



## **Request for Proposal**

### **Zoning and Subdivision Law Update**

#### **Phase 1 Analysis and Recommendations**

#### **Town of Dryden, NY**

**November 6, 2023**

#### **1. Purpose**

The Town of Dryden seeks to enter into an agreement with a qualified consultant who demonstrates the ability and proven experience in creating and revising municipal land use ordinances and guidelines to meet comprehensive planning principles and best practices. Dryden's existing zoning ordinance was created following the town's 1968 General Plan and was amended following the 2005 Comprehensive Plan. Given the age of the ordinance and significant new principles for regulating land use, as defined in the recently adopted Dryden2045 Comprehensive Plan Update, town leadership recognizes the need for a thorough review and update to current regulations. The revised ordinance must encourage desired development, be easily understood by the public, and efficiently enforced by the town.

The purpose of Phase 1 of the Update is for the consultant to develop an understanding of Dryden's comprehensive planning goals and land use ordinances and make recommendations to bring the ordinances into alignment with the goals and with contemporary best practices for land use regulation. The subsequent Phase 2 will include public outreach and drafting and enactment of revised land use codes.

#### **2. Introduction, Background and Legislative Basis**

The Town of Dryden is a large, primarily rural community located between the cities of Ithaca and Cortland. Recognizing development pressure from the two urban areas, Dryden's 1968 General Plan set forth a vision based on a guiding principle to preserve

the town's rural, agricultural character. The resulting land use regulations allowed primarily low density residential development of single family homes.

Nearly 40 years passed before Dryden prepared its 2005 Comprehensive Plan. During that time economic development in the Ithaca area surged while that in Cortland waned. Subdivisions of single family homes formed on lands near Ithaca. The rest of the town began to fill with single family homes on large rural lots. The 2005 Plan recognized that scattered development was eroding Dryden's rural character and emphasized the need to direct development to "nodal areas" such as the town's two incorporated villages and the two hamlets. Conservation Subdivision and Planned Unit Development ordinances were established to encourage higher density growth. However, residential development patterns are largely unchanged.

Dryden2045 is an update to the 2005 Comprehensive Plan. Public outreach in preparation for Dryden2045 confirmed a desire to maintain Dryden's rural character, but it was far more nuanced than articulated in the 2005 Plan. People talked about the need for walkable, mixed-use communities with diverse housing options. They talked about increasingly heavy motorized traffic driven by commuters on both main arteries and rural roads. Dryden2045 recognizes the need for diverse housing options (e.g. work force, senior, fixed income, starter homes) proximate to work, shopping and cultural venues. It acknowledges that Dryden's land use regulations should be changed to remove regulatory obstacles for desired development locations and types.

Dryden's comprehensive planning documents and ordinances are available on the Town's web page at <https://dryden.ny.us/>

- [2005 Comprehensive Plan](#)
- [Dryden 2045 with Appendices](#)
- [Zoning, Mobile Home and Subdivision Ordinances](#)
- [Residential and Commercial Design Guidelines](#)

New York Town Law §272-a, which provides the legislative authority for towns to adopt and periodically update comprehensive plans, states that among the most important powers and duties granted to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens.

### **3. Goals for Updating the Zoning and Subdivision Laws and Design Guidelines**

Goals for the update project are stated in a resolution (attached) approved by the Town Board that authorizes the update process. Overall goals for the update include:

- A. Preserve the rural character of Dryden by protecting its open spaces, natural areas, and farmlands.
- B. Create a regulatory environment that supports more diversity in housing types and land uses and removes requirements that needlessly drives up the cost and complexity of desired development as defined in the 2005 Plan and Dryden2045.
- C. Ensure each restriction, allowance and requirement in the Zoning and Subdivision Laws, Design Guidelines and other land use ordinances serve a desired and meaningful purpose, are easily understood, and have clear criteria for enforcement.
- D. Ensure Dryden's land use ordinances are consistent with NYS statutes.

#### **4.0 Project Structure, Anticipated Tasks and Services**

The Dryden Town Board delegated the management of the update project to the Planning Board, which, along with the Director of Planning, will serve as the steering committee and the "customer" for the work. The Director of Planning will serve as point person for the project for administrative and contractual matters. The Planning Board meets in early evenings and the consultant will be expected to accommodate the Board schedule for project meetings. Dryden has adopted a hybrid meeting model that supports both in-person and virtual meetings. The hybrid model greatly increases Dryden's ability to select a consultant based on skills and experience rather than home office location. Anticipated tasks and services for Phase 1 of the update include:

- Interviews with Dryden's planning staff and board members to identify problems, weaknesses and opportunities in our land use codes and goals for reform.
- Development of a working knowledge of Dryden's comprehensive planning documents and land use ordinances
- Critical examination of Dryden's zoning/land use codes. The work will identify code elements that need work to bring them in line with Dryden's comprehensive planning goals and with contemporary best practices for clarity and compliance with other applicable laws. The examination will include zoning, subdivision, design guidelines, mobile homes.
- The deliverable will identify problem areas and opportunities for improvement of the above codes and guidelines. The deliverable will include specific recommendations for use (or not) of form-based code structures. For each item the report will define the problem/opportunity and how it should be addressed.

- Work with the PB/Steering Committee to define next steps and develop a scope and plan for Phase 2 Public Outreach and Implementation.

## 5.0 Project Schedule

RFP Release	11/6/23
Last Date for Written Questions	12/26/23
Proposal Submission Deadline	<b>1/15/24 at 3:30 PM</b>
Anticipated Contract Award	2/15/24
Anticipated Work Completion	8/15/24

## 6.0 Proposal Requirements

Please include the following with your proposal:

1. A narrative indicating your understanding of the work and an outline of how you plan to conduct and complete the work.
2. Roles and resumes of people who will work on the project including any subcontractors. Identify the proposed project manager and key personnel.
3. Examples of similar projects/work scope elements done by the people proposed for this project.
4. A description of your proposed process for meeting design and engagement of the Steering Committee and other committee/board members.
5. A schedule broken down into project phases and including on-site and virtual meetings.
6. A cost proposal broken down into project phases and including fee and reimbursable expenses. Provide a project cash flow projection.
7. A billing rate schedule indicating rates for the individuals who will work on the project.
8. Exclusions, if any, to this Request for Proposal.
9. Three references for similar work by your team proposed for Dryden's project.
10. Demonstration that your company has experience updating municipal land use ordinances, including experience in NYS.

## **6.1 Proposal Preparation Costs**

The Town shall not be liable for any costs associated with the preparation, transmittal or presentation of any response or materials submitted in response to the RFP.

## **6.2 Additional Terms and Conditions**

- All documents prepared and furnished to the Town in the preparation of the Plan shall become the property of the Town.
- Consultant shall carry a minimum \$1 million general and automotive liability insurance for the duration of the agreement.

## **7.0 Award of Work**

Contract award will be based on demonstrated qualifications of the team proposed for the work, completeness of the proposal, the proposed schedule and work plan, and the proposed fee.

Following receipt and analysis of proposals, the Town anticipates an interview process to meet the staff and discuss the project with one or more proposers, prior to award of the work.

Following receipt, evaluation, clarification, and strengthening of proposals, the town intends to enter promptly into discussions to finalize an agreement providing those services with the selected applicant whose proposal, in the judgment of the town, is most advantageous to the town. The town may, in its sole discretion, discontinue such negotiations at any time and begin negotiations with an alternate applicant or applicants responding hereto. The town specifically reserves the right to reject any or all proposals submitted, for any reason, in its sole discretion, or to reissue an RFP in identical or altered form, or not to issue further RFPs.

## **8.0 Questions and Proposal Submission**

- Submit any questions in writing to the Director of Planning at the address below at least three weeks prior to the deadline set by the Planning Board for the receipt of proposals. Please do not submit email or verbal questions and do not approach

members of the Dryden Town Board or Planning Board. An addendum to this RFP, if required, containing responses to questions will be published on the Town's website at: <https://dryden.ny.us> a minimum of one week prior to the deadline set for submission of proposals.

- Submit proposals to the following address. Submit 3 paper copies and a digital copy (pdf) of the proposal to:

Ray Burger  
Director of Planning  
Town of Dryden  
93 East Main Street  
Dryden, NY 13045

## Attachment--DRYDEN TOWN BOARD RESOLUTION

DRYDEN TOWN BOARD REQUESTING THAT THE PLANNING BOARD MANAGE AND EXECUTE A GENERAL UPDATE TO THE TOWN ZONING LAWS, SUBDIVISION LAWS AND DESIGN GUIDELINES

WHEREAS, Dryden's zoning and subdivision laws, adopted following the 1968 comprehensive plan and amended multiple times, have not received a comprehensive review and update, and

WHEREAS, recognized best practices for zoning and subdivision laws have changed considerably, for example, to meet community goals to allow greater diversity of uses and remove regulatory complexity and uncertainty for desired development types, and

WHEREAS, incremental amendments and changes to existing zoning and subdivision laws have created a patchwork of documents that are sometimes difficult to navigate, creating a confusing regulatory environment, and

WHEREAS, Dryden's various boards that use the zoning and subdivision laws have, over the years, noted a variety of problems such as confusing language, impractical requirements, and obsolete references, and

WHEREAS, the Dryden Town Board adopted Dryden2045, an update to the 2005 Comprehensive Plan, on July 21, 2022, and

WHEREAS, the purpose of Dryden2045 is to inform an update to Dryden's zoning and subdivision laws to meet its guiding principles and community goals, and

WHEREAS, the Town has budgeted \$50K for FY2023 to hire a consultant and begin the update process,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board requests that the Planning Board manage a comprehensive review and update to the zoning laws, subdivision laws and design guidelines using an open and transparent process that includes town staff, boards, and the citizens of Dryden. Further, the Town Board requests that the Planning Board engage the services of a consultant to prepare the update and to complete and deliver the draft update to the Town Board no later than June 30, 2025, and

ALSO BE IT RESOLVED, that the update be guided by the following actions and principles:

1. The update must be guided by the underlying tenet of the 2005 Comprehensive Plan to preserve the rural character of Dryden and protect its open spaces, natural areas, and farmlands.
2. The update should create a regulatory environment that supports more diversity in housing types. Methods include allowing multifamily housing by right in more zones, expanding use of accessory dwelling units and apartments, increasing density/reducing minimum lot sizes, using incentive zoning (for example, density bonuses, relaxed building height regulations, area and bulk regulations, etc.) to encourage desired development types, and, for large development projects, consider mandatory provisions for desired housing types to include "affordability" and "best practices for providing outdoor space for active and passive recreation."
3. Critically examine the defined purpose of each of the zone types to ensure they accurately describe the desired uses. The fact that current zoning includes over 130 use types that are allowed but only with Special Use Permits suggests that the zone definitions themselves may be unclear or excessively narrow.

4. Simplify or remove regulatory provisions that create development uncertainty for desired types of development. For example, the aforementioned SUP table contains uses associated with multi-family housing types including senior housing facilities. Other regulated uses have the effect of discouraging diverse development that supports walkable/mixed use communities.
5. Review the zoning map and zoning and subdivision laws to ensure they align with nodal development areas and existing/future services such as transit, water, and sewer. Refer to the Future Land Use Plan in Dryden2045.
6. Critically examine the zoning and subdivision regulations that are intended to allow regulatory flexibility, to ensure the underlying criteria and structure encourages desired development outcomes such as diverse housing, walkable communities and preservation of open space.
7. Critically examine the Residential and Commercial Design Guidelines to ensure they support the goals and principles of the 2005 Comprehensive Plan and the Dryden2045 Update.
8. Critically examine the current regulation requiring the Town Board rather than the Planning Board to approve Special Use Permit applications.
9. Review New York State's MRTA\* and consider aspects of Dryden's Zoning Law that should be updated.
10. Criteria for consultant selection should include that the project principle/manager for the update project has significant, proven experience writing and updating zoning and subdivision regulations in rural communities and using contemporary best practice methods to deliver the above actions.

\* Marihuana Regulation and Taxation Act