

# Memo

To: City Commission  
From: Toby Dougherty, City Manager  
Date: 8-11-16  
Re: August 18, 2016 Work Session

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Please find the attached agenda and supporting documentation for the August 18, 2016 Work Session.

## Item 2 – Oak Street Waterline – Award of Bid

Please refer to the attached memorandum from John Braun, Assistant Director of Public Works, regarding the Oak Street waterline replacement. This is part of the City's Capital Improvement Plan. City staff is suggesting the replacement of the Oak Street water main from 20<sup>th</sup> Street to 26<sup>th</sup> Street. The existing main will not only be replaced but also upgraded from a four-inch to an eight-inch line. City staff sought an alternate bid to do some major street work in the area as it would be more cost effective to do it while the street is under repair for the waterline project. \$500,000 was budgeted for the project. The total cost for the base waterline repair plus alternate for the street repair is \$444,777.50.

## Item 3 – Adoption of Revised Zoning Map

A few weeks ago, the City Commission was presented the draft Unified Development Code for consideration. Part of that process involves a new zoning map. The zoning map development has been going on in a parallel manner to the Unified Development Code. The Hays Area Planning Commission will hold a public hearing on August 15, 2016. It is anticipated that the Planning Commission will approve the map at that time. City staff suggests moving the map forward for consideration at the same meeting as the Unified Development Code; therefore, they would be adopted at the same time. Greg Sund, Director of Public Works, and Jesse Rohr, Planning, Inspection and Enforcement Superintendent, will be at the work session and have a much more in-depth presentation and will be prepared to answer any questions.

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**CITY OF HAYS  
CITY COMMISSION WORK SESSION  
THURSDAY, AUGUST 18, 2016 – 6:30 P.M.  
AGENDA**

1. **ITEM FOR REVIEW: [August 4, 2016 Work Session Notes \(PAGE 1\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Kim Rupp, Director of Finance
2. **ITEM FOR REVIEW: [Oak Street Waterline – Award of Bid \(PAGE 5\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Johnny O'Connor, Director of Utilities  
Greg Sund, Director of Public Works
3. **ITEM FOR REVIEW: [Adoption of Revised Zoning Map \(PAGE 11\)](#)**  
DEPARTMENT HEAD RESPONSIBLE: Greg Sund, Director of Public Works
4. **OTHER ITEMS FOR DISCUSSION**
5. **EXECUTIVE SESSION (IF REQUIRED)**
6. **ADJOURNMENT**

**ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.**



City of Hays  
City Commission  
Work Session Notes  
Thursday, August 4, 2016 – 6:30 p.m.

Present: Eber Phelps, Shaun Musil, James Meier, Lance Jones, Todd Powell, Toby Dougherty, and Kim Rupp

Absent: Henry Schwaller IV

**July 21, 2016 Work Session Notes**

There were no corrections or additions to the minutes of the work session held on July 21, 2016; the minutes stand approved as presented.

**Discussion of Location for Westbound I-70 Monument Sign**

The City awarded a contract for the construction of “Welcome to Hays” signs at the March 10, 2016 City Commission meeting. The original plan called for construction of the westbound sign within the I-70 right of way, just east of the Commerce Parkway exit. In addition, the plan also included an eastbound sign near Arnhold Park on the south side of the interstate. Subsequently, the westbound sign was not approved by the Kansas Department of Transportation and Federal Highway Administration. Two alternative locations are being considered for the westbound sign.

Rich Rekoske, Convention and Visitors Bureau Director, discussed the two locations being considered. City staff recommends a location along the north side of I-70 on private property just east of the original location. The private property on the north side of I-70 would require the acquisition of a permanent signage easement at a one-time cost of \$1,645 and the cost to construct a fence around the sign.

City Manager, Toby Dougherty, stated no action is required by the Commission, but asked for their input.

It was the consensus of the Commission to move forward with the construction of the westbound “Welcome to Hays” sign at the north side of I-70 location.

## **2016 Street Maintenance – Supplemental Diamond Grinding Contract**

John Braun, Assistant Director of Public Works, stated in March, the City Commission approved bids for 2016 Street Maintenance Projects. Diamond grinding sections of Canterbury and 27<sup>th</sup> Streets was included. The contractor hired to grind the bumps from the concrete streets, APAC of Hays, has been unable to achieve the level of improvement expected by the City.

City staff has contacted the next low bidder, West Fork, LLC in regards to accomplishing the work that APAC's grinding subcontractor, Interstate Grinding of Garden City, was not able to complete. West Fork has much larger equipment than Interstate Grinding, and they successfully accomplished this same work on Commerce Parkway in 2013. West Fork has agreed to honor their bid price of \$168,080.12, and could accomplish the work in October.

The areas ground by the current contractor would have to be redone to achieve the desired improvement. Therefore, it will take the full amount of West Fork's original bid to complete the job. This project also includes a significant amount of pavement markings, which includes the entire intersections of 27<sup>th</sup> & Vine and 13<sup>th</sup> & Canterbury.

Staff is working with the City Attorney on terminating the contract with APAC, and determining due compensation.

At the August 11, 2016 Commission meeting, Commissioners will be asked to authorize the City Manager to enter a contract with West Fork LLC in the amount of \$168,080.12 for diamond grinding Canterbury from 12<sup>th</sup> to 13<sup>th</sup> Street and 27<sup>th</sup> Street from Vine to Sherman, to be funded out of Special Highway.

## **Possible Changes to the Extraterritorial Jurisdiction**

The Ellis County Commission directed the County Administrator to initiate discussion with the City of Hays on possible modifications to the extraterritorial zoning jurisdiction (ETJ), sometimes referred to as the three-mile boundary. The City Manager and County Administrator met and developed a revised ETJ boundary that was presented to the Hays Area Planning Commission for

comment at its July 18, 2016 regular meeting. The Planning Commission was generally supportive of the proposed modifications.

City Manager, Toby Dougherty, presented the proposed changes to the Commissioners and asked for their input. The proposed changes call for reducing the jurisdiction by approximately 19 square miles, mostly to the south and west of town, where significant growth is not likely due to state owned property or floodplain issues. He stated from the City standpoint he feels this protects our growth areas for a long time to come. He also stated this is not an immutable boundary; it can be changed should we experience a growth spurt.

The Commissioners were supportive of the proposed changes to the ETJ, which will now be shared with the Ellis County Commission for their consideration.

**Lots 19 & 20, Hays Airport Industrial Park, Hays Medical Center – Surface Nondisturbance Agreement and Declaration**

Commissioner Meier recused himself from this discussion because he is an employee of Hays Medical Center.

Hays Medical Center is purchasing the surface rights in Lots 19 and 20 at Hays Airport Industrial Park from Heart of America Development Corporation. The City of Hays owns the minerals under these lots. Hays Medical Center has requested a Surface Nondisturbance Agreement and Declaration from the City of Hays to ensure that there will be no drilling for minerals on the property.

Todd Powell, on behalf of City Attorney, John Bird, stated due to the proximity to the airport there are aviation easements which would prevent development. He stated the City Attorney has reviewed the agreement and recommends that the Surface Nondisturbance Agreement and Declaration be approved.

At the August 11, 2016 Commission meeting, Commissioners will be asked to approve the Surface Nondisturbance Agreement and Declaration.

**Other Items for Discussion**

There were no other items for discussion.

The work session was adjourned at 7:10 p.m.

Submitted by: \_\_\_\_\_

Brenda Kitchen – City Clerk

# Commission Work Session Agenda

## Memo

**From:** John Braun, Assistant Director of Public Works

**Work Session:** August 18, 2016

**Subject:** Oak Street Waterline – Award of Bid

**Person(s) Responsible:** Johnny O’Connor, Director of Utilities  
Greg Sund, Director of Public Works

### Summary

Bids have been received for the replacement of a city water main along Oak Street from 20<sup>th</sup> to 26<sup>th</sup> Street. The low bidder is J Corp of Hays. Bid documents were structured with a base bid for the waterline replacement and pavement repairs necessary for the waterline work. An alternate bid was requested for additional pavement work to replace other areas of failed concrete on Oak Street. J Corp’s base bid price is \$363,667.50 with an alternate bid of \$81,110 for a total cost of \$444,777.50. Staff recommends authorizing the City Manager to enter a contract with J Corp in the amount of \$444,777.50 to be funded from Water and Sewer Capital Reserve and Special Highway Fund.

### Background

The existing 4” water main along Oak Street from 20<sup>th</sup> to 26<sup>th</sup> Street is more than 60 years old, does not provide adequate fire protection, and has a history of leaks. It was first identified in the CIP in the 2013 budget. Kaw Valley Engineering designed the project in 2013, but plans have been on the shelf since then. The project will install a new 8” PVC waterline to replace the old 4” line, replace 22 existing services with all new taps, meters, setters and service lines, replace 3 existing fire hydrants and add three additional hydrants for a total of six new fire hydrants.

### Discussion

City Staff advertised the project on July 11<sup>th</sup> and opened bids on August 2, 2016. Bids were received from two contractors: APAC and J Corp both of Hays. The tabulation of bids is attached.

The bid documents were structured so that the base bid included all the water line work and pavement replacement necessary to complete the waterline upgrade. An alternate bid included additional pavement work to replace other areas of failed pavement on Oak Street. Because replacing the additional street panels is important to street maintenance, but not related to the water main replacement, staff proposes to pay for that work out of the Special Highway Fund.

J Corp presented both the lowest base bid and alternate bid. See summary below:

	Staff Estimate of Cost	APAC	J Corp
<b>Total Cost Base</b>	<b>\$ 388,063.00</b>	<b>\$ 396,970.30</b>	<b>\$ 363,667.50</b>
<b>Total Cost Alternate</b>	<b>\$ 78,321.00</b>	<b>\$ 99,924.50</b>	<b>\$ 81,110.00</b>
<b>Total Cost Base plus Alternate</b>	<b>\$ 466,384.00</b>	<b>\$ 496,894.80</b>	<b>\$ 444,777.50</b>

J Corp indicated that they would begin work in mid-October and complete the project within 90 working days. A public information meeting will be held prior to work starting to provide adjacent residents the opportunity to learn more about the project and to ask questions.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City Staff.

### **Financial Consideration**

The 2016 CIP included \$550,000 in Water Capital for this project. The base bid of \$363,667.50 is well below the budgeted amount. The alternate bid of \$81,110 for additional pavement repairs to Oak Street could be funded out of Special Highway. Due to some project savings of street maintenance projects this year, staff believes there is sufficient authority in the 2016 Street Maintenance Project to cover the additional cost while staying within City Commission authorized funding.

### **Options**

The City Commission has the following options:

- Accept the low bid from J Corp for both the base bid and alternate bid
- Accept the low bid from J Corp for the base bid only
- Provide alternate direction to City Staff
- Do nothing

### **Recommendation**

Staff recommends accepting the low bid from J Corp for both the base and the alternate bid.

### **Action Requested**

Authorize the City Manager to enter a contract with J Corp in the amount of \$444,777.50 for both the base bid and the alternate bid. The base bid amount of \$363,667.50 to be paid out of Water Capital and the alternate bid amount of \$81,110.00 to be funded out of Special Highway.

### **Supporting Documentation**

2016 Budget Project Justification Sheet  
Bid Tabulation

**PROJECT FORM**

**PROJECT:** Waterline Upgrades – Oak Street  
**FISCAL YEAR:** 2016  
**FUND:** Water and Sewer  
**DEPARTMENT:** Utilities



**PROJECT DESCRIPTION:** Replace waterline on Oak Street from 20<sup>th</sup> to 26<sup>th</sup> Street. Upgrade old 4” line to 8” line.

**NEED, JUSTIFICATION, BENEFIT:** The replacement of the old line on Oak Street will reduce the frequency of water main breaks and provide better water service for domestic use and Fire protection in this older portion of town.

**CONSEQUENCES OF DELAYING OR ELIMINATING THIS PROJECT:** Delaying this waterline upgrade will perpetuate the increasing number of waterline breaks and subsequent service calls in these areas as well as the hazard of having substandard water volume for fire suppression.

**THIS PROJECT IS RELATED TO THE FOLLOWING:** Operation and maintenance of the water distribution systems.

**EXPLANATION OF IMPACT ON OPERATING BUDGET:** This may have a positive impact on the operating budget by reducing the occurrence of future line breaks. This would be Capital Improvement expenditure out of the Water/Sewer Fund.

**TIMELINE/CURRENT STATUS:** This project has already been designed and is ready to bid.

**COMMENTS:**

<b>IMPACT ON OPERATING BUDGET:</b>		<b>FINANCING:</b>	
2016	\$	Water/Sewer Fund	\$550,000
2017	\$		\$
2018	\$		\$
2019	\$		\$
2020	\$		\$
5-YEAR TOTAL:	\$		\$

COH Project 2016-10  
 2016 Waterline Improvements  
 Bid Tabulation: August 2, 2016

**Waterline Improvements - Pine from 20th to 26th**

Item No.	Item	Quantity	Unit	APAC		J-Corp	
				Contractor 1	Contractor 2	Contractor 1	Contractor 2
				Unit Cost	Total Cost	Unit Cost	Total Cost
1	4" Concrete Sidewalk (AE)	2470	S.F.	\$ 5.20	\$12,844.00	\$ 5.25	\$12,967.50
2	Concrete Integral Curb (AE)	353	L.F.	\$ 5.45	\$1,923.85	\$ 36.00	\$12,708.00
3	Combined Curb & Gutter (AE)	290	L.F.	\$28.25	\$8,192.50	\$38.00	\$11,020.00
4	8" Concrete Paving (AE)	1855	S.Y.	\$85.15	\$157,953.25	\$56.00	\$103,880.00
5	8" Concrete Return/Entrance (AE)	252	S.Y.	\$67.75	\$17,073.00	\$62.00	\$15,624.00
6	6" Driveway Entrance (AE)	80	S.Y.	\$60.45	\$4,836.00	\$56.00	\$4,480.00
7	ADA Detectable Surface	67	S.Y.	\$190.00	\$12,730.00	\$70.00	\$4,690.00
8	Asphalt Pavment	99	S.Y.	\$69.25	\$6,855.75	\$100.00	\$9,900.00
9	Connecting to Existing Water Main	12	Ea.	\$1,060.00	\$12,720.00	\$1,250.00	\$15,000.00
10	Sewer Encasement	60	L.F.	\$39.00	\$2,340.00	\$105.00	\$6,300.00
11	8" Water Main (C900 PVC)	2049	L.F.	\$18.80	\$38,521.20	\$30.00	\$61,470.00
12	Meter Assembly	22	Ea.	\$1,170.00	\$25,740.00	\$1,100.00	\$24,200.00
13	1" Water Service Line	375	L.F.	\$27.25	\$10,218.75	\$13.00	\$4,875.00
14	8" x 8" x 8" Tee	5	Ea.	\$405.00	\$2,025.00	\$525.00	\$2,625.00
15	8" x 8" Cross	2	Ea.	\$585.00	\$1,170.00	\$420.00	\$840.00
16	8" x 8" x 4" Tee	1	Ea.	\$495.00	\$495.00	\$400.00	\$400.00
17	8" Gate Valve & Box	14	Ea.	\$1,230.00	\$17,220.00	\$1,100.00	\$15,400.00
18	8" x 45 deg Bend	7	Ea.	\$320.00	\$2,240.00	\$375.00	\$2,625.00
19	8" x 6" Reducer	1	Ea.	\$235.00	\$235.00	\$300.00	\$300.00
20	8" x 4" Reducer	6	Ea.	\$225.00	\$1,350.00	\$250.00	\$1,500.00
21	4" x 45 deg Bend	14	Ea.	\$255.00	\$3,570.00	\$300.00	\$4,200.00
22	4" Water Main (C900 PVC)	55	Ea.	\$34.00	\$1,870.00	\$25.00	\$1,375.00
23	Fire Hydrant Assembly	6	Ea.	\$4,300.00	\$25,800.00	\$3,500.00	\$21,000.00
24	6" Fire Line (DIP)	67	L.F.	\$41.00	\$2,747.00	\$64.00	\$4,288.00

25	Mobilization	1	L.S.	\$19,000.00	\$19,000.00	\$15,000.00	\$15,000.00
26	Traffic Control	1	L.S.	\$7,300.00	\$7,300.00	\$7,000.00	\$7,000.00

**Total Cost Base** \$396,970.30 \$363,667.50

**Additional Pavement Alternate**

Item No.	Item	Quantity	Unit	APAC		J Corp	
				Contractor 1	Contractor 3	Contractor 1	Contractor 3
				Unit Cost	Total Cost	Unit Cost	Total Cost
A1	4" Concrete Sidewalk (AE)	1594	S.F.	\$5.45	\$ 8,687.30	\$5.00	\$ 7,970.00
A2	Concrete Integral Curb (AE)	178	L.F.	\$5.40	\$ 961.20	\$34.50	\$ 6,141.00
A3	Combined Curb & Gutter (AE)	484	L.F.	\$32.25	\$ 15,609.00	\$36.00	\$ 17,424.00
A4	8" Concrete Paving (AE)	550	S.Y.	\$94.50	\$ 51,975.00	\$55.00	\$ 30,250.00
A5	8" Concrete Return/Entrance (AE)	133	S.Y.	\$74.00	\$ 9,842.00	\$59.00	\$ 7,847.00
A6	6" Driveway Entrance (AE)	206	S.Y.	\$55.00	\$ 11,330.00	\$53.00	\$ 10,918.00
A7	ADA Detectable Surface	8	S.Y.	\$190.00	\$ 1,520.00	\$70.00	\$ 560.00

**Total Cost Alternate** \$ 99,924.50 \$ 81,110.00

	APAC	J Corp
<b>Base Plus Alternate</b>	<u><u>\$496,894.80</u></u>	<u><u>\$ 444,777.50</u></u>

# Commission Work Session Agenda

## Memo

**From:** Jesse Rohr, PIE Superintendent

**Work Session:** August 18, 2016

**Subject:** Adoption of Revised Zoning Map

**Person(s) Responsible:** Greg Sund, Director of Public Works

### Summary

As part of the development of the Unified Development Code (UDC), staff and Kendig Keast Collaborative have been working on revisions to the official adopted zoning map which is supplemental to the UDC. Since many of the zoning districts will change in the UDC, the proposed zoning map reflects the districts as they appear in the UDC. Other minor changes are proposed as well to ensure the official map parallels the UDC. The official zoning map and the UDC are codependent on one another – they need to be adopted together and will work in conjunction with each other once adopted. Staff, as well as the Planning Commission, recommends approving the revised zoning map as submitted which will become the new “official” zoning map for the City of Hays and extraterritorial jurisdiction area.

### Background

- The UDC project has been ongoing since June, 2014. This equates to 24+ months of work thus far that has gone into rewriting this set of regulations.
- Utilized input from staff, developers, realtors, contractors, engineers, the consultant, and other various community interest groups.
- State Statute requires the governing body to adopt an “official” zoning map as part of the zoning regulations, or in this case, the UDC.

### Discussion

The current City of Hays Zoning and Subdivision Regulations are first generation and suburban in nature. Rewriting the Zoning and Subdivision Regulations was the top recommendation of the adopted 2012 Comprehensive Plan. As part of the development of the Unified Development Code (UDC), there was a supplemental project to develop a new official zoning map. Since many of the zoning districts will change in the UDC, the proposed zoning map reflects the districts as they appear in the UDC. The zoning map and the UDC are codependent on one another – they need to be adopted together and will work in conjunction with each other once adopted. The process of adopting a new zoning map requires a public hearing be conducted by the Planning Commission prior to consideration by the City Commission. That hearing will be held on August 15, 2016.

The most notable changes incorporated into the new zoning map include the new Neighborhood Conservation (NC) zones, the new Residential General (RG) zones; a reversion of some undeveloped areas back to agricultural; and a general clean-up and realignment of the districts with their respective boundaries. In addition, the map legend references the new Mixed Use (MU) zone. We do not have that zone designation in place at this point, but the UDC provides for its use at a later time. Staff worked with the consultant, Kendig Keast Collaborative, as well as I.T. and GIS staff to create the draft map.

The Neighborhood Conservation (NC) district mentioned above is a new concept for Hays and the zoning regulations. The NC district is intended to provide for neighborhood stability while at the same time allowing for reasonable expansion and in some cases, new construction, in established residential neighborhoods. The NC district is generally characterized by development of existing residential neighborhoods that predated the effective date of this Code. The NC district keeps a property from being designated as “legally non-conforming,” and instead creates “conforming” property. The NC district allows for alternative lot sizes and building setbacks that are consistent with those in the existing neighborhood, therefore greatly reducing or even eliminating the need for variances and a public hearing process.

### **Legal Consideration**

There are no known legal obstacles to proceeding as recommended by City staff.

### **Financial Consideration**

None noted.

### **Options**

The City Commission has the following options:

- Approve the revised zoning map as submitted to be effective upon adoption of the UDC
- Request further changes or considerations to the zoning map
- Provide staff further direction

### **Recommendation**

Staff recommends approving the revised zoning map as submitted which will become the new “official” zoning map for the City of Hays and extraterritorial jurisdiction area.

### **Action Requested**

Approve the ordinance adopting the revised zoning map (along with the UDC) as presented.

### **Supporting Documentation**

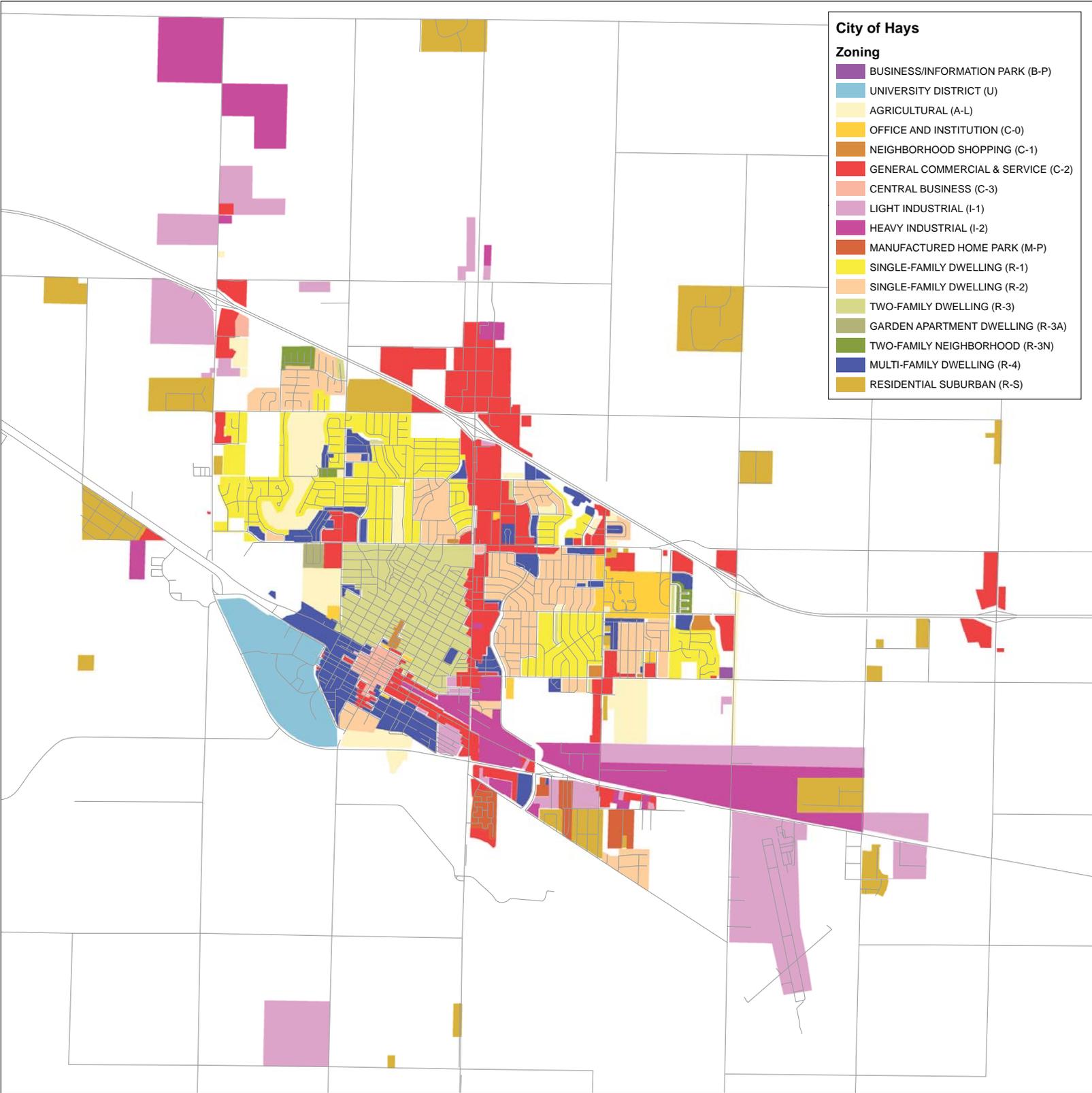
Current Zoning Map  
Draft Zoning Map  
UDC and Zoning Map Adopting Ordinance

# CURRENT ZONING MAP

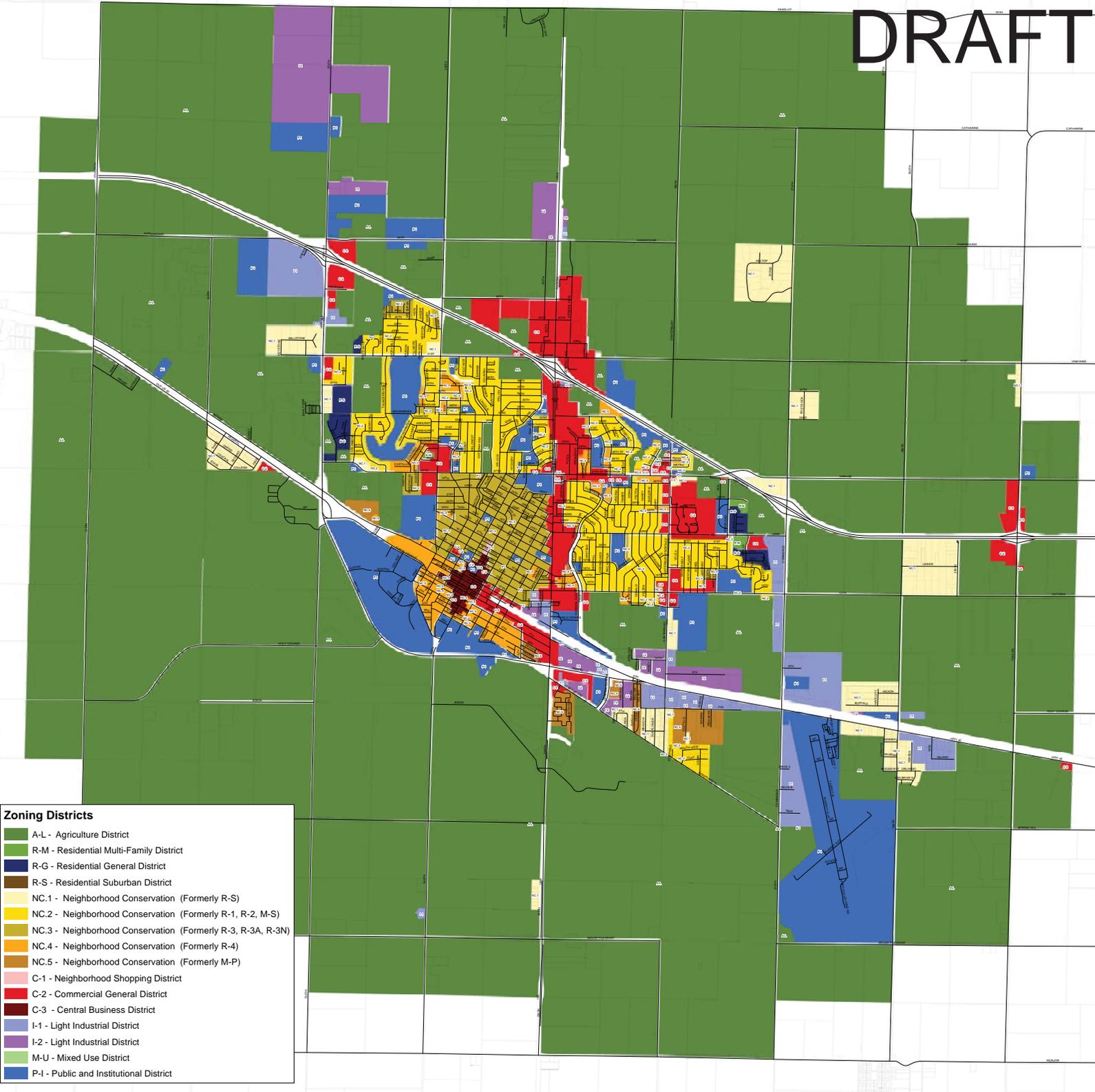
**City of Hays**

**Zoning**

	BUSINESS/INFORMATION PARK (B-P)
	UNIVERSITY DISTRICT (U)
	AGRICULTURAL (A-L)
	OFFICE AND INSTITUTION (C-0)
	NEIGHBORHOOD SHOPPING (C-1)
	GENERAL COMMERCIAL & SERVICE (C-2)
	CENTRAL BUSINESS (C-3)
	LIGHT INDUSTRIAL (I-1)
	HEAVY INDUSTRIAL (I-2)
	MANUFACTURED HOME PARK (M-P)
	SINGLE-FAMILY DWELLING (R-1)
	SINGLE-FAMILY DWELLING (R-2)
	TWO-FAMILY DWELLING (R-3)
	GARDEN APARTMENT DWELLING (R-3A)
	TWO-FAMILY NEIGHBORHOOD (R-3N)
	MULTI-FAMILY DWELLING (R-4)
	RESIDENTIAL SUBURBAN (R-S)



# DRAFT



- Zoning Districts**
- A-L - Agriculture District
  - R-M - Residential Multi-Family District
  - R-G - Residential General District
  - R-S - Residential Suburban District
  - NC.1 - Neighborhood Conservation (Formerly R-S)
  - NC.2 - Neighborhood Conservation (Formerly R-1, R-2, M-S)
  - NC.3 - Neighborhood Conservation (Formerly R-3, R-3A, R-3N)
  - NC.4 - Neighborhood Conservation (Formerly R-4)
  - NC.5 - Neighborhood Conservation (Formerly M-P)
  - C-1 - Neighborhood Shopping District
  - C-2 - Commercial General District
  - C-3 - Central Business District
  - I-1 - Light Industrial District
  - I-2 - Light Industrial District
  - M-U - Mixed Use District
  - P-1 - Public and Institutional District

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE ADOPTING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF HAYS, KANSAS, AND THE OFFICIAL ZONING MAP AND REPEALING: CHAPTER 11, BUILDING AND BUILDING REGULATIONS, ARTICLE II, DIVISION 5, SECTION 134, TEMPORARY STORAGE UNITS/SHIPPING CONTAINERS; CHAPTER 11, BUILDING AND BUILDING REGULATIONS, ARTICLE II, DIVISION 5, SECTION 135, PERMANENT STORAGE UNITS/SHIPPING CONTAINERS; CHAPTER 26, ENVIRONMENT, SECTION 1, WIND TOWERS; CHAPTER 56, STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE II, SECTION 55, WIDTH AND LOCATION OF SIDEWALKS; CHAPTER 56, STREETS, SIDEWALKS AND PUBLIC PLACES, ARTICLE II, SECTION 56, CERTAIN CURB SIDEWALKS PROHIBITED; EXCEPTIONS; CURB LANDING STRIPS; PARKING WALKS; CHAPTER 59, SUBDIVISIONS, OF THE CITY OF HAYS, KANSAS MUNICIPAL CODE; AND CHAPTER 71, ZONING OF THE CITY OF HAYS, KANSAS MUNICIPAL CODE AND RE-ENTITLING IT “UNIFIED DEVELOPMENT CODE”.**

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**WHEREAS**, the City Commission of the City of Hays desires to adopt the Unified Development Code of the City of Hays, Kansas; and

**WHEREAS**, the Unified Development Code replaces certain ordinances or parts of ordinances previously adopted by the City Commission; and

**WHEREAS**, the Unified Development Code, shown on Attached Exhibit “A” includes an Official Zoning Map shown on Attached Exhibit “B”; and

**WHEREAS**, the City of Hays Planning Commission held a public hearing on May 16, 2016, duly noticed as prescribed by law, to review the initial draft of the Unified Development Code; and

**WHEREAS**, the Hays Area Planning Commission held a public hearing on August 15, 2016, duly noticed as prescribed by law and recommended approval of the Official Zoning Map attached hereto as Exhibit “B”, as is set forth in the minutes of said meeting; and

**WHEREAS**, the City of Hays City Commission held a public work session on August 18, 2016, duly noticed as prescribed by law, to review the initial draft of the Unified Development Code; and

**WHEREAS**, a public hearing by the City Commission was held on August 25, 2016, at which time all owners of property affected and other citizens of the city were given the opportunity to voice their protests, suggestions, or criticisms, if any and to determine whether the

Unified Development Code and the Official Zoning Map, both recommended favorably by the Planning Commission, should be adopted.

**NOW THEREFORE,**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS**

**Section 1.** The Unified Development Code of the City of Hays, Kansas, a copy of which is attached hereto as Attachment “A” is adopted for the purposes and intent set forth therein.

**Section 2.** The City of Hays Official Zoning Map, a copy of which is attached hereto as Attachment “B”, a print of which is dated and signed by and by the Mayor of the City of Hays, and including the computer-based electronic version thereof, is adopted as the Official Zoning Map of the City of Hays as of the date shown thereon.

**IT IS FURTHER ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:**

**Section 3.** Chapter 71 of the City of Hays, Kansas, Municipal Code, entitled “Zoning”, is hereby repealed in its entirety and Chapter 71 is re-entitled “Unified Development Code”.

**Section 4.** The following Sections and Chapters of the City of Hays, Kansas, Municipal Code, are repealed in their entirety:

- a. Chapter 11, Building and Building Regulations, Article II, Building Regulations, Division 5, Miscellaneous Requirements, Section 134, Temporary storage units/shipping containers;
- b. Chapter 11, Building and Building Regulations, Article II, Building Regulations, Division 5, Miscellaneous Requirements, Section 135, Permanent storage units/shipping containers;
- c. Chapter 26, Article I, Environment In General, Section 1, Wind towers;
- d. Chapter 56, Streets, Sidewalks and Public Places, Article II, Sidewalk Construction and Repair, Section 55, Width and location of sidewalks;
- e. Chapter 56, Streets, Sidewalks and Public Places, Article II, Sidewalk Construction and Repair, Section 56, Certain curb sidewalks prohibited; exception; curb landing strips; parking walks;
- f. Chapter 59, Subdivisions;

**Section 5.** It is specifically noted that Chapter 35, Floods, and Chapter 53, Stormwater Management are not repealed by this Ordinance or by the Unified Development Code.

**Section 6.** Where the Unified Development Code overlaps with other requirements adopted by the City Commission, whichever imposes the more stringent restrictions shall prevail unless otherwise stated in one or the other conflicting law or regulation.

**Section 7.** The sections, paragraphs, sentences, clauses and words of the Unified Development Code are severable, and if any word or words, clause or clauses, sentence or sentences, paragraph or paragraphs, section or sections of the Unified Development Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses or clauses, sentence or sentences, paragraph or paragraphs, section or sections.

**Section 8.** The aforesaid Ordinance and map shall take effect and be in force from and after their passage and publication in the Hays Daily News, the official City newspaper.

PASSED by the Commission on \_\_\_\_\_, 2016.

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EBER PHELPS  
Mayor

ATTEST:

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BRENDA KITCHEN  
City Clerk  
(SEAL)

ATTACHMENT "A"  
(Unified Development Code)

ATTACHMENT "B"  
(Official Zoning Map)