

Village of
Mukwonago
VILLAGE OF MUKWONAGO
REQUEST FOR PROPOSALS
ZONING CHAPTER AND
SIGN ORDINANCE REWRITE

Issue Date: January 16, 2020

Proposals are Due February 14, 2020, 11:00 am (CST)

What is Being Sought

The Village of Mukwonago, Wisconsin, is seeking Proposals from qualified land use, planning and zoning consultants in order to undertake a comprehensive rewrite and revision of the zoning and sign codes, Chapters 100 and 64, respectively.

Background

Located in Southeast Wisconsin, just minutes from downtown Milwaukee and nearby Waukesha, on Interstate 43 and State Highway 83, Mukwonago is a flourishing community with room to grow. The Village currently has an estimated population of 8,055, is situated on the border of Waukesha and Walworth Counties and is experiencing growth in the areas of single-family, condominium, apartment, commercial and industrial developments.

The Village is currently working through a Downtown Development Committee in accomplishing a recently approved Downtown Strategic Plan (DSC, approved 2018) and is seeking revisions to the zoning code to increase heights and encourage downtown developments similar in stature to those found in similar communities in Waukesha County. In addition, the Village has a Comprehensive Land Use Plan Update 2035 (CLUP, approved 2016) which is sought to be used in considering any zoning amendments. In applying some of the current zoning standards, Staff has noted a desire to better align current development trends and existing areas with the CLUP. One such example is the downtown area, and to be able to increase heights of structures, and seek other unifying design, bulk and zoning standards which currently do not fully achieve the desired outcomes of the DSC and CLUP.

In addition to the above, the Downtown Development Committee (DDC) is actively seeking ways to encourage downtown development and revitalization and has noted a desire to improve facades along the Highway 83 and County Highway ES corridors (Rochester and Main Streets). The proposed changes to the streetscape of the Village Center downtown area will be designed in early 2020. It is envisioned this streetscape design could dictate additional zoning code inclusions to better achieve the goals contained herein for a unified look.

The Current Village Staff dedicated to overseeing and enforcing zoning standards consists of one full time Village Zoning Administrator/Planner. The Zoning Administrator works closely with other Village staff from Village Administration, Building Inspections, Public Works, Public Services, Village Engineer (contracted), Village Attorney (contracted). The Village Zoning Administrator/Planner serves as project manager for the Village.

The Village anticipates the members from the Village’s Plan Commission, Village Board and associated Village Committees will play roles in the process by guiding and supporting the project through public updates, discussions and public engagement opportunities. A consultant is envisioned to be hired to facilitate and complete all of the following items to accomplish the task of updating the Zoning and Sign Codes for the Village.

Zoning Code Re-Write Goals and Outcomes

The Village is seeking a new Village Zoning Code which will better reflect the strategic plans and goals the Village’s Comprehensive Plan lays out. In addition, staff, Plan Commission, general public and Village Board input is sought in the form of public meetings/workshops. A comprehensive rewrite would include reviewing the existing codes, updating some sections, while substantially revising others.

Graphics and drawings are sought be used to increase reader comprehension, while additionally verifying land use regulations are consistent throughout. The final product may contain past Euclidean provisions, but where possible allows for the creation of form-based code, hybrid, or other innovative approaches not mentioned here. The result will reflect a more user friendly document for staff and the general public.

As an initial starting point, the following improvement themes have been identified.

1. Restructure and reformat the code while including recent adoptions which are not yet codified in the online “MuniCode” version.
2. Review and integrate the Village’s adopted comprehensive plan into the Zoning Standards to ensure the Code is consistent.
3. Evaluate and clarify the purpose for each of the zoning districts and associated land uses and development standards.
4. Eliminate inconsistencies, such as zoning terms and definitions referenced throughout the entire code.
5. Evaluate conditional uses and determine, following meetings with the Plan Commission and Village Board, which ones they wish to see and what conditions, if any, would apply to the respective conditional uses.
6. Evaluate the village’s zoning map.
7. Address zoning requirements in the downtown core to promote common construction elements for a unified look to complement anticipated streetscape treatments, taller appropriate infill structures and integrate the Downtown Strategic Plan (2018) initiatives into the requirements.
8. Update, streamline, and clarify development review procedures.

Sign Code Re-Write Desired Goals and Outcomes

The Village's sign code currently does not comply with the Supreme Court's ruling in Reed v. Town of Gilbert issued in 2015. The Village is seeking to remove regulations that apply to realtor signs, event signs, rummage sale signs and others. There is a perceived need to figure out how to accommodate said sign examples without calling them by name. In addition, the sign variance procedures are somewhat limited and leave elements such as large industrial lots with directional signage needs with a lack of an amenable process by which to seek relief of sign ordinance regulations. These issues are sought to be remedied through a proposed rewrite.

Desired Outcomes, Further Defined

The following principles are sought in the outcome of the rewrite of the code sections:

- a. Divide the code into logical parts
- b. Include legislative findings – also called findings of fact
- c. Include purpose statements to define what the code is intended to accomplish
- d. Devise a simple renumbering scheme for grouping and numbering similar sections
- e. Use descriptive section headings
- f. Keep each of the sections short by covering only one topic
- g. Write simply and clearly
- h. Use tables, charts, pictures, graphics for clarity of concepts
- i. Eliminate inconsistencies and duplicative language
- j. Develop clear and consistent definitions
- k. Craft the code so subsequent amendments can be easily incorporated
- l. Eliminate vague language
- m. Focus on details in the context of the larger picture
- n. Differentiate between legislative, quasi-judicial, and administrative decisions
- o. Establish step-by-step procedures for each of the development review processes
- p. Include examples where a formula is used
- q. Keep the code simple – but effective

Public Participation

The Village seeks to gather input and then secondly to share information with Village residents. The proposal shall address the following desired services sought:

1. Stakeholder listening sessions to be run by consultant
2. Scoping workshops to be run by consultant
3. Community open houses to be run by consultant

Village Planning Staff Involvement

Although the final list of responsibilities will be the responsibility of the consultant, staff can assist with the following tasks:

- a. Provide background information and documents as may be readily available

- b. Offer feedback to the project team
- c. Review and submit comments on various drafts
- d. Participate in working sessions with the project team
- e. Provide notices and secure venues for public meetings
- f. Give the consultant team a tour of the Village
- g. Serve as a liaison between the public and consultant

Staff will be seeking the desired consultant to be in constant contact to document the progress and accomplishments and to discuss unresolved issues, upcoming milestones, and logistics for completing the project on time.

SCOPE OF SERVICES

The following suggested scope of services as outlined below shall be reflective in a submittal for further consideration. Consideration will be given to consultants which may choose to undertake another method of obtaining the results of the suggested 13 task elements below. If submitting a scope of services that meets the below guidelines, but does not follow specifically, a narrative explaining the process is expected and can be further considered.

Task 1 – Public Participation Plan

A public participation plan is sought that describes the ways in which the public and others will be involved in the preparation, review, and adoption of the zoning ordinance. This plan needs to be realistic and solicit public input in meaningful ways.

Deliverables: Public participation plan for Village review and approval.

Task 2 – Project Orientation and Kick-off Meeting

At the onset of the project, it is expected an orientation and kick-off meeting with Village staff, the Plan Commission, and others will occur. It is expected the consultant will confirm the goals of the project, review the timeline for the project, and to identify specific issues the project will need to address.

Deliverables: All required meeting materials, visual presentations, or any other resources or materials.

Meetings: One meeting

Task 3 – Continuing Coordination. Consultant shall maintain constant contact with Village staff and others throughout the process to ensure the project is moving forward consistent with the adopted timeline and resolve any issues that arise during the project. Consultant shall provide regular updates and maintain regular contact.

Task 4 – Issue Identification

Consultant is expected to actively solicit input from a wide variety of people and groups regarding current zoning code requirements, administration procedures, zoning code deficiencies, suggested changes and implementation procedures. To accomplish, the consultant

shall generate a plan which may follow these desired sub-elements, or alternative plan which accomplishes the following:

1. **Stakeholder Listening Sessions.** Consultant to conduct confidential listening sessions with key stakeholders, which could include elected and appointed officials, department staff, and representatives of civic organizations, the local chamber of commerce, business groups, neighborhood groups, and the like. Consultant to work with the Village staff to identify a list of potential participants.
2. **Scoping Session with Village Staff.** Consultant to meet with Village staff as recommended by Village Planner to identify issues and concerns they may have regarding the code rewrite.
3. **General Scoping Session.** The consultant team will conduct a workshop for the Plan Commission, and other invited participants to identify issues the new zoning code should address in new or different ways. After that initial exercise, we will work with the workshop participants to identify and evaluate alternative solutions to the key issues. The purpose of this exercise is to develop consensus on what needs to be addressed in the rewrite and sufficient direction to begin drafting the zoning ordinance.

Deliverables: (1) All required meeting materials; (2) one original draft and final memorandum summarizing input received during this task (one hard copy, one digital copy).

Meetings: Stakeholder listening sessions, one work session with Village staff, and one meeting for the general scoping session.

Task 5 – Background Analysis/Evaluation

1. **Review of Comprehensive Plan and other Plans.** Consultant will review the Village’s adopted comprehensive plan to determine the extent to which the current zoning code conforms to the Village’s plan and analyze and document where it does not conform. For those areas of conflict or potential conflict, recommended alternative solutions are sought. Part of this analysis will include the review of the Village’s current zoning map to identify areas where there is an inconsistency between the zoning district designation and the desired future land use as recommended in the plans. Part of the following tasks will include proposed “up zonings” and “down zonings” to better conform. Finally, the project team will review the Village’s comprehensive plan to determine whether there are regulatory frameworks that would help implement those plans.
2. **Review of other Municipal Ordinances.** Consultant is expected to review other Village regulations (e.g., subdivision and platting, historic preservation, building, utilities and others) to identify potential inconsistencies and gaps. There is a large interest in reviewing other Village regulations pertaining to Planned Unit Developments and finding models which may streamline, as much as possible, the review procedures and timeline to find a process which simplifies the process. The overall intent is to ensure consistency and integration. Recommendations will be provided to address any deficiencies identified

in this step.

3. **Field Study.** The consultant team will complete an on-the-ground visual assessment of the Village to fully understand current land uses and development patterns. It is anticipated that Village Planner or another person will take the consultant team on a tour to assist with this task.
4. **Review Land Use Decisions Made Under the Existing Code.** Consultant will work with Village staff to review a number of recent development projects that were relatively controversial, did not proceed efficiently through the development review process, faced a legal challenge or threats of a legal challenge, or resulted in an undesirable end product. The intent of this task is to have consultant identify areas where the current zoning code functions well and where the new code needs to do things differently.

Deliverables: One hard copy and one electronic copy.

Meetings: Meeting(s) with the Plan Commission is(are) anticipated to review the written report.

Task 6 – Annotated Outline

Consultant will identify and evaluate new zoning concepts and approaches for potential inclusion in the draft zoning code, with special attention given to addressing the project objectives and the results of the issue identification and zoning code analysis tasks previously described. Based on this information, consultant will prepare an annotated outline that includes a chapter-by-chapter description of the proposed new zoning code, an overview of the proposed structure and substance of the new zoning code, a discussion of zoning options, and a commentary explaining the rationale for the recommended approach to drafting the zoning code.

The annotated outline should include examples of how the new zoning code would be used to implement the recommendations of the comprehensive plan, overlay districts and neighborhood plans, if any.

The proposed annotated outline will be submitted to Village staff, the Plan Commission, and other Village boards and commissions as deemed appropriate by the Village and others for review and comment. After obtaining general agreement on the contents of the initial draft of the annotated outline, consultant will prepare a final annotated outline, based on the comments received.

Deliverables: One hard copy, one electronic copy.

Meetings: Meeting(s) with the Plan Commission is anticipated to review the annotated outline and solicit feedback.

Task 7 – Preliminary Discussion Draft of Zoning Code (Draft 1)

Consultant will prepare a discussion draft of the zoning code based on the final annotated outline. The new zoning code will be organized into logical topics, which will help create a user-

friendly code. The code should include use of graphics, tables, flow charts, matrices, and other methods for facilitating easy use and understanding of the zoning code. The discussion draft is sought to be presented in distinct modules that will permit easy review. As part of this task, consultant is expected to evaluate, test, and revise the discussion draft.

Deliverables: One hard copy, one digital copy, and an electronic file (ArcGIS) of the zoning map.

Meetings: Meetings with the Plan Commission are anticipated to review the preliminary discussion draft.

Task 8 – Final Discussion Draft of Zoning Code (Draft 2)

Based on input received from Village staff and Plan Commission, a final draft of the zoning code is sought to be prepared. This draft will be widely distributed to the public for review and comment. Various public meetings, or equivalent method(s) proposed and demonstrated to be effective in other communities, will be sought to be held to solicit input from the general public, stakeholders, and others.

Deliverables: one hard copy, one digital copy and electronic file of zoning map.

Meetings: As anticipated to accomplish.

Task 9 – Open House

An open house (or any number recommended) is sought to be held to create an informal setting for residents and others to learn more about the zoning code and to offer their suggestions and comments. Poster sessions or equivalent, or other ideas, shall be used to describe the code and what it is intended to accomplish. A formal presentation may be given to highlight the key aspects of the proposed code. Comments collected from this session will be organized and submitted to the Plan Commission for review and consideration to conduct an open house and be held on a weekday from late afternoon into the evening hours to fit the schedule of more residents.

Deliverables: All required meeting materials, visual presentations, or any other resources or materials.

Meetings: Open house

Task 10 – Public Hearing Draft Zoning Code (Draft 3)

Consultant will prepare a public hearing draft zoning code and map based on input from the previous steps. In addition, consultant will prepare an executive summary explaining the public hearing draft and map and changes from the discussion draft and map. An executive summary will be distributed to the general public and the media prior to the public hearing.

Deliverables: One hard copy, one digital copy, and one electronic file of the public hearing draft zoning code map.

Meetings: Work session with the Plan Commission

Task 11 – Public Hearing

The consultant team will attend the public hearing at which time the public hearing draft of the proposed zoning code and map will be presented and public input accepted. We will give a presentation regarding the project, explain the proposal, and respond to questions.

Deliverables: None anticipated

Meetings: Attendance at public meeting is expected

Task 12 – Code Adoption

Consultant will attend a Village Board meeting to present the consensus zoning code and map, as recommended by the Plan Commission.

Deliverables: (1) One reproducible copy of the adopted zoning code; (2) an electronic file of the adopted zoning code; (3) electronic file of the adopted zoning code map in a format acceptable to the Village; (4) Complete updates needed to the current “Zoning Hub” site, all associated elements and language to reflect code text amendments.

Meetings: At least one meeting is anticipated.

Task 13 – Training

Consultant will conduct a training session for the staff (up to 15 hours) and also the Plan Commission (up to 10 hours) with the goal of giving staff and commissioners a working knowledge of the code and administrative requirements. The total amount of hours will be based up a consensus of the Commission and Staff to best decide on number of hours.

Meetings: up to two work sessions with staff and up to two meetings with the Plan Commission, depending on absences or need to accommodate schedules.

DELIVERABLES FROM CONSULTANT

1. **Application Forms.** For each of the various types of development review, consultant will prepare an application form that asks for the type of information required by the zoning code. These will include examples such as for wetland setback variance application forms, tree removal permit application forms and all associated forms to accomplish the mandated Zoning code inclusions. One each hardcopy and digital format. To complete this task, consultant shall work with the Village’s current online application provider, BSA Software, to ensure the proposed applications mirror the online applications and changes are completed to reflect the applications created by the consultant.

2. **Sample Documents.** Consultant shall prepare and deliver to the Village various documents that may be used or that are required. Consultant will provide samples of each. These will include cross-access agreement, shared parking agreement, letter of credit, flooding easement, and more resulting from the outcome of the Scope of Services and resultant Ordinance provisions. One each hardcopy and digital format.
3. **Style Guide.** Consultant shall establish drafting rules (e.g., word usage and capitalization, etc.) which are not followed when amendments are made. Consultant shall provide the Village with a style guide that will be used in writing the code. Ideally, this style guide would be referred to when amendments are drafted in the future. One each hardcopy and digital format.
4. **Inventory of Nonconformities.** Consultant shall create a database of nonconformities. Data will be derived from existing sources of information, GIS analysis, and information discovered during the public participation process. Once this task is complete, the database would be delivered to the Village in an approvable format (excel, .xls or compatible) and the Village staff will then be able to add new records to the database and revise existing records. One each hardcopy of current non conformities and digital format.
5. **Zoning Hub Updates.** Consultant shall undertake and complete all updates needed to the current “Zoning Hub” site, all associated elements and language to reflect code text amendments.

TIMELINE

Consultants are expected to be able to complete the project **within 16 months upon Village Board approval of contract.** Consideration will be given for proposals which may reduce the number of months. The following general timeline is anticipated, and may be amended by Village Staff due to inclement weather or other unforeseeable events:

- **February 14, 2020, 11:00 am – RFP’s due to Village Hall – No Late Submittals accepted**

Notice: Work may be expected to commence as soon as March 19, 2020, OR sometime thereafter, following Village Staff and Board Consideration, pending contract review/approval with Village.

BUDGET PROPOSAL

Consultant shall deliver a lump sum cost of all of the tasks identified in the scope of work (zoning code and sign code) for a total fixed fee amount, not to exceed cost. This cost shall include all reimbursable expenses.

QUESTIONS ON RFP SUBMITTAL

Inquiries or questions regarding the RFP can also be sent to Benjamin Kohout, Village Planner, at bkohout@villageofmukwonago.com. Questions/inquires accepted from January 16, 2020 through February 10, 2020. The Village will provide the question and response to all potential applicants and will strive to do so. In order to do this, the Village will need to be provided with an applicant contact person in order to provide any potential question(s) and response(s).

SUBMISSION OF PROPOSALS

- Three (3) complete bound copies and one electronic copy (emailed, link or usb flash drive) of the technical proposal for Step One along with a separate sealed envelope labeled “Cost to Complete Zoning Rewrite Proposal” must be received by 11am on Friday, February 14, 2020 at the address below:

Village of Mukwonago, Attn: Ben Kohout, “RFP for Zoning Code”, 440 River Crest Ct., Mukwonago, WI 53149

- If e-mailing, A PDF document (no larger than 10 MB) to be e-mailed to: planner@villageofmukwonago.com

Envelopes containing the proposal shall be marked "Zoning Ordinance Rewrite Proposal". Costs shall be submitted in a separate envelope labeled "Cost to Complete Zoning Ordinance Rewrite Proposal" and marked with the name of the submitting firm.

EVALUATION OF PROPOSALS

A two-step selection process will be used. The first step will consist of evaluation of qualifications and technical information submitted by the consultant and will result in a short list of firms who are considered best qualified based upon the evaluation process described below. The second step will consist of opening of the priced proposals from the short listed firms. Interviews may be scheduled.

Evaluation Procedure: The responses to the RFP will be internally reviewed by Village Staff. The Village reserves the right to narrow the applicants to a “short list” and interview potential firms to establish a final award determination and to negotiate with the successful respondent in the addition or deletion of any or all tasks included within the RFP. The Village of Mukwonago also reserves the right to accept or reject any or all RFP’s and to accept the RFP most advantageous to the Village. Those firms not selected are to be notified by March 6, 2020.

Evaluation Factors and Points:

Step One

1. Relevant knowledge, experience and qualifications of firm and team members (35).
2. Proposed methodology and work plan to be used in the process (25).
3. Understanding of the project and overall completeness of submission (15).
4. Experience on similar projects/References (10).

Step Two

1. Proposed project costs and fee schedules (15).

Disqualification: Non-responsive proposals will also receive no consideration. A “responsive” proposal conforms in all material respects to the RFP.