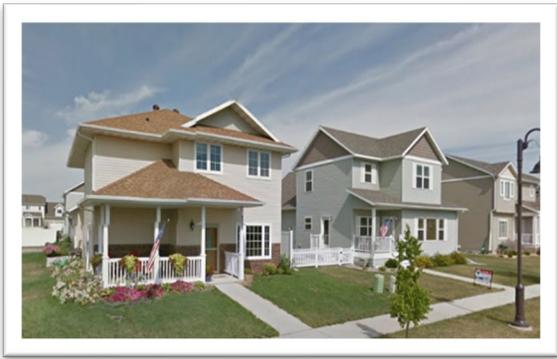


THE CITY OF
Fargo
FAR MORE 



PREFERRED APPROACH AND WORK PLAN

MAY 2021

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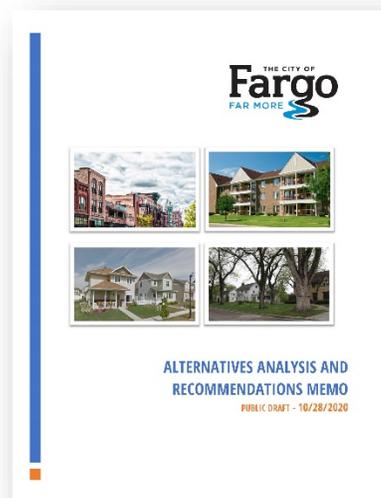
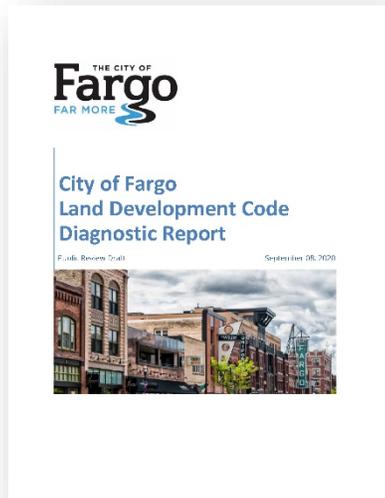
I. Project Overview

In 2019, the City of Fargo hired the Lisa Wise Consulting, Inc. (LWC) Consulting Team (including SRF Consulting) to review and assess the City's Land Development Code (LDC) and related ordinances, document any deficiencies or opportunities for improvement, and develop a preferred alternative and work plan to remedy any noted deficiencies.

The project began in November 2019, with a public workshop and staff and stakeholder interviews to gather information regarding what is and is not working within the LDC. This information, combined with the Consulting Team's analysis of the LDC, was summarized in the Land Development Code Diagnostic Report released in June 2020. This Report documented existing challenges and shortfalls within the LDC including an analysis of the effectiveness of the existing zoning districts' development regulations, and entitlement procedures to implement the City's land use policies and goals in the Comprehensive Plan, *Go2030*. In addition, this Report served as the foundation for developing appropriate recommendations and establishing clear priorities for future LDC revisions and/or amendments. The Final Report was presented to the Planning Commission for public comment in August 2020.

An Alternatives and Recommendations Memo was prepared in October 2020 providing three options to address the issues identified in Diagnostic Report. The memo was presented for discussion and consideration at a joint meeting of the Planning Commission and City Commission on November 30, 2020. As further described in the next section, it was agreed that work on a comprehensive update to the LDC was a priority.

This work plan is intended to guide staff as they begin the implementation of the Preferred Alternative. This will ensure the revised LDC implements *Go2030* and will produce the type of high-quality development that the City and its residents desire.



II. Preferred Alternative

At the November 2020 joint meeting of the Planning Commission and City Commission, it was agreed that the City should undertake a comprehensive update to the LDC, addressing all issues identified in the Diagnostic Report, incorporating industry best practices.

The preferred approach to the comprehensive LDC update includes the following components:

- Form-based development standards for the Downtown Mixed-Use and University Mixed-Use zones as well as for the multi-family residential zones and commercial corridors;
- Objective design and development standards for all mixed-use, multi-family residential, and commercial development projects which build on the form-based standards, with more specific provisions for elements such as façade articulation;
- New Planned Unit Development (PUD) standards and the rethinking of the Conditional Overlay (CO) process
- An Inclusionary Housing Ordinance to incentivize the development of more affordable housing options in the City;
- Modernized and updated subdivision regulations with appropriate best practices;
- Streamlined and clarified approval processes, while also adding administrative level flexibility;
- Clear, easy to read, and user-friendly regulations in an easy to navigate format; and
- Amendments to existing regulations to address other code deficiencies identified in the Diagnostic Report

The components listed above were identified as potential solutions to the issues identified in the LDC Diagnostic Report. The scale of the changes and impact on certain Code sections will vary depending on need and feasibility at the time of the comprehensive LDC update, based on agreed upon scope and budget. The Preferred Alternative also identifies the need for additional policy development and planning initiatives (such as updates to the Comprehensive Plan or Growth Plan,). Notably, the City should develop a citywide Future Land Use Map prior to beginning the comprehensive LDC update, as this will determine the extent of changes anticipated in the update. The end goal is to create a more user-friendly code which utilizes best practices to implement the goals of *Go2030* with a focus on context-sensitive design, expanded housing options, and a more predictable entitlement process.

III. Work Plan

Given the general agreement to proceed with the Preferred Alternative (described above), the next phase of the project is to develop a work plan that addresses all the issues identified in the LDC Diagnostic Report and clearly outlines the steps the City needs to take to commence a comprehensive update of the LDC. To implement the Preferred Alternative, the Work Plan outlines a deliberate process to prepare for the eventual issuance of a Request for Proposals (RFP) for the LDC update. This Work Plan outlines the crucial initial steps to prepare the City staff and governing bodies for a LDC update process that involves new zoning tools that have not been previously applied in Fargo. Given the current context and development pressure the City is facing, the work plan targets the release of an RFP within the next 18-20 months. LWC recommends a phased approach to ensure a successful outcome. The phased approach will help with scheduling and the internal management of the process to ensure the strength and clarity of each initiative. One key aspect in the overall process management is keeping the long-range planning efforts and the LDC update preparation tasks operating concurrently. Embarking on simultaneous planning efforts which include multiple public meetings and workshops runs the risk of “planning-fatigue” among residents. The City can avoid this by structuring any simultaneous planning efforts to build upon each other, rather than run independently of one another, and therefore avoid redundancy, repetition, and overlap in the outreach process.

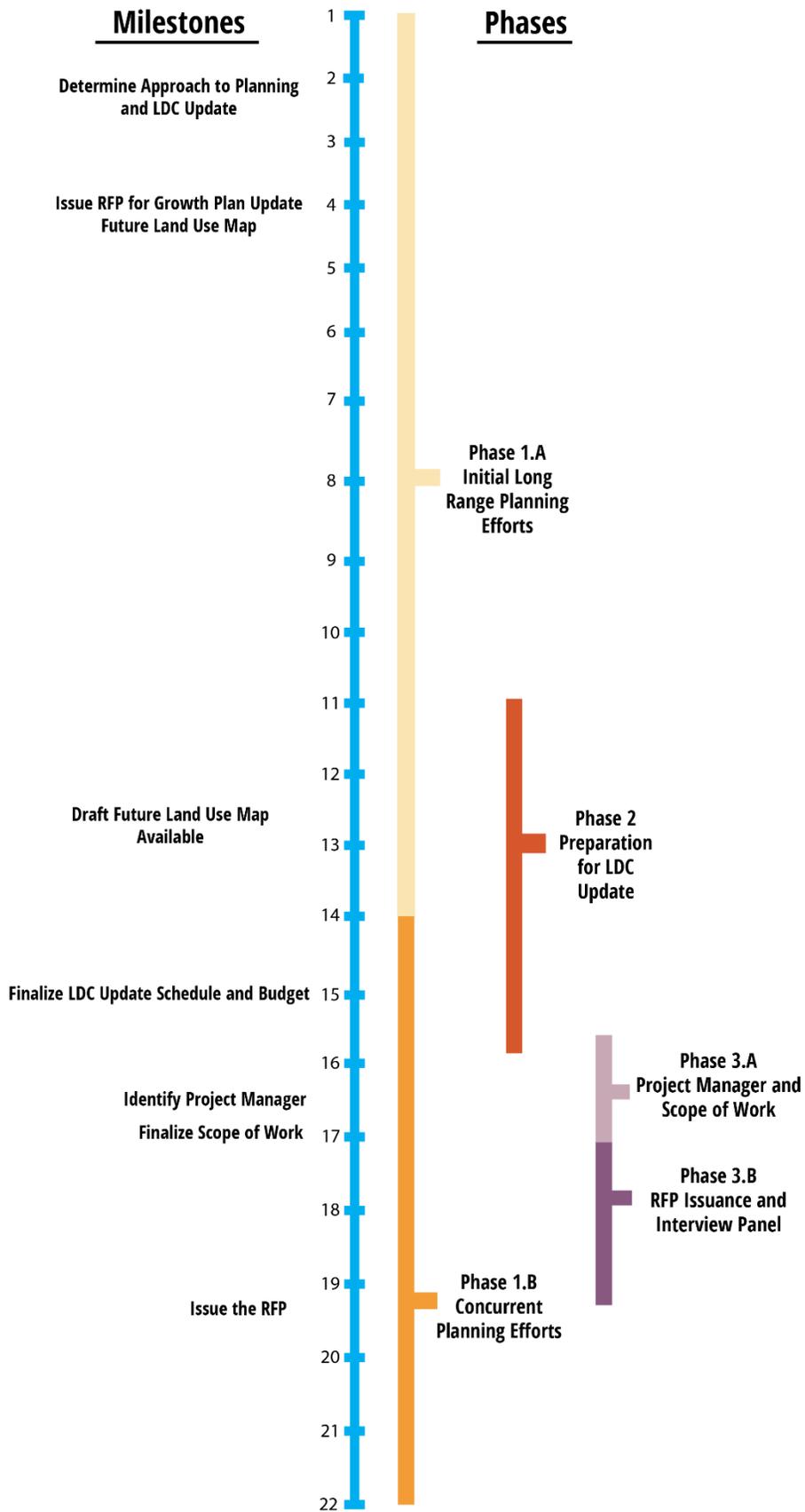
The sections below highlight each phase of work and its intent. The timeline on the following page shows the alignment of the three phases with key milestones. Not all Phases must occur consecutively. Phases may be completed more quickly than outlined, when possible, to achieve an earlier RFP issuance date.

Phase 1: Long-Range Planning and Preparation (12-22 months)

To inform the scope of the LDC update, City staff must identify additional long range planning work to be completed prior to, and/or concurrently with, future phases of the Code update. The City should start Phase 1A before beginning Phase 1B. The two can run concurrently.

A. Phase 1.A: Identify and Begin Initial Long Range Planning Efforts

Some planning work should be considered before engaging in the LDC update process, including the update to the Growth Plan and development of a Future Land Use Map. Developing even a preliminary or draft Future Land Use Map before beginning to plan for the LDC update will help in understanding the extent of the zoning changes that need to occur and, thereby, fine-tune the scope of work. In addition, any necessary updates to *Go2030* could occur before the LDC update begins or during the consultant selection process. If City staff and City officials have



already identified goals and policy areas of *Go2030* that need to be updated, these updates should occur before the LDC update process commences. This allows uncoupling the land use policy development process from implementation. Given the considerable amount of change anticipated as part of an update to the 2007 Growth Plan, it is important to have these bigger, City-wide conversations regarding the City's approach and goals early on to develop community consensus and support around a long-range vision, so implementation via the LDC Update does not get delayed or stalled as a result of community pushback.

B. *Phase 1.B: Identify Long Range Planning Efforts Concurrent with LDC Update*

Some planning initiatives can begin and run concurrently with an LDC update. This includes implementation of the Core Neighborhood Master Plan, which would not interfere with the type of work needed to update the LDC. The City could utilize the public outreach momentum it gained during the Core Neighborhood planning process and direct it towards the LDC update while also reaching a wider audience by involving other neighborhoods and stakeholders outside of the core. Additionally, detailed design charrettes or planning workshops needed for areas targeted for application of form-based code standards, such as Downtown and key commercial corridors, can be part of the scope of work for the LDC update.

Phase 2: Preparation for the Comprehensive LDC Update (5 months)

All elements of Phase 2 listed below can occur concurrently as a means of preparing for the LDC update process. LWC recommends completing some initial education and training with staff to help inform other Phase 2 efforts.

Education and Training

As the LDC Diagnostic Report and the Alternatives and Recommendations Memo have been completed, the next step is to ensure that City staff and associated approval authorities, such as the Planning Commission, understand the new, proposed zoning tools that will be utilized in an updated LDC, such as form-based zoning. Education on form-based zoning and other updated best practices can be accomplished by participation in education sessions for Boards and Commissions as well as training for City staff on these new regulations. If possible, staff training and education should be completed prior to beginning other preparations listed in Phase 2, as the education will inform next steps, such as timeline, schedule, and outreach. Organizations such as the Form-Based Code Institute and the American Planning Association offer virtual courses ranging from Form-Based Code 101 classes that provide a high-level overview of form-based codes to deep-dive sessions on how to administer a form-based code. It is also important to offer key stakeholders with opportunities to participate in the education sessions, as well as

residents, local design professionals, local developers, and contractors etc. Finally, there are many useful articles available online in the public domain that can be shared with interested members of the public.

Project Schedule and Budget

City staff should identify budget targets and funding sources for the LDC update process prior to development of an RFP. While the exact budget amount will be informed by the final scope of work, extensive Code update projects that involve a change from a use-based Euclidean zoning code to a hybrid code with form-based elements typically costs between \$500,000 and \$1,000,000, over a period of 3 to 5 years. A determination of the extent of the updates required to the Code (versus what provisions can be carried forward), the number and duration of meetings with City staff, and the extent of the public outreach process will help inform the amount of funding needed. This, in turn, will inform the RFP, as the City should provide a budget range in the RFP to ensure prospective consultants prepare a scope of services in line with the City's budget objectives.

Depending on budget cycles, available funding sources, and the City's desired completion date, the City can then develop the project schedule. Project schedules will vary depending on the scope of work and the desired amount of public outreach. Overall, a comprehensive code update project for a city the size of Fargo will typically require a minimum of two years to complete.

Public Outreach Strategy

The City should develop goals for a comprehensive public outreach strategy to inform and involve the City's residents and stakeholders of the LDC update process and describe how they can participate. This should occur concurrently with developing the desired project schedule and budget, as they inform each other. City staff does not need to develop the entire outreach plan but should have an idea of the extent of outreach, number of meetings, and other key details needed to inform the budget and timeline.

A successful strategy employed by many cities who have worked on comprehensive code rewrite projects is to appoint a Code Advisory Group or Committee made up of residents and appointed officials to help oversee the process, provide a forum for community input, and provide policy direction and guidance to City staff and the consultant team on important issues associated with the LDC update.

In addition, some cities identify a local resident to serve as a "citizen champion" for a Code update project. The citizen champion is typically a resident or business owner who is respected in the community and who can help the City staff to overcome challenges and issues that may surface during the update and approval process.

Phase 3: Prepare and Issue Request for Proposal (4 months)

Phase 3A should be completed prior to beginning Phase 3B.

A. Phase 3.A: Project Manager and Scope of Work

1. Identify a Project Manager

Identify a project manager within the Department of Planning and Development and ensure that they can dedicate sufficient time to the project to guarantee its success as well as enough support staff to help up until project completion. The Director should review other current and future projects and reallocate resources, or request additional resources, as needed to maintain the project manager's availability.

2. Finalize Project Objectives, Scope, and Timeline

The project manager will finalize the project objectives and confirm that they are consistent with the expectations of the City's policy makers/elected officials, as well as finalize the scope of work and the overall project timeline.

B. Phase 3.B: RFP Issuance and Consultant Interview Panel

1. Write and Issue the RFP

The project manager should write the RFP in consultation with the City's Auditor's office, City guidelines and, as necessary, utilizing resources on RFPs from the American Planning Association and the Form-Based Code Institute. The RFP should include project objectives, timeline, scope framework, and budget range. To ensure adequate time to evaluate the RFP, submit and receive responses to questions, and participate in a pre-bid meeting, the City should allow for minimum six weeks to submit a proposal. The RFP should be posted in local media outlets, the City's website, as well as national planning websites including Planetizen and the American Planning Association to get the widest range of responses possible.

2. Establish Interview Panel

During the six-week response period or prior to release of the RFP, establish an interview panel of no more than seven persons. Ideally, the interview panel will include members from multiple disciplines and/or agencies including, for example, the City Department of Planning and Development staff, Planning Commissioners, City Attorney, staff from other departments, and/or the identified citizen champion for the code.

IV. Scope of Work Framework

The RFP should include a high-level scope of work to specify, as much as possible, the minimum number of tasks that will occur for the City to achieve desired project goals. The list below is a high-level scope framework to be addressed in the proposer's scope of work for a code rewrite project. The City can provide additional details, as appropriate, once Phase 1 is complete.

1. Project Management

The consultant team will prepare a Project Management and Communications Plan to establish work protocols and ensure information flows consistently among the City and consultant team. The project lead will be responsible for ensuring quality of deliverables, reporting on progress, and compliance with the timeline and budget. Components of the plan will include:

- Regular calls/meetings with City staff
- Kickoff meeting

2. Public Outreach

The consultant team will work with the City to formulate a Public Outreach Plan to outline all public meetings, work sessions, interviews, and other outreach efforts. The Plan could go further to help establish an LDC Update Advisory Committee or similar type of body to oversee the process. The consultant team's goal should be focused on proactive and consistent messaging and regular noticed meetings with community leaders and stakeholders aimed at transparency and ensuring that residents are a key partner in the decision-making process.

3. Background Review and Final Approach

An in-depth analysis of the LDC, key policy documents, and the Diagnostic Report should occur early in the process to establish the necessary changes to each LDC section and how any changes implement the City's land use goals and policies. Potential deliverables for this task include:

- Recommendations and Strategy Memo
- Annotated Outline and Style Guide

4. Draft the LDC

The proposer should clearly identify the number of drafts, approach to deliverables, time reserved for City staff and/or public review. The drafts should address all

chapters/sections identified in the Annotated Outline. The LDC should include the following updated and/or new sections:

- Zoning Districts: Single-family Residential, Mixed-Use, Multi-family Residential, Commercial, Industrial, Overlay Zones, Other
- Land Use Regulations: definitions, specific to use regulations
- Form-Based Zones: frontage standards, building type standards, public realm standards, civic space standards
- Citywide Standards: landscaping, parking, open space
- Subdivision Regulations
- Administration and Procedures: use permits, site plan review, administrative relief, variances
- Zoning Map

5. Review and Approval

The consultant team will attend review meetings with City staff and make formal presentations to the Planning Commission to get feedback on the draft LDC. Revised drafts will culminate into a final draft LDC for the Planning and City Commissions to consider for recommendation and approval, respectively, at a certain number of public hearings.