

Request For Proposals

City of De Pere Zoning Ordinance Rewrite



RFP Release Date: October 6, 2017
RFP Proposal Due Date: November 13, 2017, 4:30PM

Notice and Instructions for Proposal Submittals

1. Proposals must be received at the below address no later than 4:30p.m. on November 13, 2017.

2. Submit one digital and five hard copies to:

City of De Pere Economic Development and Planning Department
ATTN: Peter Schleinz, City Planner
335 S. Broadway Street
De Pere, WI 54115
pschleinz@mail.de-pere.org

3. Email submittals of the digital copy are acceptable in PDF format if file size is less than 10MB.

A. General Request Information

The City of De Pere, through its Request for Proposals (RFP), is seeking qualified planning and zoning consultants, multi-disciplinary firms or teams to undertake a complete zoning ordinance rewrite project. The new zoning code must be easy to read, understandable by the public, and enforceable by the City. The project is NOT a simple update to the existing ordinance.

The original zoning code was written in the 1970's with a rewrite in the late 1990's and minor maintenance corrections made over the years. Parts of the code are no longer consistent. Effective code review by staff becomes difficult when working with developers who are used to De Pere's known history of being very efficient. The existing code does not function in an era of technology that provides fast answers.

B. City of De Pere Background

The 24,721 residents that call De Pere, Wisconsin home know that the community provides a high quality of life in the Greater Green Bay metropolitan area. With two excellent school districts, an urban private college, a dynamic downtown, successful business parks and safe residential neighborhoods served by ample parks and natural areas, the community has a considerable amount of loyalty and pride.

The residential, business and commercial areas are connected via a transportation and green space network that accommodates cars, bicycles, and pedestrians. The beautiful Fox River is the focal point of the City Center. The modern Claude Allouez Bridge unites the two sides of the dynamic downtown, which includes new and historic buildings. Whether one is on the east side or west side of the City, historic buildings are thoughtfully blended with redevelopment that provides a desirable mix of housing, employment, shopping, dining and entertainment.

- The City consistently ranks high on livability indexes, and the housing market has become very competitive.

The main thrust of the project is to establish a new zoning code that is easy to read, understandable by the public, and enforceable by the City of De Pere. The ordinance should consider form-based or context sensitive applications, creating design and infill standards for development in the City's downtown district, the college campus, the historic districts, the business and industrial parks, as well as development and growth areas, as identified in the City's 2011 Comprehensive Plan. Key to these areas would be connectivity, walkability, and mixed use nodes that enhance community life in the City of De Pere.

The City of De Pere would like to establish zoning regulations that are more reflective of the character of newer development while preserving the historic characteristics of an older city that is a suburb of a larger metropolitan area.

C. Project Overview and Objectives

The general purpose of the project is the comprehensive rewrite of the City of De Pere Zoning Ordinance in order to make the ordinance consistent with the goals and objectives of the City's Comprehensive Plan.

The City has a desire to develop a zoning ordinance that defines regulations using a combination of text, graphics and images/photographs. The ordinance must ensure predictable, high-quality outcomes that are sensitive to the character of surrounding development, while allowing economic growth in areas where that growth can benefit the identity of the community. This would ideally include a blending of zoning districts, sub-categories within each district, and overlays that allow special uses for districts depending on the district location geographically within the City.

The new ordinance should be designed to accommodate the following document design features:

1. The ordinance needs to be easy to navigate and translate by the public, and simple to be enforced by the City.
2. Text that is supported and enhanced with charts, graphics, images, and photos is needed. A graphic rich ordinance is of utmost importance.
3. The ordinance needs to be colorful.
4. The ordinance needs to function online with MuniCode.
5. The text needs to clearly identify how and when elements are allowed and specifically identify when elements, that are assumed approvable, are not allowed.
6. The ordinance must be designed and formatted in such a way that the document provides flexibility when desired, without constant text revision, yet there is a solid foundation for regulation.
7. "Interactive maps" and graphics that link directly to ordinance subsections that the maps or graphics area represent are desired.
8. The ordinance should minimize need for the user to flip back and forth between lists and different sections.
9. Clear, concise and well defined permitted and conditional land uses.
10. The ordinance should have flexibility and a process defined for when a new or unique land use is not on any list.

The new ordinance must specifically address the following:

- The existing ordinance is based on broad city-wide zoning categories. The new ordinance needs to link to details that will be unique for specific geographical areas (neighborhoods) and translate to specific urban and rural commercial nodes, industrial parks, downtowns, highway frontage corridors, etc.

- The ordinance must link strongly to the Comprehensive Plan to better demonstrate how people want to live in or use an area.
- Special use districts need to be identified (i.e. – businesses in an entertainment district).
- A process for addressing non-conforming uses. Terminating the continuation of non-conforming uses needs to be spelled out
- The sign code applies to all areas and malfunctions when, for example, a downtown property and highway property are treated as equals. A sign code that addresses signage in different areas of the City is needed. Recent variance applications provide direction on additional signage district changes.
- Zoning categories that address the same “use” in different areas of the City is needed.
- Minimize the use of Planned Development Districts (PDD).
- Parking needs to be flexible for a diversity of locations. On-site needs in a downtown with public lots and on-site needs in an industrial park with hundreds of employees working three shifts, for example, need to be addressed.
 - There are no parameters for shared parking based on the “time of day” that a parking stall is used (i.e. – a mall with a daytime salon and a night time bar can use the same stalls rather than doubling up).
- Ordinance requirements are oftentimes found within the “definition” section of the ordinance only. Items need to be located in a logical location.
- Discrepancies in different sections of the ordinance need to be eliminated.
 - Parking lot sizes do not match.
 - ADA requirements need review for compliance with Federal law.
 - Landscaping requirements are not clear and consistent for all zoning categories.
 - Should include references to geographic location (like first bullet) rather than just the zoning district.
- Allowances for acceptable “required” building materials, with flexibility to add and revise newer and more modern technologies, needs to be incorporated because the development sections of the code do not allow flexibility to accommodate modern building materials.
- Design standards that address the desired appearance of the building and site based on geographical location (industrial park, downtown, commercial corridor).

D. Expected Tasks and Services

The successful respondent is expected to perform many tasks for the development of the zoning ordinance rewrite including, but not limited to the following:

1. **Diagnostic Review:** A comprehensive review and executive summary of deficiencies identified in the current zoning code. This should include a review of the zoning code against the following measures, at a minimum:
 - Meeting and discussions with City Staff
 - Concurrency with the City's Comprehensive Plan
 - Compliance with State and Federal laws and case law
 - Overall cohesiveness and consistency
 - Enforceability
 - Workability for staff and the general public
 - Public Outreach comments (see below)
 - Understanding of Wisconsin State Statutes as related to Municipal Zoning
2. **Public Outreach:** Conduct individual or small-group interviews and public open houses with community stakeholders. Consider a public meeting for the general public and/or online methods of engagement to gain public input throughout the process. The consultant should provide a written summary and analysis of the comments made by the individuals and groups.
3. **Solutions and Code Outline:** Develop an outline of solutions to the problems identified in the above outreach and diagnostics steps. Determine if elements from the original zoning ordinance can be incorporated into the rewrite text. Develop a working outline of the newly updated ordinance.
4. **Draft Code:** Complete an initial draft of the new Zoning Ordinance. Facilitate a process of presentation of the draft to stakeholders and the general public; ongoing refinement of the draft based on feedback from staff, stakeholders, and citizens; and tracking of all changes. Identify changes needed on the Zoning Map. Assist City staff with public outreach and explanation of the proposed changes.
5. **Maps and Graphics:** Provide maps and graphics identifying parcels with uses and structures that become inconsistent with proposed standards and zoning regulations.
6. **Legal Consultation:** Provide legal opinions regarding specific questions that arise during the process as well as a full legal review of the final draft.
 - **Reference Guide:** Create a reference guide that summarizes key parts of the Code. See following sample of City of Philadelphia Sign Code Reference Guide--
[http://www.phila.gov/CityPlanning/projectreviews/PDF/Quick Reference Guide.pdf](http://www.phila.gov/CityPlanning/projectreviews/PDF/Quick%20Reference%20Guide.pdf)
7. **Adoption:** Assistance with presentations to the City Zoning Board of Appeals, Plan Commission, Common Council, and any additional revisions requested from these meetings until final adoption of the rewritten Zoning Ordinance is made by the Common Council.

Throughout the entire process, extensive interaction is expected with City Staff. The detailed schedule for the project shall be included in the consultant's proposal, and should be limited to 12 to 18 months.

E. Deliverables

All items delivered as part of this project shall be the sole property of the City of De pere. The consultant shall be responsible for the submittal and execution of the following:

1. **Progress Reports and Research:** The consultant shall be responsible for submitting monthly progress reports and research information relative to the project. The consultant shall clearly communicate how the regulatory effects of the proposed ordinance may differ from the effects of the current ordinance. Background information regarding subjects addressed in the new ordinance, which are not addressed in the current ordinance shall also be submitted by matrix.
2. **Draft Ordinances/Maps:** Copies of the draft documents are required, quarterly, during the development stages of the project for review, presentation, and use by the Plan Commission and staff.
3. **Meetings:** The consultant will be responsible for meeting with the Plan Commission for plan updates on a quarterly basis. The consultant will also meet with staff as the project develops on a regular basis. The number and frequency of the meetings will be determined in consultation with all parties before the project begins. The purpose of the meetings will be to establish objectives, discuss alternatives, provide direction and review progress. In addition, the consultant may be expected to attend periodic meetings of the Common Council.
4. **Final Work Products:** The new zoning ordinance must be provided in both print and electronic format compatible with MuniCode. Easy-to-use charts, checklists, graphics, and images/photos within the document are required. The consultant shall provide the following specific ordinance products:
 - One (1) electronic Microsoft Word version and PDF version of the ordinance..
 - A copy of the zoning map data that is compatible with the City's GIS System, in a format that can be edited by the City of De Pere staff.

The final zoning map shall be included as part of the zoning ordinance document. The City shall be provided with the following map products:

- A digital version/shape files of the individual parcel level for use in and compatible with the City’s Geographic Information System, which uses ESRI platform and can be edited by the City of De Pere staff.

F. Existing Ordinance

The City of De Pere Zoning Code of Ordinances include Chapters 14 and 98 of the City’s Municipal Code. With the exception of area specific edits and law required changes, the majority of the ordinances have not been revised for 20 years or longer. Chapters 14 and 98 are anticipated to require the most substantial amount of review and rewrite.

The consultant will be expected to complete a comprehensive, independent review of the Zoning Ordinance to determine if items should be retained as part of the rewrite. Below is a list of the overall ordinance elements that the consultant will be expected to update and review independently:

Reference Links

Municipal Code: https://library.municode.com/wi/de_pere/codes/code_of_ordinances

City of De Pere: <https://www.de-pere.org/>

Comprehensive Plan, Downtown Master Plan, Historic Neighborhood Preservation Plan: <https://www.de-pere.org/egov/apps/document/center.egov?view=item&id=730>

G. RFP Requirements

Consultants are asked to respond to this RFP by developing a proposal to fully meet the work associated with this project. Consultants are asked to submit a concise proposal describing their capacity to manage the project and their experience with similar projects. Samples of zoning ordinances/rewrites and public participation plans are expected. The proposals should include a clear outline of how the consultant will meet the objectives of the project.

The City of De Pere does not have a specific proposal format; however, the City expects the following information to be included with the proposals:

1. **Contact Information:** Consultant’s name, address, phone number, email, along with the name and signature of the authorized agent and contact person.
2. **Firm History:** Brief history of the firm, including short case studies of similar projects carried out by the firm.
3. **Project Statement:** Statement of overall project understanding and general approach to meet project objectives and tasks of the project, description and modifications or expansion of the information provided.

4. **Time Schedule:** A detailed project time schedule for accomplishing the expected tasks and services, including start dates, major project milestones and anticipated completion dates. Time schedule should specifically identify how and when outreach to the public, staff, and elected officials occurs. The timeframe for project completion should be approximately twelve (12) months.
5. **Examples:** Demonstrate related projects that were completed for other communities that are similar to the City. Emphasis placed on projects include logical graphics and imagery within or as a supplement to a zoning ordinance should be emphasized.
6. **References:** A list of client references for whom the consultant has provided similar services including name, address, e-mail and phone number of a contact person for each reference. Indicate the type, scope and duration of the work done for each client.
7. **Project Manager Qualifications:** A statement indicating the qualifications of the key person who will be assigned as the project manager by the consultant and their responsibilities within the scope of services.
8. **Budget Proposal:** A proposed budget with level of effort for each member of the team and for each major task.
9. **Fee Schedule:** A fee schedule for personnel involved with the project.

H. General Selection Process

A selection committee comprised of the City Attorney, Director of Economic Development and Planning, Zoning Administrator, and the City Planner will review the proposals based on the following criteria:

1. **Qualifications:** Qualifications and previous related work experience particularly related to similar sized communities.
2. **Understanding:** Demonstrated understanding of project objectives, tasks, and services.
3. **Price:** The proposed price/cost will be considered.
4. **Related projects:** Examples of related completed and in-progress projects.
5. **Proposal Quality:** Quality of requested submission requirements, including sample materials and proposal package.

The City of De Pere will select a short list of applicants to meet with the selection committee to clarify submitted proposals, provide supplemental information, confirm proposal representations and answer any questions.

I. Terms

The City of De Pere reserves the right to accept or reject all proposals or parts thereof and reissue the RFP without stated cause. Upon selection of a consultant, the City of De Pere shall attempt to negotiate and reach a final agreement. If the City, for any reason, is unable to reach a final agreement with the selected consultant, the City then reserves the right to reject the selected consultant and negotiate with others.

The City of De Pere is not bound to accept the proposal with the lowest cost, but may accept the proposal that best meets the needs of the City.

J. RFP Schedule

1. RFP Issued:
 - a. October 6, 2017
2. Questions due to the City: (sent via email to pschleinz@mail.de-pere.org)
 - a. By October 20, 2017
3. Responses to questions posted on City website:
 - a. By October 27, 2017
4. Proposals due to the City:
 - a. By November 13, 2017 at 4:30p.m.
5. Possible interviews with finalists:
 - a. November - December 2017
6. Plan Commission Consultant Selection:
 - a. December 2017 - January 2018
7. Common Council Consultant Selection:
 - a. January - February 2018

K. Project Budget

The consultants for this project will be retained by the City. Interested parties should provide a total cost to prepare the zoning ordinance to include hourly rates and estimated expenses associated with the project. The proposed budget should not exceed \$125,000 including all travel and incidental project costs.

L. Contact and Questions

This Request For Proposals has been distributed by the City of De Pere Economic Development and Planning Department. All questions or inquiries concerning this RFP should be directed to:

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De Pere, WI 54115
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Fax: 920.330.9491
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