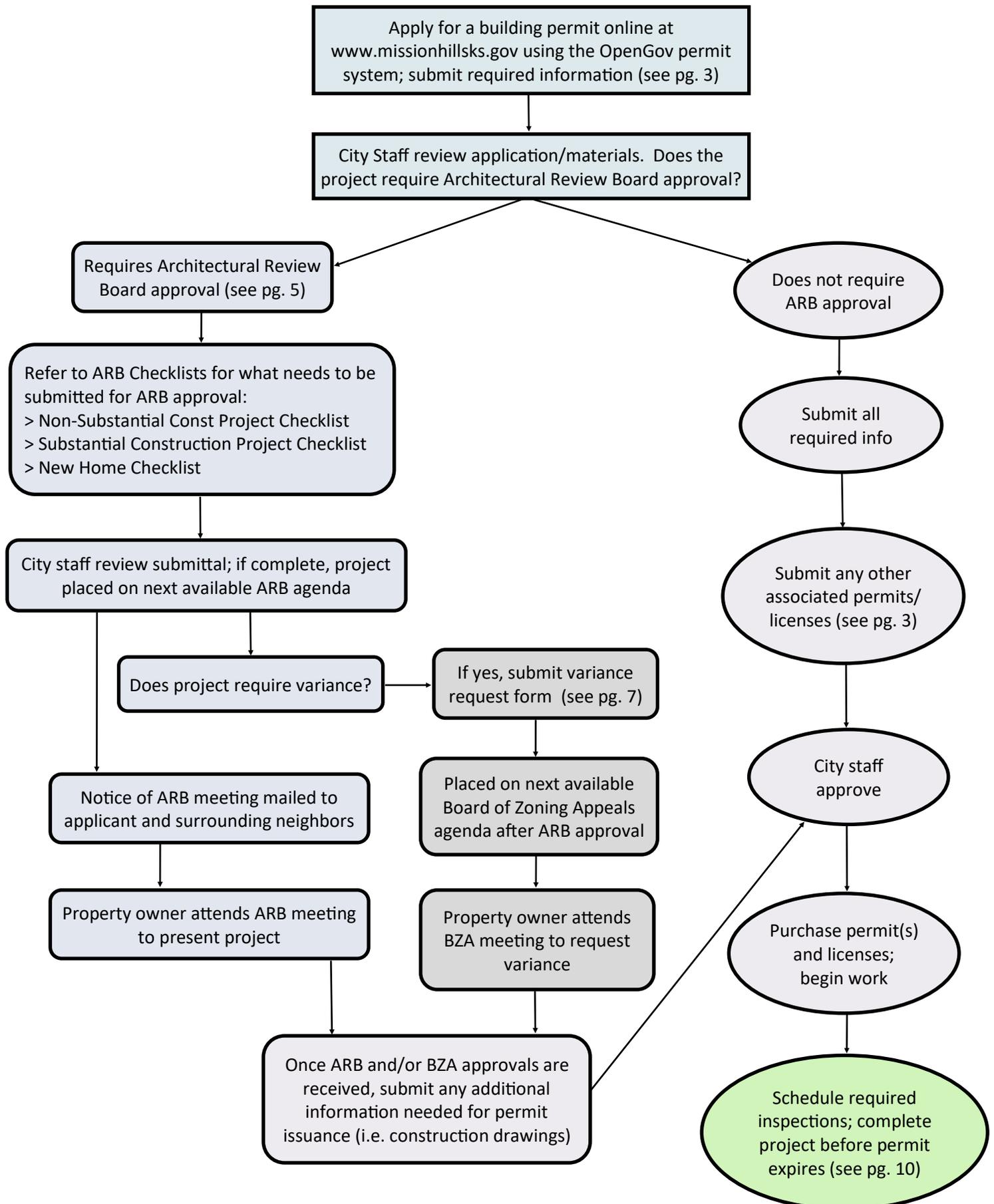
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## IMPORTANT LINKS

- [Zoning Regulations](#)
- [Design Guidelines](#)
- [Building Code](#)
- [Comprehensive Plan](#)
- [Online Permitting](#)
- [ARB Schedule](#)
- [Drainage Study Requirements](#)

# Building Permit Process



# Applying for Permits

## Apply for permit

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Apply for a permit online through the ViewPoint portal. Go to the City’s website at [www.missionhillks.gov](http://www.missionhillks.gov) and click on “Permits & Licenses”. You will need to create a login and password if you have not done so. You can submit [required supporting documentation](#) through the online system as well; however, the Architectural Review Board process also requires paper supporting documents be submitted to City Hall. The ViewPoint permitting system will inform you of each step in the approval process. When notified, you will also be able to purchase the permit online.

## Permit Types

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**Building permits** are required to erect, construct, reconstruct, move, or alter any structures, whether temporarily or permanently, including interior remodeling, additions, pools, decks, patios, driveways, roof replacements, fences and walls, generators, irrigation systems, and HVAC equipment. Exceptions include minor repairs or purely cosmetic updates such as painting, flooring, and tiling.

**Land disturbance** permits are required for changing physical grade of a property from the natural grade, addition or removal of “fill”, changing the natural flow of stormwater on a property, and any elemental change to a property caused by major landscaping or construction. The purpose is to reduce changes to stormwater drainage areas and eliminate the introduction of sediment and pollution from construction sites and disturbed land into the City’s storm sewers, creeks, and adjoining properties. Refer to this [page](#) for different permit tiers and requirements.

**Whole house demolition** permits are required for demolition of the principal building. The application must be submitted at least 45 days before the demolition permit can be issued. The whole house demolition permit application lists items that must be submitted before the demolition permit can be approved. See Mission Hills [Code Sections 5-1028 and 5-1038.A](#) for applicable regulations. See page 7.

**Interior/accessory structure demolition** permits are required to demolish portions of the interior before a remodeling project can begin or for taking down accessory structures such as cabanas or detached garages.

**NOTE:** Permits are issued for a limited time based on the scope of the project, and all work must be completed within that time frame. See page 10.

# Required Licenses/Certificates

**Mission Hills Occupational License**—Mission Hills requires all contractors to possess an Occupational License. To obtain a license, complete the application online, submit a certificate of liability insurance with the City listed as a holder, and the required fee. The City does not regulate or determine whether those undertaking the construction, alteration, repair, or demolition of structures are qualified to perform such services.

**Johnson County Contractors License**—Mission Hills participates in the Johnson County Contractor Licensing program, which requires all contractors to be licensed with Johnson County by trade to obtain a permit. This program is designed to protect consumers as well as promote construction best practices, standards, and guidelines. Please visit [Johnson County's website](#) for more information and to apply for a license.

**Roofing Contractor Registration Certificate**—The Kansas Roofing Registration Act requires every roofing contractor to obtain a Roofing Contractor Registration Certificate from the Kansas Attorney General in order to legally provide commercial or residential roofing services for a fee.

# City Review & Approval of Permits

City staff must approve all permits before they can be issued. Building permits that include exterior changes must first be approved by the City's Architectural Review Board before the permit can receive final staff approval. The ARB has given City staff authority to approve some routine exterior projects on their behalf, such as fences and replacements of patios, windows, and driveways under certain circumstances.

## Required Plans/Documents

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[Other information](#) may be required in addition to the permit application, such as:

- Photos of the house/site
- Boundary pin surveys (completed by a licensed surveyor)
- Site plans
- Elevation drawings
- Product specification sheets
- Construction drawings
- Project bid sheet/proposal/contract
- [Erosion and Sediment Control Plan](#)
- [Stormwater Drainage Study](#)
- [Floodplain permit](#)
- [Tree Protection Plan](#)

Documents should be uploaded to the [online permitting](#) system. Documents for projects requiring Architectural Review Board approval must be submitted to City Hall in paper form. See page 6 for ARB submittal information.

## Review Fees

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Plan Review Fee for Architectural Review Board—Lesser of \$250 or 50% of estimated building permit fee

Professional Review Panel Fee—\$2,000

Substantial Construction Drawings Review Fee—\$400

## City Approval

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The permit application and information will be reviewed to ensure the project complies with the [Zoning Regulations](#), [Design Guidelines](#), and [Building Codes](#).

The project is subject to all applicable regulations within the City's Code of Ordinances, whether specifically stated in this document or not—including, but not limited to, Zoning, Building Code, Construction, Stormwater, and Land Disturbance.

## Other Requirements

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Your project may also be subject to obtaining permits, licenses, and/or other approvals from other County, State, or Federal agencies. Applicants are responsible for contacting these agencies and obtaining necessary approvals.

# Architectural Review Board

## Purpose and Criteria for Approval

The Architectural Review Board is comprised of 5 residents and its purpose is to ensure that all structures within the City conform to minimum architectural and aesthetic standards of appearance. Per [City Code Section 5-146](#), the ARB cannot approve a project unless the following findings have been met:

- The structure to be erected or altered does, or will, meet the customary architectural requirements in appearance and design for a structure of the type proposed, and that the proposed structure is, or will be, in general conformity with the style and design of surrounding structures;
- The proposed structure will not adversely affect the values of surrounding properties and will not adversely affect the health, safety, and general welfare of the residents of the City;
- The proposed structure conforms to the Design Guidelines adopted by the City Council or, if it does not conform to the Design Guidelines, that the applicant has provided sufficient justification for deviation from the Design Guidelines;
- In the case of a Substantial Construction Matter (other than a pool or Outdoor Recreational Facility), the structure to be erected or altered does or will meet the recommendation of the Professional Review Panel, and if it does not meet the recommendation, that there is sufficient justification for deviating from those aspects of the recommendation that are not accepted by the ARB; and
- The proposed structure conforms to the principles of the [Comprehensive Plan](#).

**NOTE:** The factors to be examined when considering the above findings can be found in [City Code Section 5-147](#).

## Zoning Regulations

The [Zoning Regulations](#) are found in Chapter 5 of the Code of Ordinances. These regulations provide comprehensive regulations of the use and development of land in an effort to promote the health, safety, comfort and general welfare, and property values throughout Mission Hills. Consult the Zoning Regulations when designing your project to ensure it is in compliance with applicable setbacks, height limits, size limits, etc. If your project violates any of the Zoning Regulations, it will require a variance from the Board of Zoning Appeals after the ARB approves it. See page 8 for BZA information. Many of the building setbacks are based on the size of the lot. See Code Section 5-118 in the Zoning Regulations for the lot size categories.

## Design Guidelines

The [Design Guidelines](#) provide development recommendation in an effort to preserve and conserve the essential historic design patterns of Mission Hills, and to ensure that each lot and home contribute to the legacy of permanence and architectural excellence established by J.C. Nichols in the original design of Mission Hills. The Design Guidelines were created to make the design review process transparent and predictable. The ARB requires that a project meet the Design Guidelines unless there is sufficient justification not to.

**Greenspace Recommendation:** Setting Mission Hills apart from virtually every other community is its greenspace, the skillful integration of the natural terrain of Mission Hills with the strong, naturalistic landscape originally designed by J.C. Nichols. The Design Guidelines recommend a certain percentage of each lot remain greenspace. The recommended percentage is based on the size of the lot.

Lots up to 19,999 sq. ft.—60%

Lots 20,000-43,559 sq. ft.—65%

Lots 43,560 sq. ft. and above—70%

# Architectural Review Board (continued)

## **Required Information**

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The Architectural Review Board requires certain information be submitted before the project can be reviewed. There are three ARB Checklists which outline what needs to be submitted to City Hall before a project can be placed on an ARB agenda. Review the checklist related to your project. Contact City Hall if you have any questions.

[ARB Checklist for New Homes](#)

[ARB Checklist for Substantial Construction Projects](#)

[ARB Checklist for Non-Substantial Construction Projects](#)

## **Substantial Construction Project Definition**

A project is considered substantial construction if it is one of the following:

- A new principal building (home)
- An addition of 3,000 sq. ft. or more to an existing principal building
- An addition of which results in at least a 50% increase of the footprint or square footage of the principal building
- An Outdoor Recreational Facility of any size, or a Pool having a depth greater than 2 feet (except for a hot tub, Jacuzzi or whirlpool); provided, however, that the replacement of an existing Outdoor Recreational Facility or Pool within the same footprint as the existing Facility or Pool shall not be a Substantial Construction Matter. [Outdoor Recreational Facilities include any structure devoted primarily to recreational activities, including, but not limited to, sport courts (such as tennis courts, handball courts, racquetball courts, and basketball courts), and trampoline pits.]

## **Meeting Dates and Submittal Deadlines**

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The Architectural Review Board requires certain information be submitted before the project can be reviewed. The ARB generally meets every 2 weeks with some variation due to holidays. Review the [schedule](#) of meeting dates and submittal deadlines. Substantial Construction projects must be submitted at least 5 weeks before the ARB meeting when you would like your project reviewed. After all the required information is submitted to City Hall, the project will be placed on the next applicable ARB agenda and notice letters will be mailed to the property owner and surrounding neighbors.

## **Changes to Approved Project**

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If you decide to make changes after the ARB has approved the project, you will most likely need to return to the ARB for re-approval. A list of the changes along with revised plans with the changes clouded must be submitted to City Hall for approval.

# New Home Approval Process

To ensure that each new home in Mission Hills will complement our unique community, all new homes must be reviewed by the City's Professional Review Panel and approved by the Architectural Review Board. More detailed information can be found in the "[Building a New Home in Mission Hills](#)" brochure.

## **Step #1—Gather information about your lot**

Check with Johnson County Records and Tax Administration to see if there are any deed restrictions on your property. Have a boundary pin survey completed with information required for the demolition permit, which will include location of easements.

## **Step #2—Determine Applicable Regulations and Guidelines**

You or your architect should contact City staff to determine the building setbacks, lot coverage limits, and greenspace recommendation. Read the Introduction and Chapter 1 of the Design Guidelines to determine which are applicable to your lot.

## **Step #3—Pre-Application Conference with City**

Submit a preliminary conceptual design to City staff and schedule review conference. City staff will review the design to determine if it complies with the Zoning Regulations and Design Guidelines.

## **Step #4—Decide Next Steps**

Based on the Pre-Application Conference, determine whether to proceed with your submitted design, make changes to your design, or invest in a different lot.

## **Step #5—Submit Required Plans and Information to City**

Refer to the Architectural Review Board Checklist for new homes, and submit all required information.

## **Step #6—Professional Review Panel**

You and your architect will meet with the City's Professional Review Panel who will review the plans and make a recommendation to the Architectural Review Board to either approve, approve with conditions, or deny your project.

## **Step #7—Architectural Review Board**

Present your project to the Architectural Review Board for approval. The ARB may require changes to be made to the project before approving. See page 5 for more information about the ARB. NOTE: If the project violates a Zoning Regulation, the project must be granted a variance by the Board of Zoning Appeals after ARB approval.

## **Step #8—Construction Drawings**

Submit construction drawings for review by the Building Inspector. Review of the drawings can take 1-2 weeks.

## **Step #9—Provide Additional Information if Needed**

Check with the City to see if any additional information is required.

## **Step #10—Purchase Permit and Begin Work**

### **Whole House Demolition**

A demolition permit application and [required information](#) must be submitted to City Hall 45 days before the permit can be paid for and demolition begins. A demolition permit cannot be purchased without also purchasing the building permit with one exception. If you agree to demolish the home, fill in the hole, grade the lot, remove driveways and drive approaches, and sod the lot or have natural ground cover growing on it, then the demolition permit can be purchased first. See Code Section 5-1028 and 5-1038.A for regulations regarding demolitions.

# Board of Zoning Appeals

The Board of Zoning Appeals (BZA) hears all appeals related to variances from the Zoning Regulations, and appeals of decisions made by the Architectural Review Board or City staff. To request a variance or appeal a decision, go to “[Permits and Licenses](#)” on the City’s website. The BZA meets the last Wednesday of each month. Complete applications must be submitted online by the published deadline. See the [BZA Schedule](#) for meeting dates and submittal deadlines. The BZA is comprised of 5 residents.

## **Request for a Variance**

If your project violates a Zoning Regulation, you will need to receive a variance from the BZA before the building permit can be issued. The BZA meets the last Wednesday of the month and the variance request must be submitted at least 4 weeks before that meeting. A description of the variance requested and the hearing date will be published in The Legal Record, and letters will be mailed to all relevant parties involved and the surrounding neighbors.

Kansas statute requires the BZA to agree that 5 conditions have been met before they can grant a variance. Those conditions are:

1. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant; and
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents; and
3. The strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application; and
4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.

## **Appeal of a Decision of the Architectural Review Board or City Staff**

The Board of Zoning Appeals has the power to decide appeals of decisions made by the Architectural Review Board or City staff administering the provisions of the Zoning Regulations or Building Code. **Appeals must be filed within 30 days of the decision at issue.**

The BZA will determine if an order, requirement, decisions, or determination made by the ARB or City staff in the enforcement of the Code of Ordinances is properly made. Whenever a party appeals any decision of the ARB, the BZA shall determine whether or not such decision was reasonable based upon the evidence presented to the ARB and the record of the ARB proceedings. Testimony at the hearing on any appeal from a decision of the ARB shall be limited to a discussion of the evidence presented to the ARB. No new evidence will be considered.

## Stormwater Mitigation

Mission Hills Code Section 5-129.G states that “no structure shall be erected, constructed, reconstructed, moved, demolished, destroyed or altered if such act would cause the surface drainage to change in a manner which would adversely affect surrounding properties.”

No land disturbance activity or construction can increase the quantity and/or rate, or change the direction of stormwater runoff from any property except in accordance with an approved Stormwater Drainage Study.

At a minimum, a [Stormwater Drainage Study](#) is required for any project that meets one or more of the following criteria:

- Adds one thousand square feet (1,000 sq. ft.) or more of impervious surface to a Site.
- Causes the total greenspace on a Site to fall below the minimum greenspace recommendation set forth in the Design Guidelines, except that a Stormwater Drainage Study shall not be required for a project that involves a Site with an existing condition that does not meet the minimum greenspace recommendation if the project meets both of the following requirements:
  - ◆ the project involves replacing existing impervious surface in approximately the same footprint; and
  - ◆ the project will not decrease the existing greenspace on the Site.
- Involves a Site with a documented drainage issue (e.g., historical testimony or letters, Engineer report, etc.).

Refer to the [Comprehensive Water Policy](#) for more information on stormwater regulations and policies in Mission Hills.

## Tree Protection & Tree Removal

Trees are a fundamental aspect of the beauty and design of Mission Hills. Because of the numerous benefits they offer and the time it takes for a tree to reach maturity, the City has enacted a set of ordinances aimed at minimizing damage to these existing trees during all types of construction. A Tree Protection Plan showing all trees on the property and certified by a landscape architect or certified arborist are required for all projects falling within the following criteria:

1. Construction of any new Principal Building or Detached Accessory Building.
2. Any Substantial Exterior Demolition.
3. Any project that adds more than 600 sq. ft. to the footprint of an existing Principal Building or Detached Accessory Building.
4. Any project that tears down more than 10% of an existing Principal Building or Detached Accessory Building.
5. Any Outdoor Recreational Facility that requires excavation of a footing.

**OR** any other project likely to significantly impact trees as deemed by the City Arborist.

See the [Tree Protection Ordinance](#) for more information. Any person pruning or removing trees must have an **Urban Forestry License** through the City. Apply for the license online at [www.missionhillsks.gov](http://www.missionhillsks.gov).

Nothing in the City’s regulations prohibits the removal of dead or overly hazardous trees as deemed by a certified arborist. If trees are removed without approval by the ARB or City Administrator, the property owner will be subject to fines equal to the appraised value of the tree/s as laid out by the *Guide to Tree and Plant Appraisal* utilizing the trunk formula method. Any violation of the Tree Protection Ordinance will result in a stop work order.

# Permit Fees and Durations

Once the permit has been approved and all other required information has been provided, the permit can be purchased and construction can begin. The permit covers only the work that was specifically listed on the permit application that was approved. If you wish to make any changes or add any work to the project during construction, contact City Hall at 913-362-9620.

## Permit Fees

The City Council has adopted a “[Schedule of Fees and Charges](#),” that includes permit fees for building and related activity. The permit must be purchased before any work can begin on the project. The permit placard must be placed on the property and visible from the street—normally in a front door or window.

## Permit Duration

Permits are issued for a specific amount of time and all work must be completed by the deadline or a permit extension purchased. The City recommends that you do not purchase the permit until you are ready to begin work as the time allowed for the project to be completed begins once the permit is purchased.

Type of permit	Duration
Roof/Fence/HVAC	30 days*
Driveway/Generator	60 days
Pool	9 months
Interior Remodel	9 months
Substantial Remodel (50% or 3,000 square feet or more)	12 months
Addition	12 months
Substantial addition (3,000 square feet or more)	18 months
New Structure	18 months
New Structure (6,500 square feet or more)	24 months

Once the permit expires, it becomes null and void and no work can take place. The owner may request a **permit extension** for up to half the time of the original permit, but no longer than 6 months. The permit extension will cost 25% of the original permit fee for each month granted. If the project is not completed by the end of the permit extension period, the owner must request a secondary extension from the City Council.

*\*Permits for 30 days or less cannot be given an extension.*

## Working Without a Permit

Penalties will be assessed to the contractor for failure to purchase a building permit before beginning work. The first violation within a 24-month period will result in a \$500 penalty. The second violation with a 24-month period will result in a \$1,000 penalty. The third violation within a 24-month period will result in a \$2,000 penalty and revocation of the contractor’s occupational license from the date of the third violation.

## Performance Bonds

The City requires performance bonds (or checks) for concrete work, substantial construction projects, and Tier #3 land disturbance permits. Once the project is completed and there is no damage to City infrastructure or to neighboring properties, the performance bond/check will be returned to the contractor.

# Completing Your Project

## **Construction Noise Hours**

Any noise associated with the construction, erection, alteration or repair of a structure is not allowed on Sunday or legal holidays. See Code Section 4-115—9.16(c). **Construction noise** is allowed from 8:00 a.m. to 8:00 p.m. on Monday, Tuesday, Wednesday and Thursday, and from 8:00 a.m. to 6:00 p.m. on Fridays and Saturdays.

**Heavy construction noise** is permitted from 8:00 a.m. to 6:00 p.m. Monday through Saturday. Heavy construction is defined as the operation of heavy machinery or equipment, which includes, but is not limited to, the running or operation of any tractor, bulldozer, grader, cement mixer, dump truck, pile driver, fork lift, loader, crawler-tractor, pavement breaker, trencher, rotary drill or auger, crane or any other similar large piece of construction machinery, equipment or tool activity of any kind.

## **Schedule Inspections**

Call City Hall (913-362-9620) a minimum of 24 hours in advance to schedule a building inspection. Have the property owner's name, address, and permit number, and the inspection type before making the call.

## **Site Maintenance During Construction**

It is the contractor's responsibility to maintain a construction site that is free of debris and respects the quality of life of the surrounding neighborhood. If you are utilizing a dumpster, the contents must be removed and disposed prior to the contents exceeding the height of the dumpster walls, or more frequently if necessary to prevent a nuisance condition. All vehicles must obey "no parking" signs. No person other than City staff is allowed to remove "no parking" signs. The City's Chief Building Inspector may require additional site maintenance during construction.

## **Applicable Buildings Codes**

- International Building Code (2018)
- International Residence Code (2018)
- National Electrical Code (2017)
- International Mechanical Code (2018)
- International Plumbing Code (2018)
- International Energy Conservation Code (2018)
- International Fire Code (2018)
- International Fuel Gas Code (2018)
- International Swimming Pool and Spa Code (2018)