

September 29th, 2021

Request for Proposal (RFP) for a Qualified Consulting Services, to 1). Conduct an analysis of the current Barberton Development Code (the “Current Code”) and to 2). Facilitate a new Development / Zoning Code (the “New Code”) for the City of Barberton (the “City”). All proposals in response to this request must be received by the Barberton Planning & Community Development Department by **1p.m. on Wednesday, October 13, 2021.**

I. Introduction

The City is requesting proposals from an accomplished consultant (the “Team”) to lead the development process for a New Code with leanings towards a Form-Based Code (FBC). The City is open to discussion, but due to the fact all land within corporate limits is nearly entirely developed with little to no undeveloped land, we feel that the “form is currently in place” to advance a FBC. The New Code is intended to be “lean” or less restrictive in identified areas of the city, with the intention of promoting and supporting business growth in the city. Other, mostly residential areas of the City may have more stringent requirements, intended to foster walkable communities and keep the historic character that currently exists. The New Code will replace the Current Code. The New Code should be designed to be both user-friendly and offer predictability to the average citizen and business. The Team will develop a general reorganization of code management and framework of administration processes to streamline zoning reviews. The Team will be expected to lead necessary processes to support a recommendation for approval by the Planning Commission and adoption by Barberton City Council.

II. City History & Development Code

Known as the “Magic City,” the City witnessed rapid industrialization before the turn of the 19th century when it was said that it “magically appeared overnight” due to unprecedented growth, led by the City’s founder, Ohio Columbus (O.C.) Barber. The City grew to about 34,000 residents by the mid-1960s, before losing population (nearly 26,000 in population today).

Founded on a natural kettle lake, Lake Anna, much civic life, and economic development grew up around this natural feature. Barberton, much like many other “rust belt” cities of its’ size, succeeded early on, rapidly grew, and then succumbed to the outward pressures of globalization and organized labor by the 1960s and 1970s.

As one may imagine, the City was largely developed in the industrial era prior to the advent of zoning and development codes, so small factories, machines shops, and other industrial outfits are commonplace within the fabric of some residential areas, especially in the older neighborhoods of the City.

Still, much of Barberton identifies with our industrial heritage, and to-date, the City heavily relies on industrial jobs as its economic base. These accommodations are important considerations in the New Code, as the City prioritizes manufacturing and related industries as foundational to its growth in addition to downtown redevelopment. The downtown and Lake Anna neighborhoods are currently listed in the State's Certified Local Government (CLG) designation, and are in process of the being certified on the National Register of Historic Places as a district of significance.

Through much research, Mayor Judge, the Planning Commission and Planning Department staff has identified 16 neighborhoods within the entirety of the 8.9-square miles of the City. These neighborhoods are defined by different physical characteristics and the age of development, including development patterns and form. Some of these neighborhoods are mixed in use type, while other neighborhoods are strictly residential in nature. The City's last rewrite of the Current Code was effective in December 1995 by the passage of Ordinance 148-1995, with some minor modifications throughout 2018.

The Current Code is a Euclidean code with 23 identified land use districts and one overlay district. Like many other zoning codes of the time, the Current Code relies heavily upon conditional use permits, which lead to much uncertainty from those applying for zoning compliance. We hope a New Code will offer much more predictability for businesses and residents alike.

III. Impetus for New Code

Dating back to the early 2010s, the Planning Department regularly included updating the Development/Zoning Code in the Planning Department's annual budget. The Current Code has routinely been deemed confusing for those seeking to do work in the City, whether for building permits, fencing, signage, etc. This is especially true for the business community, which needs a step-by-step guide through the process.

The Mayor, City Council, and the Planning Commission are keenly aware that the Current Code needs to be updated and agree that it could be more business-friendly. The Current Code is too cumbersome to sort through. It is ease of use that should be central to the new Code.

The Planning Department and Planning Commission have worked to identify areas of the City that are walkable or auto-oriented in nature, or neighborhoods that have some components of both. This is essential to how we see the City developing in the future and how zoning policy and ordinances may be crafted. Since much of the City is already developed, the existing context of each neighborhood should serve as the basis for how future development looks and feels.

Although the City is strongly considering the implementation of a FBC, some uses of particular interest include: Open Car Sales Lots, Second Hand Stores, Dollar Stores, Entertainment Device Arcades, Mini-Storage Units, Warehousing, Outdoor Storage and Outdoor Storage Units (including Mini Pods),

Overnight Rentals (e.g. Air BnBs), Gas Stations, Auto Repair Shops, Wrecking Yards (currently prohibited), Mobile Vending (e.g. Food Trucks), Medical Marijuana Uses, and Urban Agricultural Uses, including the keeping of farm animals, Electrical Vehicle Charging Stations/bicycle parking requirements in public parking lots and the ability to allow live/work space in certain identified areas of the city. The City understands that not all of these uses may be suitably regulated for a FBC, so it would be open to exploring other regulatory tools or ordinance recommendations.

IV. Scope of Services

The successful Team will perform professional services working with the Barberton Planning Department staff to rewrite the New Code. The purpose of the rewrite is to provide a New Code that is predictable, user-friendly, and examines the existing built form of each neighborhood of the City. In identified areas where the City would like to promote business development, the City may want to include FBC, but may view a simplistic form of FBC as the easiest way to attract future growth and development, which is paramount to the code re-write. In addition to aforementioned goals, it is expected that there will be a two phase process with a scope of services that will include, but not be limited to the following:

PHASE I

A. INITIAL REVIEW AND ANALYSIS

- 1. Review of Current Code.** The Team will review the Current Code and become familiar with the different use categories, requirements of public notification, public processes for development proposals, and other requirements.
- 2. Review of Supporting Documentation.** Planning Department staff will provide the Team with all supporting documents that will assist as the basis for the New Code rewrite. These documents may include the following, in addition to other items: the current community plans (including the Barberton Master Plan), GIS maps that highlight the City's neighborhoods, existing infrastructure (including sidewalk and utilities inventory), identified street typologies, maps of the National Register of Historic Places / Certified Local Government districts, FEMA Floodplain maps, and a neighborhood analysis completed by Planning Department staff, highlighting the market conditions, and built form of each neighborhood.
- 3. Interviews.** The Team will interview appropriate stakeholders involved with the project. These interviews will be conducted in individual and group format. The City is open to conduct interviews "virtually" or in person and would ask that interviews not be done via phone or other correspondence. The interviews will be with elected officials, nonprofit organization leaders, property owners, local design professionals, developers, businesses, and city staff, including the Chief Building Official (CBO) and the Director of

Public Service. It is important that the interviews can also function as an early education process within the community. Education will need to focus on how a FBC can positively interact with diverse street typologies, bike lanes, on-street parking, sidewalk widths, street trees and other relevant public-right-of-way features.

4. **Site Analysis.** The Team will become familiar with 16 neighborhoods and their identity within the broader context of the City. The product of this phase should include a diagrammatic study of existing buildings and street typology.

PHASE II

B. PUBLIC PROCESS

1. **Public Involvement.** The Team will develop a public outreach process dedicated to keeping the public aware and involved in the process of the rewrite of the code. This can be accomplished through a variety of mediums, including rack cards, information sheets in public locations, a website portal, releasing previously recorded video material via email or through internet links, etc. The City is open to discussing best practices and how the Team, in prior experiences, has brought the public onboard with the code writing process.
2. **Public Workshop and/or Design Charrette.** The City will defer to the Team, based on the proposed public involvement process of whether to conduct a public design charrette and/or public workshops to gather public input related to the New Code. The City feels it is essential to gather public input on the code. After a determined public input process is achieved, the Team will present the work generated to-date to the Mayor, Planning Department staff, CBO, Director of Public Service and City Council Members for initial input, prior to drafting the code.

C. CODE DRAFT

1. **First Draft.** The Team will present the first draft of the New Code for the purpose of gathering comments. Copies of the first draft will need to be in hardcopy and digital form. The presentation may be made to a special audience of residents or stakeholders, or may be presented before a joint gathering of municipal boards and committees, as determined by Planning Department staff.
2. **Second Draft.** After making revisions in response to comments on the first draft, the Team will present the second draft at a subsequent meeting convened by the Planning Department Staff.

3. **Design Parameters.** It is the City’s hope that the New Code will regulate development to ensure high-quality public spaces defined by a variety of building types and uses including housing, retail, flex (including live-work) and industrial space. If it is determined that a FBC is appropriate, the New Code will incorporate a regulating plan, building form standards, street standards (plan and section), use regulations, descriptive and diagrammatic building or lot types, and other elements needed to implement the practical management of growth. Sections of this document may include, but are not limited to the following:

a. Overview, including definitions, principles, and intent; and explanation of the regulations and process in clear user-friendly language.

b. Regulating Plan illustrating the location of streets, blocks, public spaces, and other special features. Regulating plans may also include aspects of Building Form Standards such as “build-to-lines” or “specific setback lines” and building type or form designations.

c. Building Form Standards governing basic building form, placement, and fundamental urban elements to ensure that all buildings complement neighboring structures and the street. These standards should be based upon study of building types appropriate for neighborhood vitality.

d. Public Space/Street Standards defining design attributes and geometries that balance the needs of motorists, pedestrians, bicyclists, and transit riders while promoting the public realm. These standards should include design specifications for sidewalks, travel lane widths, parking, curb geometry, trees, and lighting. For certain neighborhoods, architectural standards, exterior materials, landscape standards, and parking location may be required.

e. Historical integrity in the National Register of Historic Places district, should include incorporating the Secretary of the Interior standards for buildings in our downtown commercial district.

<https://www.nps.gov/tps/standards/rehabilitation.htm>

4. **Integration of the New Code.** The New Code must comply with the Barberton City charter and state legal requirements.

D. APPROVAL PROCESS

1. **Public Hearing Presentations.** The Team will make formal presentations to the Barberton Planning Commission and the Barberton City Council.

2. **Additional Revisions.** The Team will be responsible for any revisions that may become necessary between presentations. Planning Department Staff will be responsible for collecting comments, questions, and suggestions for these refinements from various sources and consolidating them into a series of action items for revision or responses.

V. Proposal and Response Details:

Besides general information about the Team's qualifications, the City requires the following information to be included:

A. KEY STAFF AND ORGANIATIONAL CAPABILITIES

1. **Experience.** Describe Team's experience in zoning code updates, including any FBC work, as well as facilitating public processes/meetings.
 - a. Identify the manager for this project and include a resume. The project manager should have at least two (2) years of experience in managing similar type and sized projects.
 - b. Identify all other key staff including their positions and their experience as it relates to zoning code updates.
 - c. Provide all current ongoing planning projects contracted with other governmental entities.
2. **Previous work.** List at least two (2) but no more than four (4) similar projects in the last five (5) years along with a brief summary of each project.
 - a. The summary should identify the number of participants and itemized costs of the deliverables, including number of public meetings.
 - b. Provide at least three (3) references including contact name, address, phone and email. Include references from the projects listed above.
3. **Timeline.** Include a timeline of the estimated time it would take to complete the work described in Phase I and a separate timeline it would take to complete Phase II tasks, from the date if awarded the contract.

B. SUBMISSION REQUIREMENTS

Interested firms shall submit three (3) copies of their proposal and an emailed copy, including a letter of introduction, an overall cost breakdown and costs associated with both the individual phases (Phase I and Phase II of the study). The City will evaluate each proposal and prioritize them. The City will afford disadvantaged businesses an equal opportunity to perform work on this project and will not discriminate on the basis of race, color, sex, religion, disability or national origin.

In accordance with Opinion No 2012-036 of the Ohio Attorney General, the responses are competitive sealed proposals that do not become a public record available for public inspection or copying until after a contract is awarded.

The City reserves the right to accept or reject any or all proposals without further action. Proposals are due no later than **1p.m. on Wednesday, October 13, 2021.**

The envelope containing the proposal must be sealed and clearly marked as “RFP for Barberton Development Code Update.” The envelope shall be addressed and delivered to:

Attention: Trevor Hunt
Barberton Planning & Community Development Department
576 W. Park Avenue
Barberton, Ohio 44203

Email: thunt@cityofbarberton.com

VI. Evaluation of Submittals:

The City will determine a Selection Committee to evaluate all submittals to determine which Team(s) have the experience and qualifications that are best suited for this project.

Consultants responding to this RFP must demonstrate the following:

- A. Experience preparing municipal zoning codes that regulate development and redevelopment in cities, with an emphasis on infill development regulations.
- B. Successfully implementing zoning codes, including FBCs in other cities.
- C. Experience in identifying, evaluating, codifying, and explaining the essential qualities of community design and character.
- D. Strong graphic skills.

The City will evaluate submittals and rank the Team based on the following criteria:

TEAM: _____

CRITERIA	Max Points Available	Score
EXPERIENCE <i>Specialized experience and technical competence of the individual/firm and the key assigned personnel to the project</i>	30	
FAMILIARITY WITH ZONING CODE UPDATES IN PEER CITIES: <i>demonstrates familiarity with zoning code rewrites, especially form-based codes in cities of the size and stature similar to the City, including any pro-growth FBC, that are business and user-friendly</i>	25	
PRICING & PAST PERFORMANCE: <i>overall costs, cost control, work quality, ease of use of the code, and timeliness</i>	20	
PROJECT SCHEDULE: <i>current workload and capacity of the firm to perform the work</i>	10	
REFERENCES <i>(All references may be contacted prior to the Selection Committee meeting to complete the final scoring)</i>	10	
LETTER OF INTRODUCTION:	5	
TOTAL	100	

REVIEWER: _____ **DATE:** _____

NOTES: