



FREMONT

Michigan

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Request for Proposals to prepare a Zoning Ordinance Comprehensive Amendment

City of Fremont Newaygo County, Michigan

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**REQUEST FOR PROPOSALS:
ZONING ORDINANCE
COMPREHENSIVE AMENDMENT**

A. Request for Proposals (RFP's) - Statement of Intent

The City of Fremont intends to update its Zoning Ordinance and corresponding Zoning Map. The Subdivision of Land Code will also be updated as part of this project. Therefore, the City requests proposals from qualified land use planning consulting firms with the expertise to comprehensively amend the City's Zoning Ordinance and corresponding Zoning Map and the Subdivision Code. The new ordinances and map shall be in compliance with State statutes and consistent with the guidelines outlined in the *Joint Comprehensive Development and Growth Management Plan* for the City of Fremont, Sheridan Charter Township and Dayton Township (hereinafter referred to as the *Plan*.)

While the City is developing new zoning and subdivision ordinances that are applicable only to the City of Fremont, the entire Fremont Area, which includes Sheridan Charter and Dayton Townships, should be considered when developing the new ordinances. It is anticipated that the zoning map developed under this contract will not only depict the zoning classifications within the City's corporate limits, but will also show the township zoning designations of the area within approximately one-quarter to one-half mile of the periphery of the City.

Note: For the purposes of this project, it is assumed that when reference is made to updating the Zoning Ordinance, this shall include the updating of the corresponding Zoning Map and the Subdivision of Land Code.

B. Project Purpose

The City of Fremont wants to create a new zoning ordinance, zoning map and subdivision ordinance that will promote a style of development that enhances the downtown residential/business core, while preserving rural areas and historic sites that may be threatened by conventional development. The City's current zoning ordinance is conventional (use-based) in that uses are segregated, which has contributed to urban sprawl. The City desires to replace the current ordinance with a "form-based" code.

The form-based code should incorporate the key concepts of *Smart Growth*, *New Urbanism* and *Traditional Neighborhood Development* (TDN). These concepts promote mixed uses and pedestrian friendly development in many areas of town, thereby creating a style of development that was once common in America before the post-war suburban development boom.

SMART GROWTH PRINCIPLES

- Mix land uses
- Take advantage of compact building design
- Create a range of housing opportunities & choices
 - Create walkable communities
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty and critical environmentally sensitive areas
- Strengthen & direct new & infill development toward existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair & cost effective
- Encourage community & stakeholder collaboration in development decisions

Source: Smart Growth Network

This calls for homes to be within walking distance of gathering places such as parks and cafes as well as service and convenience establishments. The City also desires to preserve the area's extensive natural features, including land currently considered as farmland, open space, woodlands, animal habitat, streambanks, lakeshore and wetlands. The current and projected development patterns have lead to spread-out, disconnected and auto-dependant land uses. Implementing a form-based code would steer development to the most suitable places and organize it into better connected, more compact forms.

C. General City Information

The City of Fremont (including Fremont Lake) measures 5.06 square miles or 3.83 square miles without Fremont Lake. It was incorporated from parts of Dayton and Sheridan Townships, which lie north and south of Main Street, respectively. The Fremont Area is located approximately 45 miles northwest of the Grand Rapids metropolitan area and 30 miles northeast of the City of Muskegon. The Fremont Area may be generally described as an urban center engulfed by inland lakes, rural farmland and open space.

The City proper contains a relatively compact development pattern with an intimate, small mid-western town setting. Residential neighborhoods have developed within a rectangular grid street pattern throughout the City. The focal point of the City is centered on its historic central business district situated along Main Street, between Weaver and Darling Avenues. Fremont celebrated its Sesquicentennial in 2004, having been founded in 1854. Incorporated as a city in 1911, Fremont is now home to approximately 4,500 residents within the City limits.

D. Background on City's Governing Documents & Codes Relevant to Project

1. Joint Comprehensive Development and Growth Management Plan. The *Plan* was created through a cooperative effort amongst the City of Fremont, Sheridan Charter Township and Dayton Township. The municipalities adopted the *Plan* on June 20, 2001. Developing the *Plan* was an important first step for the City and the two Townships in implementing a coordinated growth management program for the Fremont area.
2. Zoning Ordinance. The next logical step in the growth management program is to update each municipality's zoning ordinance to establish regulations and land uses that are consistent with the *Plan*. The adjoining townships are in various stages of updating their zoning ordinances to reflect the vision for the Fremont Area as detailed in the goals, objectives and strategies outlined in the *Plan*. It is now the City's turn to undertake the same updating, but on a more comprehensive level.

The City plans to keep Sheridan and Dayton Townships informed during development of the City's new zoning ordinance so that the Townships' input can be considered during each stage of the ordinance's development. To the greatest extent possible, the land use ordinances of the three municipalities should be complimentary and not result in the location of incompatible land uses across jurisdictional borders. Current State law does not permit the development, adoption and enforcement of a unified single zoning code between a city and its township neighbors. While the joint municipal planning act does permit the adoption of a common plan and the creation of a joint planning body, it does not address the implementing ordinances, such as zoning and land subdivision codes.

The Fremont Area Joint Planning Commission was formed to spearhead the preparation of the *Joint Plan*. This body, consisting of two appointed representatives from each of the three governmental jurisdictions, does not have legal powers, but it does review proposed

developments and site plans located in both the City and the townships along our common borders. The preparation of the City's new zoning and land codes could serve then as model ordinances to be emulated by the other two municipalities, where it makes sense to do so. For example, setbacks in residential districts should be consistent from one zoning ordinance to another. Therefore, while the Zoning Ordinance project for which we are soliciting proposals is for only the City of Fremont, consideration must be given to the greater Fremont Area when developing the ordinance.

The modern version of the City's Zoning Ordinance was adopted in 1971. In 1982, the Planning Commission in conjunction with City staff substantially modified it. Over the years, the current ordinance has been revised on an as needed basis.

3. Subdivision of Land Code. The current Subdivision of Land Code was developed concurrently with the 1971 Zoning Ordinance and has been revised on an as-needed basis over the years. It requires revision to remain consistent with the regulations that will be established in the new zoning ordinance and changes that have occurred in State law.
4. Other important documents. It is important to note that as part of the Fremont Area's growth management efforts, the three municipalities also adopted the following joint planning documents:
 - *Fremont Area Parks and Recreation Master Plan*
 - *M-82 Corridor Study*
 - *Downtown Development Authority (DDA) Amended Development & Tax Increment Financing Plan.*

It is critical that the new zoning and subdivision codes be consistent with the goals and vision of the community as detailed in these companion documents.

E. Scope of Services

The chosen consultant will work with the City Planning Commission and key staff to develop a new zoning ordinance, zoning map and subdivision code that support the guidelines in the *Joint Plan*. The Planning Commission will be the governmental body responsible for helping develop and review the new zoning and subdivision ordinances and map. It will then recommend the adoption of the complete draft ordinances and map to the City Council. During the development of the Codes, the Commission and the consultant must keep the Fremont Area Planning Commission informed and request their input into the process. This will require the consultant to coordinate the participation of the Fremont Area Planning Commission.

Education of the City Planning Commission will also be a part of the scope of this project. The selected consultant will be responsible for educating the Planning Commission on the basics of planning and zoning principles and the concepts associated with *Smart Growth*, *New Urbanism* and *TND*. The consultant should compare and contrast these concepts with traditional zoning codes and relate how these concepts can be implemented in Fremont. For example, the consultant could explain how small neighborhood commercial or service uses could be successfully incorporated into residential neighborhoods. The educational session is to take place at the first meeting at which the consultants are introduced to the full Planning Commission.

The consultant should be aware of the perceived planning & zoning problems in the Fremont Area as identified in the Community Leaders' Survey conducted as a part of the *Joint Plan* process. They include, but are not limited to the following concerns:

- Loss of small town character
- Traffic & congestion; need for new roads, corridor studies and common access management regulations
- A more certain mechanism to deal with proposed municipal boundary changes/annexation
- Need to upgrade and expand sewer and water infrastructure and concerns about the ability to finance improvements
- Planned adequate area to accommodate rural residential development
- Measures to preserve good farmland, open space and wetlands and prevent further land fragmentation
- Fear of growth by some and need viewed by others to expand economic base
- Uncertainty in terms of the type, amount and location of new commercial and industrial development; a desire to attract quality jobs with wages sufficient to support a family
- Impact on roads and rural character of strip residential development on nearly every rural road
- Concern about community appearance and a lack of common standards
- Sign proliferation (number, size and setbacks)
- Too many nonconforming uses (existing plans and zoning codes are not always compatible)
- Need to upgrade recreation facilities with a special focus on opportunities for youth
- Outdated plans
- Housing maintenance and relation to codes; zoning violations
- Township/City relations

The current zoning ordinance fails to address many of these problems. It also fails to provide the regulations necessary for the City to develop in accordance with the guidelines in the *Joint Plan*.

As part of the development of the *Joint Plan*, the Fremont Area Planning Commission identified several strategies that would involve amendments to the respective zoning ordinances. These strategies are as follows:

- Develop regulations for agricultural areas that incorporate open space or continued farming activities into planned developments
- Expand uses in agricultural areas to accommodate home occupations and home-based agribusinesses (e.g., cabinetry and farm produce sales)
- Broaden submission requirements for site plans to provide more information about impacts upon the environment
- Strengthen the agricultural zoning districts from the encroachment of residential developments
- Adopt realistic impervious surface ratio limitations as part of the commercial and industrial development standards
- Expand site plan standards to require the protection of existing natural resources
- Expand site plan standards to require that new developments provide for open space and natural areas
- Permit the development of limited residential neighborhood business districts in the City
- Permit development only where adequate infrastructure is in place or planned to be constructed in the near future
- Develop or expand site plan review requirements to include modern standards for landscaping, parking, signage and exterior lighting
- Require that new commercial and industrial developments reduce the number of curb cuts through the use of access drives and shared driveways

Consultants need to consider how to amend the City's current zoning ordinance to allow the execution of the aforementioned strategies.

The current zoning code is conventional (use-based) in style and implementation of its regulations has helped contribute to urban sprawl. The City wants to create a zoning code that will help the City achieve its vision for the future as outlined in the *Joint Plan*. One of the goals of the Fremont Area is to guide future growth and development in a manner that respects both the City’s traditional and compact character and the Townships’ rural atmosphere. In order to support such guidelines in the *Plan*, the new code should be developed so that it is form-based, which involves adopting regulations that support the concepts associated with *Smart Growth*, *New Urbanism* and *Traditional Neighborhood Development*. Some of the smart growth concepts that are applicable to Fremont are as follows:

- Create “walkable”, mixed-use communities with higher density projects that revitalize older neighborhoods
- Provide a wide range of housing options and price points for citizens
- Reduce or mitigate the environmental degradation brought about by development
- Preserve open space and limit loss of natural lands, wildlife and farmland

While the Code must be overhauled to achieve many of the goals in the *Plan*, it must also be revised because it contains archaic and often ambiguous language. This can lead to undesirably broad interpretation of the regulations. Further, it is silent on some significant issues (e.g., landscape standards, screening & buffers.) The consultant will be responsible for ensuring that all of the basic code elements are included in the new ordinance, which will most likely include the following sections:

- | | |
|--------------------------------------|--------------------------|
| • Definitions | • Non-conformities |
| • Use Classifications | • Evaluation Criteria |
| • Development and Design Standards | • Review Procedures |
| • Parking Standards | • Administration |
| • Signage Standards | • Monitoring & Revisions |
| • Lighting Standards (see box below) | • Zoning District Map |

DARK SKY LIGHTING STANDARDS

The glare & upward leakage from both streetlights & private developments have become associated with the dimming of the stellar display at night, affecting not only astronomers & star gazers, but also disrupting plant & animal life. In some instances, bright lights may actually hamper visibility due to their glare. A new observatory is nearly constructed several miles north of Fremont. Therefore, the new code should include lighting standards designed to direct light downward & adequately light the public realm while limiting leakage into the night sky, city streets or adjacent

An audit of the City of Fremont’s current Zoning Ordinance and audits of the two Townships’ Zoning Ordinances are outlined in Appendix G of the *Joint Plan*. The consultant will be responsible for reviewing the audits and making recommendations regarding them.

Further, the consultant will be responsible for recommending the organization and style of the ordinances. The zoning ordinance should be an efficient, easy-to-use document (hard copy and on-line) that will help implement the land use policies of Fremont. Mechanisms such as cross-referencing, illustrations & tables should be the primary methods to make the ordinance user-friendly. The consultant will have primary responsibility for drafting and

redrafting the text of the zoning & subdivision codes after receiving appropriate input from the community’s citizens, stakeholders, Planning Commissioners, Councilmembers and staff. In

establishing the codes, the Consultant should strive to follow the guidelines for developing clear and user-friendly codes noted in the side panel on the next page.

It is anticipated that the consultant will perform the following research/tasks before the actual writing of the ordinance:

- Establish a comprehensive participation, communication and information strategy to ensure appropriate volunteer, community, business & staff involvement during the creation of the zoning ordinance.
- Perform a field survey to evaluate existing development and compare it to the current zoning districts to determine if re-classification of districts is necessary. If a re-classification of districts is necessary, then a new zoning map should be developed to be consistent with the new re-districting.
- Analyze the types of variances or exceptions requested in the past ten (10) years to determine if a pattern has developed that would give insight into some of the planning issues that should be addressed in the new ordinance.
- Create a street classification system with corresponding design standards. The City of Fremont has approximately 30 miles of streets, which includes 1.75 miles of State Highway M-82. The consultant should survey the streets within the study area and then apply appropriate design standards to the streets to accomplish what the City wants to achieve in terms of developing Fremont using Smart Growth principles. This street classification system will then be incorporated into an amendment to the *Joint Plan*.
- Analyze the possibility and advisability of combining the zoning & subdivision codes into one *unified development code* and present the advantages & disadvantages & make recommendations to the Planning Commission.
- Advise as to any applicable laws that will impact the issues to be addressed in the new zoning ordinance.

Drafting of the ordinance should begin after the aforementioned research/tasks are performed and any other research/tasks are performed as recommended by the consultant and agreed to by the City as outlined in a contract. Staff and the consultant must agree to the scope, outline and organization of the ordinance before the first draft has begun.

GUIDELINES FOR WRITING SMART GROWTH ZONING CODES

- Use straightforward language and terms that are unambiguously defined & used consistently.
- Provide simple explanations that avoid unnecessary complexity. Try to keep each section of the code self-contained & avoid confusing cross-references, exceptions & footnotes (especially those that direct users to other places in the code or other documents).
- Use tables or graphics to communicate zoning criteria & development standards & avoid lengthy & repetitive text.
- Fit the standards to Fremont's local situation.
- Design a development review process that facilitates good development. Don't let a cumbersome review process kill off projects that will improve the community. Application fees, review timelines, environmental analysis, process steps, service fees & hearings should all be designed to help good projects gain approval.
- Allow for creative designs that may not conform to set standards but meet the goals of the code by providing an alternate design review process.
- Consider testing the draft code to see if the desired type of development could even be achieved.
- Select desirable standards for street widths & design where necessary.
- Adapt the language or concepts to fit Fremont's local codes style & indexing system.

Adapted from *Smart Growth Zoning Codes: A Resource Guide*, Smart Growth Network & the Local Govt. Commission, California, 2003.

F. Deliverables

All items delivered as part of this project shall be the sole property of the City of Fremont. 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.
2. Draft Ordinances/Maps. Twelve (12) copies of draft documents are required during the development stages of the project for provision to the Planning Commission and staff.
3. Meetings. The consultant will be responsible for meeting with City staff on a regular basis. The number and frequency of the meetings will be determined in consultation with both staff and the consultant 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 will be expected to attend periodic meetings of the Planning Commission, City Council and the Fremont Area Planning Commission.

The City Planning Commission meets the 4th Tuesday of each month at 3:15 PM. The City Council meets the 1st and 3rd Monday of each month at 7:00 PM. The Fremont Area Planning Commission generally meets bi-monthly in the late afternoon (4:30 PM); the dates of the meetings are determined based on the availability of the Commissioners. All of the above meetings take place in the Council Chambers at the Fremont City Hall.

4. Final Work Products. The new zoning and subdivision of land ordinances and zoning map must be provided in both print and electronic format that is compatible with the City's software. The consultant shall provide the following specific ordinance products:
 - Twenty-five (25) bound hardcopies of the final zoning and subdivision ordinances developed with Microsoft *Word* in a 8-1/2" x 11" format
 - One black and white camera-ready original of each page of the ordinances as developed with Microsoft *Word* @ 8-1/2" x 11" in BOTH ordinance format and code format compatible with the City's existing code
 - The electronic *Word* version of the ordinances in BOTH ordinance and code formats shall be provided to the City on CD-ROM.

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

- Twenty-five (25) copies of the final black & white map folded & inserted into the bound hardcopies of the zoning code @ approximate size of 24" x 36"
- Six (6) display-size black & white maps @ approximate size of 48" x 96" (two of which shall be mounted on an acceptable rigid backing for display and/or wall mounting)
- A digital version of the overall zoning district map in a format suitable for placing on the City's Internet website (similar to an Adobe PDF file.)
- A digital version @ the individual parcel level for use in and compatible with the City's Geographic Information System, which uses the ArcView platform.

Specific details regarding the final deliverable document and map products will be discussed during the interview stage and will be detailed in the final contract.

G. Information Provided by the City of Fremont

The City will be responsible for providing the planning consulting firm with a hard copy of the following information immediately following the signing of the contract:

- Current zoning ordinance, as amended
- Current subdivision of land code, as amended
- Current zoning map, as amended
- *Joint Comprehensive Development and Growth Management Plan*
- *Fremont Area Parks and Recreation Master Plan*
- *M-82 Corridor Study*
- *Downtown Development Authority (DDA) Amended Development & Tax Increment Financing Plan.*

The above codes, documents and information, with the exception of the current zoning map, are available on-line on the City's website at www.cityoffremont.net.

H. Budget and Timeline

The consulting firm for the Zoning Ordinance Comprehensive Amendment project, including revision of the Subdivision of Land Code and the Zoning Map, will be retained by the City of Fremont. The City has allocated approximately \$50,000 for the project. It is anticipated that the project will span the course of one year or less, commencing no later than the week of April 18, 2005.

I. Proposal Submission

Twelve (12) copies of the proposal must be received no later than 5:00 PM on Tuesday, February 15, 2005 and must be signed by an authorized official of the organization submitting the proposal.

All costs incurred for proposal preparation, presentation or contract negotiations are the responsibility of the consultant. Each proposal must be complete and the City reserves the right to reject any proposal received after the date and time due.

To be considered, proposals should include the information set forth below and must be received by the due date at the following address:

City of Fremont
101 E. Main Street
Fremont, MI 49412

Questions regarding the request for proposals should be directed to Michele Ribant, Director of Neighborhood and Economic Development, at 231-924-2101.

J. Proposal Format

Proposals should include the following information:

1. Cover Letter. The cover letter should outline your firm's understanding of the assignment and must be signed by an authorized official empowered to commit the firm to a contractual arrangement with the City.

2. Professional Staff. Outline the names of the principals and key personnel who will be assigned to the project and provide professional resumes of each key member of the project team. Also, please include a brief statement of the availability of key personnel of the firm to undertake the proposed project.

Identify any sub-consultants that may be working on the project and submit a professional resume for each key sub-consultant. Please note that the primary consultant will be required to assume responsibility for all services offered in the primary consultant's proposal, regardless of which firm provides them. The primary consultant shall be the sole point of contact with regard to contractual matters, including payment of any and all charges resulting from the contract. Any proposed subcontracting shall be stated in the proposal or approved by prior mutual agreement of the contracting parties.

The project is anticipated to take approximately one year commencing no later than the week of April 18, 2005. Any key persons identified by your firm must be contractually committed to the work until the project is completed and approved. If a principal of the firm and other associates are to work on the project as a team, please indicate the percentage of time each key team member is to devote to the project and outline the methods to be used for coordinating project work among members of the team. It is expected that a principal of the firm will be present during the interview phase of the project.

3. Qualifications and References. Include a narrative of the firm's qualifications for the proposed project, including the types of services for which the firm is qualified. The narrative should describe the firm's specific experience working with growth management techniques such as *Smart Growth*, *New Urbanism* and *Traditional Neighborhood Development*. Provide a list of recent projects completed by the firm that demonstrate similar competencies that will be needed for this project. For each past project, include the name, title and phone number of a representative that the City may contact to discuss your experience.
4. Project Approach and Timeframe. Provide a detailed description of the firm's approach to the project broken down by task. For each task, describe the activity, the method for conducting the activity, the intended results, products, any work or activity to be conducted by the City or its representatives, and the anticipated timeframe for completion for each project element. Included in this section may be a discussion on any substantive or innovative ideas used in other similar projects, which you feel is applicable to this project.
5. Conflict of Interest. Provide a list of any work contracts in which your firm is currently involved in with adjacent communities or with private developers doing work in Fremont and provide a list of any projects that could be considered or could create a real or perceived conflict of interest.
6. Resources. Indicate all resources, other than those listed in Section G of this RFP, your firm will need to have the City supply in order to properly complete this project.
7. Fees. Provide your firm's fees for performing the services required as detailed in your proposal. Identify the total cost for completing each work task. Include in the budget an itemized cost for each staff member assigned to the project and subcontractors, if applicable. Include a time chart by month or week to illustrate when each task will be undertaken and completed. The overall contract cost shall be stated as a total not-to-exceed fee for the services outlined. This contract cost shall include the hourly billing rates of the staff that would serve the City together with any added costs for direct or indirect expenses such as printing, mileage, data or sub-consultants.

K. Evaluation of Proposals

The City will evaluate submitted proposals based on the following criteria:

- Adherence to the information requested in this RFP
- Understanding and approach to the project
- Respondent's qualifications, experience and reputation
- Evaluation of prior experience on similar or related types of projects
- Unique resources, such as specific experience in an innovative planning or regulatory technique that may be beneficial to the project
- Cost of the project related to the scope of work. The lowest cost proposal may or may not necessarily be selected. This is not considered a bidding process, but a method of securing the best consulting firm that can provide the services and work product most advantageous to the City of Fremont. The City reserves the right to reject any or all proposals and to waive any irregularities in the proposal review process.

The City will schedule interviews with two or three selected firms. As part of the interview, respondents will be expected to make a short presentation on the firm's experience and approach to the project. Respondents should also be prepared to answer questions related to their experience and their proposal. Upon completion of the interviews, the Selection Committee, consisting of a subset of City Council members, Planning Commission members and staff, will make a recommendation as to the firm selected to work with the City on the project. The City Council has final authority to award the professional services contract with the consultant selected for the project.

**Thank you for your interest in
the development of a new zoning ordinance
for the City of Fremont!**