

2016 Zoning Bylaw and Sign Bylaw Review

A. INTRODUCTION:

The Village of Pemberton is seeking proposals from qualified consultants experienced with Best Practices and progressive land development principles, and with proven recent experience in zoning and sign regulations and bylaw preparation, as part of the Village of Pemberton Zoning Bylaw and Sign Bylaw Review.

The Village of Pemberton has identified the review to the current Zoning Bylaw 466, 2001 and the Sign Bylaw No. 380, 1995 as a priority for 2016. To accomplish this, the Village has endorsed an approach that will utilize the services of a consultant - one focused on the technical components of the two Bylaws, while the Village of Pemberton Operations and Development Services Department will focus on developing and facilitating a consultation program.

B. BACKGROUND:

The current Zoning Bylaw No. 466, 2001 has been amended from time to time within the last 15 years including some major revisions relating to new residential developments. The Village underwent a review and adoption of its Official Community Plan (Bylaw No. 654, 2011) several years ago which included new policies that must be incorporated into the zoning provisions. The Village is experiencing growth and development of home-based businesses and businesses involved in the sharing economy – technology driven businesses that did not exist and were never contemplated when the original bylaw was adopted. Regulating these types of emerging uses requires a thoughtful and reasonable approach. The Village is also committed to taking progressive climate action through sustainable and energy efficient land use planning & practices, and therefore sees the benefits in taking this opportunity to examine options to ‘green’ its Zoning Bylaw.

The Village’s Sign Bylaw No. 380, 1995 has never been amended, and despite being twenty years old and on the Village’s work plan for several years, it has never been reviewed or updated. There has been much confusion and non-compliance with the Sign Bylaw that has come to light in the last few years. The Village is committed to undertaking a thorough review of the Sign Bylaw, including recommendations from the Chamber of Commerce and business owners on how to better reflect today’s marketing practices.

C. PURPOSE & SCOPE OF WORK:

1. Purpose

The purpose of the Zoning Bylaw review is to support the policies and vision contained in the Official Community Plan adopted in 2011, to address issues and constraints within the existing bylaw, and to reflect current Best Practices in the industry that are relevant to the unique characteristics and development trends in Pemberton. The updated bylaw must be creative, innovative, promote sustainable development and ensure a cohesive and complementary approach to development.

The purpose of the Sign Bylaw review is to identify issues with the existing Sign Bylaw and recommend opportunities for improvement. The existing Sign Bylaw and particularly how it relates to businesses in the Downtown and the Village's Business Park has not been consistently reflected in much of the signage businesses have installed in recent years and therefore warrants a review to:

- Determine whether changes to the Sign Bylaw are warranted;
- Improve layout;
- Improve readability and interpretation;
- Support the current needs of the business community; and
- Have meaningful community involvement.

Proponents must have demonstrated relevant experience working with municipal government and be knowledgeable of British Columbia's *Local Government Act*, *Community Charter*, *Land Titles Act*, current municipal subdivision and servicing regulations, Master Municipal Construction Documents, and Best Management Practices in urban design, land use planning and road & infrastructure design.

2. Description of Work - Consultation Services

The Village of Pemberton will update certain elements of the Zoning Bylaw and Sign Bylaw in conjunction with the work carried out by the successful proponent. The revisions will be reviewed and incorporated in the final documents by the successful proponent. Village Staff will provide a "redlined" copy of each Bylaw identifying areas of concern and items they wish to be included in the proponents' review and update. The assignment includes, but is not limited to, the following items:

- Issue Identification
- Research
- Technical Review
- Bylaw Preparation
- Approval

The selected consultant will be required to undertake the comprehensive review of all sections of the Zoning Bylaw and Sign Bylaw provide organizational options

for review by the Operations and Development Services Department. The selected consultant is also required to attend key workshop sessions held as part of the consultation program.

While the details and timeline for the Consultation Program will be finalized through discussions with the Operations and Development Services Department, the following review Phase descriptions are included as background information for the Review:

➤ Phase 1-Issue Identification

Phase 1 consist of 2-3 meetings with staff to identify the strengths and weaknesses of the Zoning Bylaw and the Sign Bylaw. The Consultant will then prepare a summary report delineating the results of the Issue Identification Stage which will be used to structure discussion in later phases. The Consultant will also be expected to begin to research examples of zoning and sign bylaw organization and structure for discussion with staff.

➤ Phase 2-Technical Review

Phase 2 will begin with a review of the content of the summary report to identify the key issues that need attention. The order in which the Zoning and Sign Bylaw will be reviewed will also be discussed with the Operations and Development Services Department.

A. ZONING BYLAW

The Village's Zoning Bylaw No. 466, 2001 requires a complete and thorough review and update. Below is an incomplete list of some of the areas of the Zoning Bylaw that require special attention:

i. Green Policy Development

The Village of Pemberton is a signatory of the Climate Action Charter, and is committed to taking action on climate change, and endeavouring to reduce corporate and community-based greenhouse gas emissions (GHG).

As such, Pemberton recognizes that municipalities have a role in encouraging climate action through the creation of policies that promote green development practices, minimize the creation of GHG's, and use passive design practices to reduce energy demands. Green development practices are methods of building our communities in a manner that respects our natural environment, and that recognize that conventional development practices can negatively impact the natural ecosystems that we depend on. By adopting a greener approach to development the Village of Pemberton would like to look at ways we can lessen or eliminate ecosystem degradation and improve our quality of life through land use regulations. A key part of Phase 2 will be the presentation of potential

measures to “green” the Village’s Zoning Bylaw in keeping with other progressive zoning approaches and best practices.

ii. Parking Standards

Another key part of Phase 2 will be the review and evaluation of the parking standards in the Bylaw. The Consultant will compare the current standards with municipalities that may include:

- Sea to Sky Communities;
- Municipalities that have similar Flood Construction Level issues;
- BC municipalities of a similar area and population or that have similar geographic attributes;
- Parking Exemptions for green developments, i.e., multi-family residential developments that provide electric car share vehicles.

iii. Vacation/Short Term Rentals Regulations

Another key part of Phase 2 will be to research and review of zoning approaches used by other municipalities to address the proliferation of unregulated vacation, nightly and/or short term rentals through online accommodation booking sites such as Airbnb and VRBO. Crafting new content around provisions to regulate vacation and short term rentals in Pemberton would follow.

iv. Home-based Business Regulations

Phase 2 should include a review and evaluation of the current provisions in the Zoning Bylaw that regulate Home-based Businesses. The Village would like to strengthen the regulations in a manner that would prevent the operation of certain commercial operations that impact the sanctity of residential neighbourhoods, but still encourage the legitimate conducting of home-based businesses in Residential Zones.

v. Airport Regulations

Phase 2 should include a review of the zoning provisions that apply to airport lands. In particular, a review of the setbacks related to hangars or buildings that facilitate aviation uses must be considered.

vi. Mapping

The Technical Consultant will also be responsible for updating the zoning maps to incorporate new changes or zones resulting from the discussion in Phase 1 and 2. The Village will provide the consulting team with the necessary digital file format.

vii. Medical Marihuana Dispensary Regulations

Phase 2 should include a discussion of the Village's options and approach to either expressly prohibit dispensaries or to develop regulations, licensing procedures and security standards to regulate the use of retail space within the Village, depending on the direction of Council and input from the community gained through public consultation. Depending on the outcome, the consultant will be responsible to include wording to prohibit this use or craft potential regulations to regulate the use of land to legally dispense medical marijuana or cannabis and medical marijuana or cannabis related products, in anticipation of pending legislative changes. The Village recognizes that the retail sale of medical marijuana (i.e., dispensary) is currently illegal, but that the federal government has announced that it intends to legalize marihuana more broadly (presumably beyond medical marihuana) by the Spring of 2017.

SIGN BYLAW

The Village's Sign Bylaw No. 380, 1995 regulates the type, size and number of signs permitted on commercial establishments to maintain the Village's visual appeal. A review and update of the Sign Bylaw Review will primarily focus on issues with the existing bylaw that are identified through the stakeholder engagement process while supporting the needs of the business community. The review will also identify shortcomings of the current bylaw and improve the usability of the document for the community. Below is an incomplete list of some of the areas of the Sign Bylaw that require special attention:

- i. Relevance: some of the terminology used, and approach to sign management is outdated and no longer relevant. An update to current sign types and practices is necessary.
- ii. Wayfinding Program: suggest a wayfinding program or other creative approach to orientating residents and visitors
- iii. Sandwich Boards: Sandwich board signs (a-frame sidewalk signs) are a flexible solution for an extra advertising push and are used by many small businesses in Pemberton. However, currently Sandwich Board signage is not permitted, therefore a recommended approach to regulating this type of sign is being sought.
- iv. Comprehensive Sign Plans: more detail on what these are, how to prepare and amend them is needed;

➤ Phase 3- Bylaw Preparation

The Consultant will undertake (or continue) to review and revise those sections of the Zoning Bylaw and Sign Bylaw that have been identified as needing attention and any specific regulations that Council has identified as needing revision.

In addition, the examples and evaluation of bylaw arrangement and structure will be reviewed by the Operations and Development Services Department to determine the final format of the draft Bylaw(s).

Following completion of the draft Zoning/Sign Bylaw(s), the Technical consultant will present the key changes to the community in partnership with the Operations and Development Services Department. The engagement process will utilize various consultation methods such as key stakeholder meetings, open houses and on-line tools.

➤ Phase 4- Approval

The final Phase of the Review will follow the regular bylaw approval process. Staff will begin this process with a summary presentation to the Committee of the Whole on the process, consultation activities, issue discussion and key changes to the draft Bylaw.

The Consultant will be required to participate with the Operations and Development Services Department staff in the presentation of the draft Bylaw(s) to the Committee of the Whole prior to First Reading of the bylaw(s). Additional participation as part of the First and Second Reading presentation to Council at the Public Hearing may also be required.

3. Requirements

The successful consultant will complete the tasks below:

- Develop a program for a comprehensive review of the Zoning Bylaw and Sign Bylaw in co-operation with the Operations and Development Services Department;
- Research and identify potential organizational frameworks for the Zoning/Sign Bylaw, including those that incorporate graphic or visually-based regulations;
- Review existing parking standards as outlined in the description of Phase 2- Technical Review;
- Update the municipal Zoning maps (Schedule "A" to the Bylaw) with any changes resulting from the Bylaw Review in a digital format agreed upon by the Village;
- Provide written evaluations or analysis of the contents of the Zoning/Sign Bylaw as outlined and any recommended changes, updates or additions;
- Prepare explanatory and/or illustrative diagrams as required;
- Participate in presentation(s) to Council, stakeholders and the community at large throughout the Review process as required;
- Prepare a final draft version of the Zoning/Sign Bylaw(s).

4. Deliverables

The consultant is responsible for providing the Village with the following items:

- An initial assessment of the strengths and weaknesses of the existing Zoning Bylaw and a written evaluation of the issues identified in the Phase 1 meetings;
- Zoning Bylaw organization and structure examples from other municipalities and written evaluation of the strengths and weaknesses of each;
- Analysis of Parking Standards and recommendations for any changes from the existing regulations;
- Draft Zoning Bylaw, including updated & new definitions as required, new Parking Standards (if applicable) and explanatory and illustrative diagrams throughout the Bylaw as required.
- Updated Zoning Maps in an agreed-upon digital format (Schedule "A" to the Bylaw);
- Any supporting items as mutually agreed by the Village and consulting team.

The consultant is required to submit 3 copies of the draft Zoning Bylaw and one digital copy (MS Word format) at the end of Phase 3 of the review.

5. Timelines

The Village targets December 1, 2016 as the start date for Phase 1 of the Zoning Bylaw Review. Proposals should identify milestones for each Phase or major tasks in the project. It is anticipated that the review will be completed in nine (9) to twelve (12) months.

D. PROPOSAL REQUIREMENTS:

This Request For Proposals (RFP) is not a Tender Call and the submission of any responses to this RFP does not create a tender process. This RFP is not an invitation for an offer to contract, and it is not an offer to contract made by the Village of Pemberton.

The Proponents are asked to provide the following:

1. Project Implementation, Personal and Related Experience

- a. Description of the consultant's expertise and qualifications;
- b. If part of a team, which of the team's members will be responsible for which specific tasks;
- c. Resume of team members, and their experience with similar projects including client references;
- d. Subcontractors, if applicable;

- e. Proposed approach;
- f. Proposed work program and schedule for key tasks;
- g. Total fee for service (including total hours and budget for each team member-include taxes, travel expenses and other disbursements).

2. Estimate of Cost for Proposal

In a spreadsheet format, provide a detailed breakdown of estimated costs to carry out each of the tasks, identifying members, estimated hours per task, and hourly charge out rates, the total contract price shall be inclusive of all applicable taxes and contingency.

It is intended that the proposal indicate the complete cost of completing the project. Be sure to include the following estimated expenses (disbursements) as part of your overall estimate of costs:

- Travel, accommodation and meal expenses
- Long distance telephone, and other identifiable communication expenses, at cost
- Map production.

In addition administrative costs should be shown as a percentage of the estimated cost of the work.

3. Budget

Proposals must include a description of budget expenses.

E. EVALUATION AND AWARD:

1. Contract Award

Proposals will be evaluated and the consultant selected on the bases of:

- Quality of proposal and methodology, including any unique or innovative approaches to the project
- Demonstrated understanding of the scope of work and issues
- Previous experience of the project team members in completing similar projects
- References from other jurisdictions or clients
- Budget and timelines

Depending on the proposals submitted in response to this RFP, a contract would be negotiated and executed with the leading proponent (the “front-runner”) selected in accordance with the evaluation format contained in this RFP. The lowest price or any proposal will not necessarily be accepted.

The Village reserves the right to:

- refuse award of the contract to a proponent the Village judges to be fully or over committed on other projects;
- refuse award of the contract to a proponent where, in the Village's sole opinion, the proposal does not represent fair value;
- refuse award of the contract to a proponent where, in the Village's sole opinion, the proposal price is considered too low to properly perform the contract; and
- in the case of a sole proposal being received, either;
 - cancel the RFP, return the proposal unopened to the proponent, and re-solicit proposals for better response with or without any change being made to the RFP; or
 - open the proposal without reference to the proponent, and, if such proposal does not merit contact award under the terms and conditions of this RFP, cancel the RFP and re-solicit proposals with or without any change being made to the RFP.

2. Clarification

Notwithstanding that a presentation/interview process has not been indicated in the Proposal Evaluation for, at the Village's sole discretion, one or more proponents may be asked to provide additional clarification respecting their proposals, or to address areas where the Village clarifies its needs.

3. Suitability of the Front-runner

The front-runner may be interviewed and/or the Village may conduct such independent reference checks or verifications as are deemed necessary, to clarify, test, or verify information contained in the proposal and to confirm the suitability of the front-runner. If the front-runner is deemed unsuitable by the Village, or if the proposal is found to contain errors, omissions or misrepresentations of a serious nature, the originally selected frontrunner may be rejected and another proponent selected as the front-runner according to the evaluation format, or the Village may choose to terminate the RFP process and not enter into a contact with any of the proponents.

The Village may interview key persons to assess their technical or managerial abilities and to determine if they would be adequate for the proper performance of the proposed contract.

4. Negotiation with the Front-runner

Negotiations may be held with the front-runner including, but not-limited to, matters such as:

- price, insofar as a change in price is directly associated with a change in the proposal;
- as a result of negotiations;
- changes in technical content;
- contract details;
- contract payment details; and
- expectations of the parties applicable to the service requirements.

If a written contract cannot be negotiated within fourteen (14) work days of notification to the front-runner, the Village may terminate negotiations with that proponent and negotiate a contract agreement with another proponent selected as the front-runner according to the evaluation procedure, or may choose to terminate the RFP process and not enter into a contract with any of the proponents.

The Village shall not be obligated in any manner to any proponent whatsoever until a written contract has been duly executed relating to an approved proposal.

The Village reserves the right to modify the RFP at any time during the negotiation phase without notification to other proponents.

F. VILLAGE OF PEMBERTON PROJECT MANAGER

The consultant will report directly to the Village Planner. The Village Planner will provide information to the consultants as required, and will be available for meetings, discussion and review of draft concepts. Proposals should clearly identify the number, purpose and timing of the meetings.

G. PAYMENT FOR SERVICES

Payment to the consultant would consist of two parts:

1. a fee based on hours worked times on all-inclusive hourly rate (rate quoted would include the cost of the computer and any other equipment required to perform the work), and
2. expenses (i.e., travel costs to assess certain parts of the project or to present results at a meeting).

The fees plus expenses must not exceed the price quoted without the prior written approval of the Village of Pemberton Planning Department.

The contract price will be the price quoted. Billing would be monthly or for longer time periods.

H. **CONSULTANT SERVICES AGREEMENT**

The successful proponent will enter into an agreement for provision by the consultant of services on this assignment, once the contract is negotiated.

I. **CLOSURE DATE**

The closing date and time for submission of the Request for Proposal is **November 16, 2016** at noon. Digital Submissions should be sent to:

Lisa Pedrini, Village Planner
Village of Pemberton
7400 Prospect Street-Box 100
Pemberton, BC, V0N 2L0
lpedrini@pemberton.ca

Proponents are solely responsible for timely delivery of their proposals to the Village of Pemberton as specified.