

**CITY OF HAYS
NEIGHBORHOOD REVITALIZATION PLAN**

Effective 1-1-09

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Purpose and Factual Findings

This plan is intended to promote the revitalization and development of the City of Hays by stimulating new construction and the rehabilitation, conservation or redevelopment of the area in order to protect the public health, safety or welfare of the residents of the City of Hays by offering certain incentives, which include tax rebates.

In accordance with the provisions of K.S.A. 12-17,114 *et seq.*, the City Commission has held a public hearing and considered the existing conditions and alternatives with respect to the designated Area, the criteria and standards for a tax rebate and the necessity for interlocal cooperation among the other taxing units. Accordingly, the Commission has carefully reviewed, evaluated and determined the Area meets one or more of the conditions to be designated as a “neighborhood revitalization area”.

Part 1: Legal Description of Neighborhood Revitalization Area

Overall Boundaries:

Beginning at the Northeast corner of Lot Eighteen (18), Block Sixty-three (63), HAYS ORIGINAL;

Thence Southwesterly to the Southeast corner of Lot Twenty-seven (27), Block Three (3), SANTE FE ADDITION;

Thence Northwesterly to the Southeast corner of Lot Twenty-seven (27), Block One (1), SANTE FE ADDITION;

Thence Southwesterly to the Southeast corner of Lot Sixteen (16), Block Two (2), NORMAL ADDITION;

Thence Southwesterly to the Southeast corner of Lot C, Block Two (2), BENOITS SUB-DIVISION;

Thence Westerly to the Southwest corner of Lot C, Block Two (2), BENOITS SUB-DIVISION;

Thence Northwesterly to the Southwest corner of Lot Fourteen (14), Block Five (5), NORMAL COURT ADDITION;

Thence Northwesterly to the Southwest corner of Lot Seventeen (17), Block Three (3), NORMAL COURT ADDITION;

Thence Northwesterly to the Southwest corner of Lot Five (5), Block Four (4), C. W. REEDER'S ADDITION;

Thence Northwesterly to the Southwest corner of Lot Two (2), Block Four (4), C. W. REEDER'S ADDITION;

Thence Northeasterly to the Northwest corner of Lot Two (2), Block Six (6), C. W. REEDER'S ADDITION;

Thence Southeasterly to the Northwest corner of Lot Two (2), Block One (1), C. W. REEDER'S ADDITION;

Thence Northeasterly to the Northwest corner of Lot One (1), Block Fourteen (14), HAYS ORIGINAL;

Thence Southeasterly to a point One hundred Twenty-five (125) feet in a Northeasterly direction along the property line from the Southwest corner of Block Sixteen (16), HAYS ORIGINAL;

Thence Northeasterly to the Northwest corner of Block Sixteen (16), HAYS ORIGINAL;

Thence Southeasterly to the Northeast corner of Block Sixteen (16), HAYS ORIGINAL;

Thence Southwesterly to a point One hundred Twenty-five (125) feet in a Northeasterly direction along the property line from the Southeast corner of Block Sixteen (16), HAYS ORIGINAL;

Thence Southeasterly to the Northwest corner of Lot One (1), Block Twenty (20), HAYS ORIGINAL;

Thence Northeasterly to the Northwest corner of Lot Two (2), Block Forty-eight (48), HAYS ORIGINAL;

Thence Southeasterly to the Northeast corner of Lot Eighteen (18), Block Sixty-three (63), HAYS ORIGINAL, this being the point of beginning.

All of Blocks 4 & 5 of the H.P. Wilson Addition to the City of Hays, Ellis County, Kansas.

City of Hays Neighborhood Revitalization District Boundary



Legend:

-  **Boundary**
-  **Core Area**

By Karen Rando, Inspector
Date: September 11, 2003
Revised: November 24, 2003

Part 2: Assessed Valuation of Real Property

The assessed valuation of real estate contained within the designated area is \$72,151,040 (does not include exempt property).

Part 3: Listing of Owners of Record in Area

Each owner of record of each parcel of land is listed with corresponding address and is on file in the Ellis County Appraiser's Office.

City of Hays Downtown Revitalization District Zoning



Legend:



C-0



C-2



C-1



C-3



R-3



R-4

By Karen Randa, Inspector
Date: September 11, 2003

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Part 5: Capital Improvements Planned for the Area

Repair and relining of the Lincoln Draw Tunnel. The project was recommended in the 2001 Storm Water Master Plan.

Part 6: Criteria for Determination of Eligibility and Rebate Formula

Criteria for Determination of Eligibility

- (A) "Structure" means any building, wall or other structure, including the building and improvements to existing structures and fixtures assimilated and attached to the real estate.
- (B) The Neighborhood Revitalization Plan shall continue indefinitely, until and unless it is terminated or modified as provided by law by one or more of the three taxing entities (City, County, or USD 489 School District).
- (C) To qualify for a tax rebate, construction of an improvement must have begun on or after January 1, 2007, which was the date of renewal of the neighborhood revitalization area by the applicable taxing units.
- (D) There must be a minimum investment of \$5,000 for residential property, to receive a tax rebate. Cost estimates of the proposed investment must be submitted with this application.
- (E) There must be a minimum investment of \$15,000 on commercial property to receive a tax rebate. Cost estimates of the proposed investment must be submitted with this application.
- (F) The new, as well as the existing improvements on property, must conform to all other codes, rules, and regulations in effect at the time the improvements are made, or the rebate may be terminated.
- (G) Any property tax-payer that is delinquent on any tax payment and/or special assessment shall not be eligible for any rebate or future rebate.
- (H) Commercial property eligible for tax incentives under any adopted Neighborhood Revitalization Plan and any existing tax abatement program, may submit only one application per project. Tax rebates for multi-year projects shall be one-time rebates unless the applicant secures prior written approval of a phased plan.
- (I) Tax rebate will be based on the increase of appraised value following the first full year of completion. That fixed dollar differential will be the incremental difference used for calculating the tax rebate for the entire 10 years.
- (J) Tax rebate transfers with ownership of the property.

- (K) Unless a Certificate of Compatibility is required, property owners may make application on or after a building permit has been issued and the permit fees paid for any eligible improvements. The deadline for application shall be 60 calendar days after the issue date of the building permit. An application requiring a Certificate of Compatibility must be submitted prior to commencement of construction.
- (L) Construction must be completed in one year. Extensions beyond that period will be considered on a case by case basis by the County Appraiser.
- (M) Residential or commercial projects performing exterior façade modifications must receive a "Certificate of Compatibility" prior to the County Appraiser accepting the tax rebate application.
- (N) Project improvements shall be 100% complete prior to the first tax rebate payment being paid by the County.
- (O) Any property or structures to be considered for inclusion in the Neighborhood Revitalization Plan outside the existing boundary must meet one or more of the criteria contained in KSA 12-17,115(c), and must be contiguous with the existing boundary. Such application will be reviewed by the Neighborhood Revitalization/Downtown Development Review Board and recommendations taken to the Planning Commission and the City Commission, Ellis County Commission, and USD 489 for approval.

Rebate Formula

CRITERIA FOR COMMERCIAL PROPERTY

New and Rehab Projects

\$15,000+ INVESTMENT

1-10 YR 95%

*5% of the increased tax bill will be withheld annually by the County, for administration of the plan. Properties on the National or Kansas Historical Registry will be eligible for a 100% rebate.

*A \$25.00 up-front, non-refundable application fee will be charged to cover the Appraiser's office time and administration.

*Improvements must conform to applicable building/fire codes and must have been made under a building permit.

*Improvements and new construction must meet adopted architectural appearance standards.

**CRITERIA FOR RESIDENTIAL PROPERTY
New and Rehab Projects**

Rehab Projects

New Projects

MINIMUM \$5,000+INVESTMENT

MINIMUM \$5,000+INVESTMENT

1-3 YR	95%	1-3 YR	95%
4 YR	80%	4 YR	75%
5 YR	70%	5 YR	50%
6 YR	60%	6 YR	40%
7 YR	50%	7 YR	30%
8 YR	40%	8 YR	30%
9 YR	30%	9 YR	20%
10 YR	20%	10 YR	20%

*5% of the increased tax bill will be withheld annually by the County, for administration of the plan.

*A \$25.00 up-front, non-refundable application fee will be charged to cover the Appraiser's office time and administration.

*Shall include new structures, the rehabilitation of existing structures, and/or additions to existing structures but shall **not** include the conversion of existing single family dwellings to multi family dwellings.

*Improvements must conform to applicable building/fire codes and must have been made under a building permit.

**The intended purpose or use of the structure will determine if the project is Commercial or Residential.

Ellis County, Appraised Value, January 1, _____, \$ _____

Estimated or Actual Date of Completion: _____

Estimated or Actual Cost of Improvements: Materials \$ _____ Labor \$ _____
(Documentation is needed to support these)

The applicant is hereby informed that the difference in value before and after rehabilitation will be determined by the change in appraised value and may not equal the dollars spent.

List of Buildings Proposed to Be or Actually Demolished:

Does the applicant own the land? _____yes _____no

Will the proposed project be on a foundation? _____yes _____no

How will the proposed project be taxed _____Property _____Real Estate

Will it be permanently attached to the property? _____yes _____no

I have read and do hereby agree to follow all application procedures and criteria. I further understand that this application will be void one year from the date below, if improvements or construction hasn't begun. I further agree to complete the questionnaire attached to this application.

Signature of Applicant

Date

- A non-refundable \$25 application fee must accompany this application.

FOR COUNTY APPRAISER'S USE ONLY

Based upon the above listed improvements and associated costs supplied by the applicant, the improvement will _____ will not _____ meet the terms for a tax rebate.

By: _____ Date: _____
(Ellis County Appraiser's Office)

Certificate of Compatibility (if required) _____yes _____no
Proposed improvements will meet _____, will not meet _____, minimum requirements.

Part 2

**Application for Tax Rebate Under the City of Hays
Neighborhood Revitalization Plan**

COMMENCEMENT OF CONSTRUCTION

Construction Estimated to Begin On: _____ Building Permit No: _____
Where applicable

Estimated Date of Completion of Construction: _____

By: _____ Date: _____
(Applicant's Signature)

Part 3

**APPLICATION FOR TAX REBATE
STATUS OF CONSTRUCTION/COMPLETION**

_____ Incomplete Projects as of January 1, following commencement.

_____ Complete Project as of January 1, following commencement.

Signed: _____ Date: _____
(Applicant)

FOR COUNTY APPRAISER'S USE ONLY

The Above Improvements:

- _____ Meets the \$5000 Minimum Investment for Residential Property
- _____ Does Not Meet the \$5000 Minimum Investment for Residential Property
- _____ Meets the \$15,000 Minimum for Commercial Property
- _____ Does Not Meet the \$15,000 Investment for Commercial Property

By: _____ Date: _____
(Ellis County Appraiser's Office)

FOR COUNTY CLERK'S OFFICE USE ONLY

As of _____, 20____, Taxes on This Parcel _____ Are _____ Are Not Current.

By: _____ Date: _____
(Ellis County Clerk's Office)

Part 8 Application Procedure

1. Applications for Tax Rebate under the City of Hays Neighborhood Revitalization Plan are available at the Public Works Office, 1002 Vine, Hays, KS. The Superintendent of Planning, Inspection and Enforcement is the contact person.
2. Complete the application and set a meeting with the Planning, Inspection and Enforcement Superintendent.
3. For Residential applications or Commercial applications which **do not include** exterior façade modifications, City staff will review the application and forward the approved application to the County Appraiser for further review and approval.
4. For Residential or Commercial applications **which will include** exterior façade modifications, a meeting will be called of the Neighborhood Revitalization/Downtown Development Review Board to review the application. Property owner must be present at this meeting. If approval is granted from the Neighborhood Revitalization/Downtown Development Review Board, the applicant may proceed. (If denied, no further action will be allowed.)
5. For Residential or Commercial applications with exterior façade modifications, the application must be reviewed and approved **prior to** the commencement of construction.
For all other applications, the applicant/owner shall complete Part 1 of the application within 60 days of commencement of construction on any improvement or new construction for which a tax rebate will be requested.
6. After approval, Part 1 of the application must be filed with the County Appraiser's Office, with a nonrefundable \$25.00 application fee.
7. The County Appraiser's Office will return a copy of Part 1 to the applicant within fifteen (15) working days, indicating approval or denial of the project.
8. The County Appraiser's Office shall forward a copy of Part 1 to the County Clerk for notification and information purposes. Copies of the application shall also be forwarded to the City of Hays, for monitoring purposes.
9. The applicant-owner shall notify the County Appraiser of the commencement of construction by filing Part 2 of the application.
10. For any improvement that is only partially completed as of January 1, following the commencement of construction:
 - a. The owner-applicant shall file Part 3 of the application with the County Appraiser indicating the status of construction on January 1. Part 3

shall be filed on or before December 15, preceding the commencement of the tax rebate period.

11. For any improvement that is completed on or before January 1, following the commencement of construction:
 - a. The owner-applicant shall file Part 3 of the application with the County Appraiser on or before December 15, preceding commencement of the tax rebate period, certifying the completion of construction.
12. Soon after January 1, the County Appraiser shall conduct an on-site inspection of the construction project (improvement, rehabilitation, or new) and determine the new valuation of the real estate accordingly, which may include an interior inspection if the appraiser deems it necessary. The valuation is then reported to the County Clerk by June 15. The tax records may be revised.
13. Upon filing of Part 3, and the determination of the new valuation of said real estate, the form will be filed with the County Clerk and the County Appraiser certifying the project is in compliance with the eligibility requirements for a tax rebate and shall notify the owner-applicant immediately.
14. Upon payment in full of the real estate tax for the subject property for the initial and each succeeding year period extending through the specified rebate period, and within a thirty (30) day period following the date of tax distribution by Ellis County to the other taxing units, a tax rebate in the amount of the tax increment (less an administrative fee as specified in the Interlocal Agreement) shall be made to the owner. The tax rebate shall be made by the County Treasurer's Office of Ellis County through the Neighborhood Revitalization Fund established in conjunction with the other taxing units participating in an Interlocal Agreement. An annual report shall be provided to the local taxing units.

Part 9 Design Review Standards and Procedures

Purpose:

The purpose of the design review provisions for the Neighborhood Revitalization/ Downtown Development Review Board is to preserve the special historic and architectural character of this district, and to protect private property values and public investment in this district, by ensuring that the exterior alterations to buildings and grounds are undertaken in conformance with design standards which express this special character.

This Board also serves as the Review Board to review the Neighborhood Revitalization Plan every 3 years and make recommendations for renewal and approval by the Planning Commission, City Commission, County Commission and USD 489 School Board.

This Board will review all applications for residential and commercial properties that will be performing any exterior façade modifications and are requesting a Tax Rebate.

Any applications for Tax Rebate outside the boundary area will also need to be approved by the Review Board. One major consideration for property outside the defined boundary area is that the structure have historical or architectural significance.

1. Neighborhood Revitalization/Downtown Development Review Board

A. Membership

The Neighborhood Revitalization/Downtown Development Review Board shall consist of seven members appointed by the mayor with the consent of the City Commission. Membership shall, at all times, include at least one representative from the following categories:

1. One representative from the Building Trades Board
2. One representative from the Downtown Hays Development Corporation
3. Two individuals who are merchants active in the downtown area
4. One member representing the Ellis County Historical Society
5. One professional who maintains a business within the downtown area
6. One member at large

B. Appointment and Term

Those persons first appointed as members of the Board shall be appointed for the following terms:

1. Two members for a term of one year
2. Two members for a term of two years
3. Three members for a term of three years

Upon the expiration of the term of each Board member, subsequent terms shall be for a period of three years. Any vacancy occurring among the membership of the Board shall be filled by appointment of the mayor with the consent of the City Commission.

C. Officers

The officers of the Board shall be a Chair, Vice Chair, and Secretary. The Chair and Vice Chair shall be elected by the rest of the members of the Board and shall serve for a term of one year, or until a successor is elected. The Chair shall appoint a Secretary who shall be responsible for recording the actions taken by the Board through the preparation of Board minutes.

D. Quorum

A simple majority of the members of the Board appointed and qualified at any given time shall constitute a quorum for the purposes of conducting the Board's business.

2. Certificate of Compatibility

No rebates shall be awarded to any residential or commercial project performing exterior façade modifications without first obtaining a certificate of compatibility from the Neighborhood Revitalization/Downtown Development Review Board.

Prior to being eligible for a certificate of compatibility, the applicant must include the following submittals for review by the Review Board:

- A. A Site Plan drawn to scale (in the case of new construction or when applicable) depicting buildings, sidewalks and alleys, parking, landscaping, and outside lighting.
- B. An elevation sketch of proposed new and/or altered exterior walls.
- C. A description of the type, color and texture of exterior finish materials and appropriate samples.
- D. Color photographs or renderings of subject building exposures including adjoining buildings.

3. Authorization and Findings

The Board is hereby authorized to grant any applicant a certificate of compatibility if, upon the vote of a simple majority of the members of the Board, the following findings can be made:

- A. The general design, material and color of the proposed construction or change presents an aesthetically pleasing overall image.
- B. Aesthetically harmful effects caused by the clash of contemporary materials with those of older origin are avoided.
- C. The distinguishing original qualities of character of a building, structure, or site and its environment are not destroyed and the removal or alteration of

any historical material or distinctive architectural features is avoided where possible.

- D. The proposed use of banners, awnings or canopies incorporates the use of appropriate materials, colors and graphics, and is compatible with the overall building design.
- E. In order to complement the historic area of downtown for commercial projects located within the “core area” as noted within the Neighborhood Revitalization Plan district map, the board may adopt additional design requirements that must be met prior to the issuance of a certificate of compatibility.

4. Hearing Process

The hearing on the application shall be conducted, and a record of the preceding shall be preserved in such a manner and according to such procedures as the Board may prescribe by its own rules. Any interested party or person may appear and be heard at the hearing in person, by agent or by attorney. The Board may request a report on any proposed application from any governmental official or agency, or any other person, firm or corporation.

5. Appeals

Any applicant may appeal a decision of the Board to the Hays City Commission. Such appeal must be filed with the City Clerk on a form provided by that office no later than 30 days following the Board’s decision.

6. Hearing and Notice of Appeal

Upon the filing of an appeal, the matter shall be set for consideration at the earliest regular scheduled meeting of the Board of City Commissioners that will allow notice of such consideration. The same manner is set forth in the section dealing with public hearings.

7. Decision on Appeal

Upon consideration of the appeal by the Board of City Commissioners, by a majority vote of the City Commission, they may:

- A. Grant the Certificate of Compatibility
- B. Affirm the Board’s denial of the Certificate of Compatibility
- C. Refer the matter to the Board for further consideration with or without specific instruction