

## **ATTACHMENT A**

### **SCOPE OF SERVICES**

**Draft 11/14/07**

#### **City of Madison, Wisconsin Zoning Code Rewrite**

While the City's recently adopted Comprehensive Plan is grounded in smart growth principles and policies, its zoning ordinance still reflects a standard land-use based classification system that emphasizes separation of uses into single districts with marginally different characteristics and requirements. The addition of numerous special districts has added some flexibility to the code, but has also made its administration more complex. The text-based format of the existing zoning ordinance relies heavily on redundant lists of permitted and conditional uses and standards, and lacks navigational aids beyond an index. Coordination and cross-referencing to other land use related ordinances is largely absent. Most importantly, the ordinance as it now stands would not allow many of the City's most valued places to be rebuilt. Given the impetus of the new Comprehensive Plan, the ordinance rewrite is especially timely. To be effective, the rewrite effort needs to build upon the community interest generated by the plan, and clearly link the plan's policies to changes in the ordinance. The final product should be based on a hybrid zoning approach, and be internally consistent, logical, graphically rich, and readily understandable for both print- and web-based users.

Cunningham Group and the individual team members assigned to this project have a depth of experience managing ordinance updates and professional planning/zoning projects similar in scope and size to that requested by the City of Madison. Through this experience, we have developed an understanding of how to work with diverse stakeholders to translate planning and urban design principles into meaningful ordinance language and illustrations. Key components of our approach are as follows:

#### **Hybrid Zoning**

In blending the elements of form-based and conventional zoning codes, it is important to understand the strengths and weaknesses of each type of code, and where each can be successfully applied.

The form-based approach is generally more flexible in terms of uses, but more prescriptive in terms of building scale, massing and design elements. It therefore requires a high level of understanding of the existing or desired built environment, which is depicted through detailed graphic standards and accompanying text. These characteristics all make it most appropriate for districts and corridors where a high level of design review is desired - for example, downtown and neighborhood centers, major entry corridors and gateways into the city, waterfront districts, and areas that are evolving to become mixed-use centers. By the same token, the form-based approach is less effective in stable residential neighborhoods, unless context-specific design standards are desired in those districts.

Conventional zoning requirements may continue to apply across much of the city, but can be made far more user-friendly and context-sensitive by rethinking their format and content, including the use of diagrams and graphics to illustrate concepts such as building envelopes, setbacks, parking location and design, and the relationships of buildings, streets, sidewalks, and landscape features.

## **Public Participation Process**

Our participation process is organized around community meetings to be held in geographic sub-areas of the City. These participation opportunities allow us to a) listen and gauge initial thoughts, concerns and identify major issues; b) provide general public comment on the analysis and zoning re-write outline; c) provide general public comment regarding the draft zoning code and map. At two key milestones we facilitate city-wide "summits" that provide opportunities to review and responds to recommended elements of the new zoning code and map.

The participation process includes eight (8) Advisory Committee meetings, eight (8) Inter-Agency Work Group meetings, nine (9) Plan Commission meetings, four (4) Community Meetings (at three sub-areas each), two (2) Community Summits (at three sub-areas each) and five (5) Common Council meetings. These opportunities are supplemented with regular updates on the City's website and other available media outlets. Cuningham Group will provide the City with content for the website, and the City will add the content to the website.

An ordinance update differs from a comprehensive or area plan process in its high level of detail and specificity. The challenge is how to convey the seemingly abstract concepts and high level of detail of an ordinance in such a way that citizens can make informed decisions.

We welcome the challenge of addressing the inherent complexities of such a planning/ zoning project; one that has multiple users and multiple needs. Our approach includes educating the public and stakeholders so they understand current land use regulations, their strengths and weaknesses, as a basis for comparison to the proposed code. The participation process also includes opportunities to make meaningful choices that help to shape the final product. We structure the process using the following techniques:

A functional and diverse Advisory Committee, that will act as a community liaisons throughout the update process, shall be created. An Advisory Committee that includes Plan Commission members, Zoning Board of Appeals members and representatives of various stakeholders (many of which were identified during the Comprehensive Plan update) can effectively represent a broader spectrum of community interests than the Plan Commission alone. Interaction among Committee members and outreach to their constituencies will help to build awareness of and consensus for the ordinance update.

Use the full range of community involvement techniques to reach the general public. These include:

- Engaging the Advisory Committee in identifying stakeholders.
- Engaging decision makers and leaders in strategic, not detailed discussions.
- Providing a variety of venues from one-on-one interviews, focus group and community meetings to gather input and deliver feedback.
- Illustrating realistic alternatives to allow participants to make informed choices.
- Effectively communicating ideas with drawings, diagrams, and three-dimensional images.

Cunningham Group shall implement an approach that organizes the city into geographical sub-areas. Each sub-area of the City shall have its own set of community meetings. The sub-areas of the City present distinct development patterns and land patterns - and therefore will have different zoning strategies.

Cunningham Group will facilitate two (2) Community Summits at key points in the process where the project team will host an open house in each of the three sub-areas of the City - each designed to deliver information and accommodate feedback.

Public review and comments should occur early in the ordinance re-write process, in order to identify potential issues and to reinvigorate the base of public support developed during the comprehensive planning process. It is most useful to seek public input once a broad outline of new zoning districts, policies and other major changes have been identified. Included are four (4) Community Meetings (at three sub-areas each) supplemented by two (2) Community Summits (at three sub-areas each) organized to focus on the draft code and map. The Community Meetings are envisioned to begin with an open house and then a series of breakout sessions with smaller groups, allowing participants to hear one another's views. An important goal is to help participants understand the way existing land use regulations affect the existing environment and the variety of ways the new comprehensive plan policies can be implemented with a new ordinance. We will use visual examples from Madison's neighborhood plans and development projects in order to clarify regulatory and design issues and to build an awareness of community character and built form.

The Community Summits are organized to include material in an Open House format in three sub-areas of the city. We will display hard copies and electronic images; staff and consultants are available to answer questions. A brief presentation is included along with a variety of methods for public feedback, including comment forms and maps that can be annotated. The resulting comments are then synthesized for review by the inter-agency staff and possible revisions to the final draft ordinance.

As the rewrite project moves toward adoption, it is important to convey the advantages of the new code. The new code should provide increased flexibility in combining land uses, paired with a higher level of design and site plan review and make it clear how the many users of the city's ordinances, from neighborhood advocates to developers, can benefit from a greater degree of predictability in both the regulations and the review process.

## **General Work Program**

Our approach to an ordinance rewrite is to break the process into a series of measurable and understandable tasks, as outlined below, and to "check in" at regular intervals with staff and review bodies to promote understanding in each phase of the process.

### **Task 1 Project Initiation/Orientation**

Meet with the Plan Commission, Project Advisory Committee, Inter-Agency Work Group and Project Manager to finalize the project's scope of work and schedule, discuss project management and establish framework for community involvement. Gather background material, including GIS data, relevant plans, records of variances, etc.

#### *Key Activities:*

- The Consultant shall be responsible for arranging and facilitating all meeting presentations. The City's Project Manager will arrange and schedule meeting venues.
- Implement City-approved Public Participation Plan; this will include a communications/public relations strategy that will be closely coordinated with the City and available City resources.

#### *Deliverables:*

- Detailed scope of work, project timeline and memo outlining inter-agency staff meeting schedule and public participation plan.
- Public Participation Plan detailed strategy and detailed comprehensive public relations/communications strategy and timeline.
- Producing meeting materials, visual presentations, or any other resources or material necessary to engage the public.
- Prepare meeting minutes.

#### *Meetings:*

- City Project Manager (1)
- Advisory Committee (1)
- Inter-Agency Work Group (1)
- Plan Commission Workshop (1)

## **Task 2 Issue Identification**

Understanding exactly where the problems lie in applying, using and understanding the current ordinance is a critical first step in "rethinking" and re-writing the code. A variety of methods will be used to diagnose ordinance issues and problems.

### *Key Activities:*

- Interview City staff, including zoning staff, building inspection staff, City attorney's office and planning staff, to discuss their concerns on problems that the code update should address.
- Seek input from the Plan Commission and Zoning Board of Appeals in identifying common problems with the current ordinance.
- City will provide required available resources necessary to complete the analysis tasks; these may include most recent aerial photography, GIS files/ maps/ database and current zoning code files/ records/ etc.
- The Consultant shall be responsible for arranging and facilitating all meeting presentations. The City's Project Manager will arrange and schedule meeting venues.
- Implement approach for gathering broad-based input about the current Zoning Code and map.
- Conduct Focus Group and key stakeholder interviews as needed.

### *Deliverables:*

- Technical memo summarizing major issues regarding the current ordinance.
- Electronic (PDF and Word) file of draft and final Issue Identification memorandum.
- One original and (25) copies of draft and final Issues Identification memorandum.
- Prepare meeting minutes.

### *Meetings:*

- City Project Manager (1)
- Advisory Committee (1)
- Inter-Agency Work Group (1)
- Community Meetings (1) per each sub-area
- Plan Commission (1)
- One-on-one interviews with key stakeholders (as needed) and Focus Group Meetings (as needed)

### **Task 3 Zoning Code Analysis**

The analysis task is based on the issues identification process and a complete technical evaluation of the current code as well as a review of the land subdivision regulations, landmarks ordinance, urban design ordinance, street graphics ordinance, Comprehensive Plan and a selected sample of neighborhood plans. The task will focus on and assess strengths and weaknesses, user relationship to code and how well it is integrated with other ordinances and plans.

#### *Key Activities:*

- Analyze records of past variances, especially the most common types, to identify recurring themes of differences between zoning and the built environment.
- Use GIS to identify currently nonconforming lots and parcels of record, and to group residential parcels into size classes. Parcel size often is directly correlated to the year of development.
- Analyze the recommendations of the Comprehensive Plan and a selected sample of neighborhood plans as these pertain to the desired revisions to the ordinance, and identify the major discrepancies between plan policies and current zoning.
- Identify development types that are representative of existing or proposed zoning districts, such as existing traditional neighborhoods, emerging neighborhoods, mixed use centers and the urban/rural fringe.
- Identify similar ordinances for cities of similar size and character that may offer useful models.
- Determine how the City's zoning code addresses the Natural Step and larger issues of sustainability.

#### *Deliverables:*

- Draft of technical analysis and evaluation (Word file).
- One original and (25) copies of the technical analysis and evaluation report concerning the current Zoning Code and map and discussion of new zoning concepts and approaches.
- Electronic (PDF and Word) file of the technical analysis and evaluation report.
- Present technical analysis and evaluation report to City Staff, Advisory Committee and Plan Commission.
- Prepare meeting minutes.

#### *Meetings:*

- City Project Manager (1)
- Advisory Committee (1)
- Inter-Agency Work Group (1)
- Community Meeting (1) per each sub-area
- Plan Commission (1)
- Common Council (1)

#### **Task 4 Annotated Outline**

The Consultant shall identify and discuss new zoning concepts and approaches for potential inclusion in the draft Zoning Code, with special attention given to addressing the project objectives, the results of the issue identification and zoning code analysis tasks. Based on this discussion, the Consultant shall prepare an annotated outline that includes a chapter-by-chapter detailed 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 shall include examples of how the new Zoning Code would be used to implement the recommendations of the Comprehensive Plan and neighborhood development plans at “representative” locations in the City. The annotated outline shall also include recommendations for potential revisions to the City’s Land Subdivision Regulations, Landmarks Ordinance and Urban Design Ordinance so that the new Zoning Code, and other regulations and ordinances are integrated and consistent with each other. An important element of the outline is the establishment of Traditional Neighborhood Districts (TND) and how the Natural Step principles are incorporated into the future built-form of the City. The Consultant shall present the annotated outline to City staff, the Plan Commission, other City boards and commissions, and others for review and comment. After obtaining general agreement on the contents of the initial draft of the annotated outline and allowing for appropriate opportunity for review, revision and discussion, the Consultant shall provide the City with a final annotated outline based on the comments received.

#### *Key Activities:*

- Ordinance outline and policy statements that summarize the intent of each new or substantially revised section.
- Meeting(s) with the Advisory Committee, Inter-Agency Work Group, City staff and others.
- The Consultant shall be responsible for arranging and facilitating all meeting presentations. The City’s Project Manager will arrange and schedule meeting venues.
- Review, discussion and revisions as needed to complete the Annotated Outline.

#### *Deliverables:*

- One original and (25) copies of the draft annotated outline.
- One original and (25) copies of the revised, final annotated outline.
- Electronic (PDF and Word) files of all documents.
- Prepare meeting minutes.

#### *Meetings:*

- City Project Manager (1)
- Advisory Committee (1)
- Inter-Agency Work Group (1)

## **Task 5 Draft Zoning Code**

The process of drafting, reviewing and revising each new section of the ordinance is the central task of the project, and occupies the longest period of time in the project schedule. It is an iterative process, proceeding from a general outline to more detailed language. Our approach is to present each section for staff review, then prepare annotated drafts for review by the inter-agency staff. We annotate the drafts to highlight differences between old and new ordinance provisions, to explain the reasoning behind particular proposed revisions and their language, and to highlight issues or questions that still need to be addressed.

This task includes the packaging and cross-referencing of new and revised sections into a single coherent document. Consistent format, table numbering, cross-references, and other details will be addressed. The relationship to other regulations is clarified at this stage. It is important for staff and other reviewers to timely review all sections, so that they can be revised to incorporate review comments prior to packaging a draft ordinance for public review. As part of this task, draft sections of the ordinance will be tested by applying the proposed new zoning district regulations and standards to selected locations within the city and its planned growth areas. The purpose of the test mapping will be to evaluate the effectiveness of the proposed districts and regulations in promoting the types of land use and urban design recommended in adopted City plans applicable that area, and how well the proposed districts and regulations maintain desired harmony between new and established developments. The areas selected for test mapping will include representative samples of the broad general types of development area, including samples from within the downtown, near-east and near-west infill redevelopment locations, established neighborhoods of several densities and housing types where little or no change is recommended, major retail/commercial districts outside the central area, and planned new neighborhood areas---and particularly recommended traditional neighborhood development neighborhoods and the proposed mixed-use centers within those neighborhoods. The discussion draft zoning ordinance will incorporate adjustments determined necessary as a result of the evaluation to the test mapping.

The complete draft and a summary of major changes will be presented to the inter-agency staff, Planning Commission and Council. The consultant will prepare two drafts of the zoning code during this task: a) discussion draft zoning code; b) revised discussion draft zoning code. Maps illustrating the application of the proposed new zoning districts to the test map areas will be included with both the discussion draft zoning code and the revised discussion draft zoning code, together with a narrative summary of the conclusions of the mapping test.

### *Key Activities:*

- The Consultant shall work with the City to evaluate, test and revise the discussion draft Zoning Code and test maps. The Consultant will work with the City to select the representative areas where mapping of the proposed draft zoning code will be tested.
- Meetings/ presentations, etc. with the Plan Commission, City staff, other City boards, commissions and committees, the general public and others to review the discussion draft Zoning Code.
- The Consultant shall be responsible for arranging and facilitating all meeting presentations. The City's Project Manager will arrange and schedule meeting venues.
- Implement approach to soliciting input from the general public and other zoning Code users about the discussion draft Zoning Code.



*Deliverables:*

- Annotated drafts of each section, including maps illustrating the application of the proposed new zoning districts to the test map areas, followed by revised drafts, including revised test maps as required for presentation to the Inter-Agency Work Group. Presentations and summaries of major changes for Inter-Agency Work meetings.
- Electronic file (ArcView) of the discussion draft Zoning Code test maps of representative areas of the City.
- Modify the discussion draft Zoning Code and test maps as needed.
- The original and (25) copies of revised discussion draft Zoning Code.
- Electronic (PDF and Word) file of revised discussion draft Zoning Code.
- Prepare meeting minutes.

*Meetings:*

- City Project Manager (2)
- Advisory Committee (2)
- Inter-Agency Work Group (2)
- Community Meeting (1) per each sub-area
- Community Summit (1) per each sub-area
- Plan Commission (1)
- Common Council (1)

## **Task 6 Zoning Code Revisions, Adoption and Implementation**

The review process involves final presentation to the inter-agency staff, and the Planning Commission. The Planning Commission holds a public hearing before making a recommendation to the Common Council. We assist in this final public hearing before adoption of the final ordinance. The review schedule is determined by public notification requirements and staff preferences.

### *Deliverables: Public Hearing Draft*

- One original and (25) copies of the public hearing draft of the Zoning Code.
- One original and (25) copies of the public hearing draft Zoning Code executive summary.
- Electronic (PDF and Word) file of the public hearing draft Zoning Code and executive summary.

### *Deliverables: Public Hearing Meetings and Revisions*

- Attend Plan Commission public hearing at which the proposed Zoning Code is considered.
- One original and (25) copies of revised, post-public hearing consensus draft of the Zoning Code.
- Electronic (PDF and Word) file of revised, post-public hearing consensus draft of the Zoning Code.

### *Deliverables: Zoning Code Adoption/ Implementation*

- Provide needed presentation aids, graphics or other materials.
- A reproducible hard copy of the adopted Zoning Code.
- An electronic (PDF and Word) file of the adopted Zoning Code.
- A web-friendly version of the adopted Zoning Code.

### *Meetings:*

- City Project Manager (1)
- Advisory Committee (1)
- Inter-Agency Task Force (1)
- Plan Commission Hearing (1)
- Common Council (1)

## **Task 7 Draft Zoning Map**

Changes to the existing Zoning Map to reflect districts and regulations in the new zoning code will occur at this point in the process. Proposed map changes need to be compared to existing land uses to minimize the creation of new nonconformities and to maximize matching new districts to existing land use patterns, subject to accomplishing the goals of the comprehensive plan. The consultant will prepare two drafts of the citywide zoning map: a) draft zoning map; b) final revised draft zoning code map.

### *Key Activities:*

- Meetings/presentations, etc. with the Plan Commission, City staff, other City boards, commissions and committees, the general public and others to review the discussion draft citywide Zoning Code map.
- The Consultant shall be responsible for arranging and facilitating all meeting presentations. The City's Project Manager will arrange and schedule meeting venues.
- Implement approach to soliciting input from the general public and other users about the discussion draft citywide Zoning Code map.

### *Deliverables:*

- Draft zoning map based in GIS ArcView format
- Electronic file (ArcView) of the preliminary draft citywide Zoning Code map.
- Evaluate, test and revise the discussion draft citywide Zoning Code map.
- Modify the preliminary discussion draft citywide Zoning Code map as needed.
- Electronic file (ArcView) of the final discussion draft citywide Zoning Code map.
- Prepare meeting minutes.

### *Meetings:*

- City Project Manager (2)
- Advisory Committee (2)
- Inter-Agency Task Force (2)
- Community Meeting (1) per each sub- area
- Community Summit (1) per each sub-area
- Plan Commission (2)
- Common Council (1)

## **Task 8 Zoning Map Revisions, Adoption and Implementation**

The review process involves final presentation to the inter-agency staff, and the Planning Commission. The Planning Commission holds a public hearing before making a recommendation to the Council. We assist in this final public hearing before adoption of the final map. The review schedule is determined by public notification requirements and staff preferences.

### *Deliverables: Public Hearing Draft*

- One original and (25) copies of the public hearing draft of the Zoning Map.
- One original and (25) copies of the public hearing draft Zoning Map executive summary.
- Electronic (ArcView) file of the public hearing draft Zoning Map.

### *Deliverables: Public Hearing Meetings and Revisions*

- Attend Plan Commission public hearing at which the proposed Zoning Map is considered.
- One original and (25) copies of revised, post-public hearing consensus draft of the Zoning Map.
- Electronic (ArcView) file of the revised, post-public hearing consensus draft of the Zoning Map.

### *Deliverables: Zoning Map Adoption/ Implementation*

- Provide needed presentation aids, graphics or other materials.
- A reproducible hard copy of the adopted Zoning Map.
- A web-friendly version of the adopted Zoning Map.
- Electronic (ArcView) file of the adopted Zoning Map.

### *Meetings:*

- City Project Manager (1)
- Plan Commission (2)
- Common Council (1)

# Schedule

Team Tasks	2008												2009											
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1 Project Initiation/Orientation	[Blue bar]																							
2 Issue Identification	[Blue bar]																							
3 Zoning Code Analysis	[Blue bar]																							
4 Annotated Outline	[Blue bar]																							
5 Draft Zoning Code	[Blue bar]																							
6 Review, Adoption & Implementation													[Blue bar]											
7 Draft Zoning Map													[Blue bar]											
8 Revision, Adoption & Implementation													[Blue bar]											

## Meetings

City Project Manager	●		●		●				●		●		●				●		●		●			
Advisory Committee	●		●		●				●		●		●				●		●					
Inter-agency Work Group	●		●		●				●		●		●				●		●					
Community Meetings			● Issues		● Analysis / Outline						● Code						● Map							
Community Summit													■						■					
Plan Commission	● Workshop		●		●						●						●		●		●			

## Public Hearings

Plan Commission															● Hearing								● Hearing	
Common Council					●						●				● Meeting				●					● Meeting

Note: Scope and schedule subject to review and approval of client and Cuningham Group  
 Rev. 110507

	Cunningham Group			Tech	URS		White & Smith	Keane Musty	
	ML	AD	CH		SR	Tech	MW	TK/PM	
	\$145	\$140	\$80		\$70	\$95	\$75	\$185	
<b>Meetings/Hours</b>									
City Project Manager	12	12	6		12		12		54
Advisory Committee	12	12	6		12		10		52
Inter-Agency Work Group	12	12	6		12		10		52
Community Meetings									
	28	28	28	24	28				136
	28	28	28	24	28				136
	28	28	28	24	28				136
Community Summit									
	12	12	12		12		12	12	72
	12	12	12		12		12	12	72
	12	12	12		12		12	12	72
Plan Commission	20	12	12		20		12	6	82
Common Council	10		6		10		4		30
<b>Scope Tasks</b>									
1. Project Initiation/Orientation	24	24	24		24		16	16	128
2. Issue Identification	16	16	16	16	24		24	16	128
3. Zoning Code Analysis	4	16	8	16	100	16	60	16	236
4. Annotated Outline	8	8	4	24	80	24	60	8	216
5. Draft Zoning Code	4	16	80	40	160	40	140	40	520
6. Code Revisions/Adoption	16	16	24	8	60		20		144
7. Draft Zoning Map	4	12	80	24	20		20		160
8. Map Revisions/Adoption	16	16	24	8	60		20		144
Subtotal hours	278	292	416	208	714	80	444	138	2570
Subtotal fee	\$40,310	\$40,880	\$33,280	\$14,560	\$67,830	\$6,000	\$82,140	\$17,250	\$302,250
Expenses									\$27,500
<b>Total Fee</b>	<b>\$40,310</b>	<b>\$40,880</b>	<b>\$33,280</b>	<b>\$14,560</b>	<b>\$67,830</b>	<b>\$6,000</b>	<b>\$82,140</b>	<b>\$17,250</b>	<b>\$329,750</b>