

JEFFERSON COUNTY COMPREHENSIVE PLAN



A New Direction

COMPREHENSIVE PLAN

OF

JEFFERSON COUNTY, ALABAMA

Prepared by the

Jefferson County Planning & Zoning Commission

through the

Jefferson County Department of Land Development

First Installment adopted by the Planning & Zoning Commission on August 14, 2008,
and updated September 11, 2008, December 11, 2008 and December 8, 2011.

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COMPREHENSIVE PLAN
OF
JEFFERSON COUNTY, ALABAMA

SECTION 1

THE PLAN AND THE PLANNING PROCESS

**Adopted in three sub-sections as part of the First Installment of this Plan by the
Jefferson County Planning & Zoning Commission on August 14, 2008
Updated September 11, 2008**

JEFFERSON COUNTY AND ITS CHARGE TO PLAN

Whenever a government agency embarks on a mission to change something or do something “new”, it seems that the first question people ask is...

WHY DO WE WANT TO DO THIS?

And the short answer is because ultimately, *only* a comprehensive plan has the potential to become the consolidated, definitive representation of the combined and coordinated plans of *all* of Jefferson County’s development-related departments, working together for the sole purpose of realizing the County Commission’s vision for giving Jefferson County the best possible future from all possible perspectives.

And, recognizing the value of such a plan, the Alabama Legislature set out to describe in detail just how a comprehensive or master plan might be used, as well as detailed instructions on how such a plan is to be developed and adopted.

And so our state enabling legislation charges our Planning & Zoning Commission with the responsibility for preparing and adopting the master plan, or

§ 949. General powers and duties and functions.—It shall be the duty and function of the commission to make a master plan and to adopt such master plan as the official master plan for the development of the unincorporated territory of the county; such master plan may include the planning of incorporated areas to the extent to which, in the commission’s judgment, such areas are related to the planning of unincorporated territory of the county.

comprehensive plan, as the official plan for the development of the unincorporated area of the County. However, this may also include the planning of *incorporated* areas to the extent that such areas are related to the planning of the *unincorporated* territory (for example, with regard to roads and sewers).

WHAT IS A COMPREHENSIVE PLAN, AND HOW WOULD IT RELATE TO US?

Comprehensive plans have been referred to as

“the official statement of a legislative body that sets forth goals, policies and guidelines intended to direct the present and future physical and economic development of the community, including a unified physical design for the public and private development of land and water”.

Such master plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the planning commission’s recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character and extent of roads, viaducts, bridges, waterways and waterfronts, boulevards, parkways, squares, parks, aviation fields, and other public ways, grounds and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or the extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities and terminals; the general character, location and extent of community centers, town sites, or housing developments; the general location and extent of forests, agricultural areas, and open-development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of urban and nonurban development; a land classification and utilization program and zoning plan for the regulation and restriction of the height, number of stories, and size of buildings and other structures; the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings and structures, and the use, conditions of use, or the occupancy of land for trade, industry, residence, recreation, agriculture, grazing, water conservation, forestry, or other purposes; the establishment of setback lines for buildings and other structures along the streets and roads.

And as the insets show, our legislation also includes specific language describing what Jefferson County can do with such a plan. An adopted plan will not only make the *County's* intentions for the future clear to both current *and future* residents of the County, but it will also serve as a guide helping to locate the many different kinds of developments that are coming in the County.

The master plan shall be made with general purpose of guiding and accomplishing a co-ordinated, adjusted, and harmonious development of the county which will, in accordance with present and future needs and resources, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, such distribution of population and of the uses of land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other purposes, as will tend to create conditions favorable to health, safety, transportation, prosperity, civic activities, and recreation, educational, and cultural opportunities; will tend to reduce the waste of physical, financial, or human resources which result from either excessive congestion or excessive scattering of population; and will tend toward an efficient and economic utilization, conservation, and production of the supply of food and water, and of drainage, sanitary, and other facilities and resources.

Furthermore, *after* the comprehensive plan is adopted, the Planning & Zoning Commission will be in a position to review all *public projects* for consistency *with* that plan (again, according to our enabling legislation). This applies to everything from public utilities to public parks and recreation, to street widenings and right-of-way vacation.

The acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, acquisition of land for, or sale or lease of any public utility facility, whether publicly or privately owned, public park or other public recreation area, public building or other public structure, public road or other public works, shall be subject to similar submission and approval,

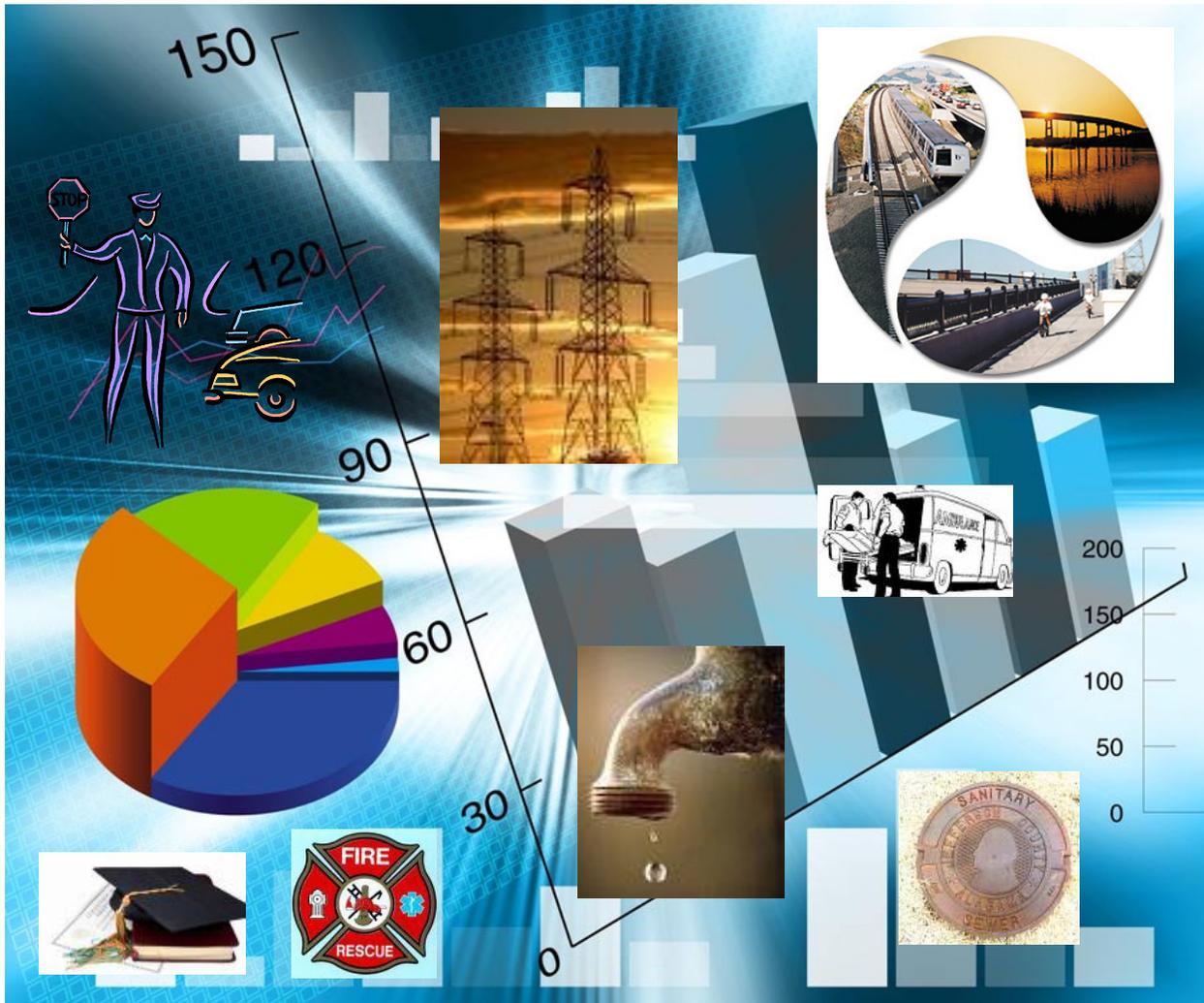
And, with public utilities included in the planning process, the mechanism would be in place for the Planning & Zoning Commission and/or the different departments/agencies to collaborate on how they might “adjust” their *individual* plans to achieve the best *overall* benefit to the County as a whole. Also, by incorporating the various departments’ public improvement projects into the comprehensive planning process – projects on which no less than one public hearing will most certainly have to be held anyway – the public review requirement can be more efficiently satisfied by the hearings on the *plan*, without having to set up any kind of “special” hearings for the projects themselves.

THE END PRODUCT

Although the planning process never really stops, and *all* plans are re-evaluated and amended from time to time in order for them to remain current and accurate, there is a “final product”. And even though that same “final product” will itself continue to evolve and expand with further research and development to address additional issues or areas of concern to the County, our goal with this Plan is to present a mapped Future Development Plan for all of Jefferson County, along with a compilation of *all* relevant development policies from *all* County departments, and any *other* agencies – including any cities – who might want to participate.

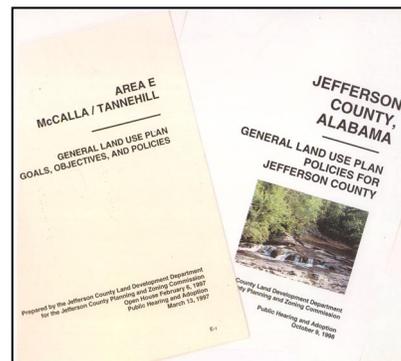
In short, our product here – this Comprehensive Plan – will be a growing document that will consolidate, for the *first time*, *all* of the plans and policies of *all* of the County’s departments into *one* document – one *big* Plan with information from *every* department whose work impacts how and where land is developed in Jefferson County. *And* it is a document that will be useful *to* far more people than just the County Commission, or one or two County departments: as described in **Section 2.b., Purpose and Intent**, this Plan will be something that *many* other departments, many other *agencies*, and even the *cities and towns* that share the space within our County lines can benefit from!

Furthermore, as this Plan grows to include more and more aspects of the County’s governmental duties and responsibilities, or simply to *improve* on the various aspects of development already covered by the Plan, *any and all such new Elements and/or new policies* – as well as any proposed *regulation or ordinance amendment* that may result from such new Element or policy – *will be brought forward to the public for review and comment by all interested and potentially-affected parties prior to any adoption of such.*



BACKGROUND: HISTORY OF JEFFERSON COUNTY'S LAND USE PLAN

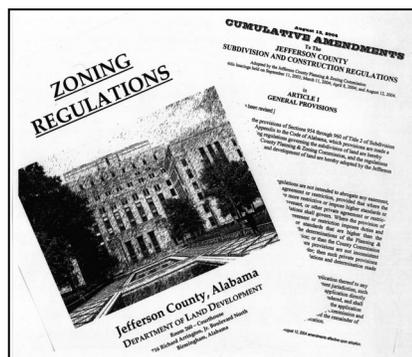
When the Jefferson County Commission called for a County-wide plan to be developed back in the mid-90's, the driving force was zoning. The Commission was looking for something that would give them a broader frame of reference from which to analyze their rezoning cases and anticipate the effects of their zoning decisions. More and more cases were beginning to “accumulate” in certain strategic areas, while other cases indicated the beginnings of commercial sprawl along various key road corridors. As a result, the Commission was looking for a way to evaluate their cases in relation to “the bigger development picture”, instead of continuing to do things on a “one-property-at-a-time” basis.



To develop that plan, the County was divided (by census tract) into 13 planning areas. Each area was then taken individually after being then prioritized based on the proportion of rezoning cases that had been filed over the last 10 years, with the public hearing on the first Area Plan held at McAdory High School in 1997.

In 2006, the Planning & Zoning Commission adopted proposed land use maps for the *last* of those 13 areas; and while it took longer than anticipated (for various reasons), what was essentially *the first phase* of a *comprehensive* plan – i.e., the development of a Land Use Plan for both the Planning & Zoning Commission and the County Commission to use as a guide in making their decisions on rezoning cases – was complete.

And that Land Use Plan was a good start, as not only have the Commissions come to rely rather heavily on it when considering rezoning cases, but it has also been instrumental in helping us improve and refine our zoning and subdivision regulations. But again, this was only the first phase of a much larger project, as the scope of our *Land Use* Plan was rather limited as compared to the scope of the *Comprehensive* Plan it was to become a part of.



Furthermore, flooding and other issues were starting to emerge as major concerns of Commissioners and citizens alike. Intergovernmental cooperation is probably at an all-time high, yet even higher levels of coordination are needed to address emerging issues that affect us on a “metropolitan area” scale. And subdivision development continues to increase all across the County – including in rural areas, thus heightening concerns about the rising costs of providing infrastructure for new development. And while increased departmental coordination *has* provided the Commission with up-to-date and accurate information regarding sewer availability, roadway capacities and other infrastructure elements that factor in to their decisions on rezoning cases, having the

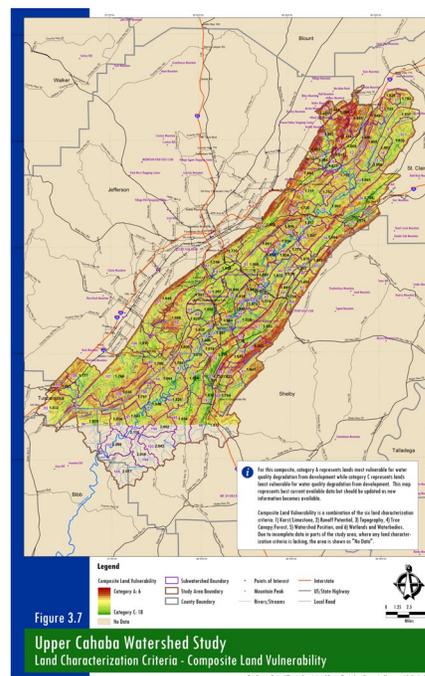
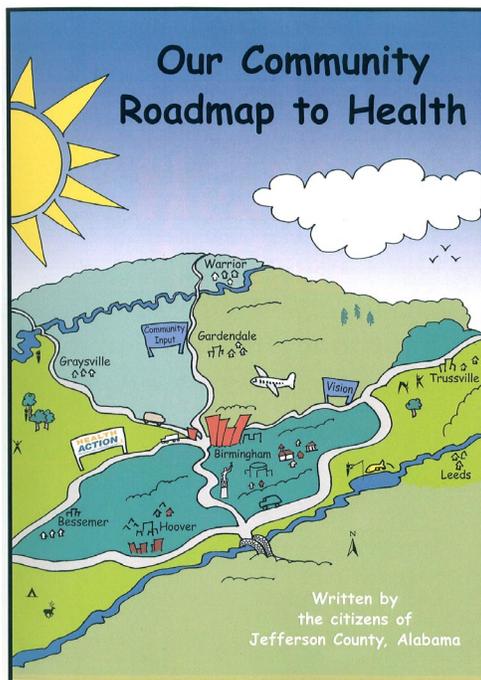
future *plans* for all of these kinds of elements (i.e., not just the *existing* conditions) collected in *one place* will give the Commission the best information for seeing *and shaping* the *future* Jefferson County.

So in January of 2007, the Jefferson County Commission launched a concerted effort to start bringing together the plans of all of the *other* County departments, to form them into a *Comprehensive Plan* that will contain, coordinate and communicate everything anyone would need to know about what the Jefferson County of the future is going to look like.

And of course, there *were* several “individual” planning efforts taking place here at the County at the *departmental* level: Roads & Transportation had local road improvement projects scheduled, looking out as far as 5 to 10 years; Community Development has their “5-Year Plan”; and Land Development is continuously working with the Planning & Zoning Commission on trying to maintain a 10-to-20-year outlook for the Land Use Plan.

In addition, there were also a number of *other* significant planning efforts going on in Jefferson County as well, each of which brings their own particular issues to the table. For example, the Jefferson County Health Department has embarked on its own plan “*to improve health and quality of life throughout Jefferson County*”. There had also been a multi-jurisdictional study done of the Upper Cahaba Watershed, which looked in-depth at conservation and development issues as they relate to water quality.

So there are already several key ingredients ready to be pulled together into a single *comprehensive* planning program for Jefferson County as a whole.



THE COMPREHENSIVE PLANNING PROCESS

Historically, comprehensive plans have consisted of several different “elements”, each pertaining to some specific aspect of a community’s character and development pattern. Based on the planning information that *already* exists among the various departments and agencies in Jefferson County, Land Development set about to assemble an initial “core” set of elements that the rest of our comprehensive plan can be built around. Those core elements were:

A **Transportation** Element, including a major road plan, a transit plan, and a compilation of policies and procedures being utilized by the Department of Roads & Transportation;

A **Sanitary Sewer** Element, including an expansion plan, and the policies and procedures being utilized by the Department of Environmental Services regarding sanitary sewers;

A **Community Development** Element covering housing rehabilitation and community revitalization plans;

A **Recreation and Conservation** Element establishing a County-wide “greenprint” of policies and procedures stemming from studies like the Upper Cahaba Watershed, the Greenways Plan, and the Flood and All-Hazard Mitigation Plans, not just to protect sensitive areas, but also to promote the creation and use of recreational and conservation programs like those currently being undertaken by the Jefferson County Greenways Commission;

And of course, as each of the above elements were explored, and the various departments’ plans, policies and procedures were compiled, the **Land Use** Plan – now *also* an ‘Element’ of the Comprehensive Plan – was updated to reflect the interrelationship among all of the other elements as the planning process proceeded.

But it does not stop there. As the process continues, the Comprehensive Plan will constantly be exploring ways our **Regulations** (Zoning, Subdivision & Construction, etc.) can be updated and improved in order to actually *implement* the policies that are developed within each of the various Elements – and with a *particular* emphasis on ways we can coordinate *our* development efforts with the *forty (40) municipalities* that currently govern land within our County borders.

Comprehensive Plan

INITIAL ELEMENTS TO BE DEVELOPED/ADOPTED

- **Community Health:** plan for improving the general health and quality of life for citizens throughout Jefferson County
- **Transportation:** a major road plan and a transit plan
- **Sanitary Sewer:** expansion plan, policies and procedures
- **Community Development:** housing rehabilitation and community revitalization plans
- **Recreation and Conservation:** policies and procedures to be adopted as a result of studies like the Upper Cahaba Watershed, the Greenways Plan, and the Flood and All-Hazard Mitigation Plans, and implemented through a County-wide “greenprint”
- **Land Use:** updated plans and projections based on all of the new elements above
- **Zoning and Subdivision Regulations:** updated to implement Element policies and facilitate municipal coordination

OTHER ELEMENTS TO BE ADDED

- **Community Facilities:** planning for future schools (in cooperation with the cities and the County Board of Education), parks and other civic endeavors
- **Housing:** infill and redevelopment strategies for urbanized areas
- **Economic Development:** incentive and location programs; commercial and industrial infill and redevelopment programs
- **Water System:** expansion plans, policies and procedures of the different systems, and relationship to Fire protection

And other elements will be added in the future, as work on the Comprehensive Plan continues, and as new trends and issues in construction and development arise.

THE COUNTY'S PLAN TODAY

However, even as the Plan development process was just getting underway, there were already changes in store. For example, the initial “core” set of Elements to be done changed due to the development of the *process* by which the Plan itself would be developed (which is described in the following sections) – and that is, with a special emphasis on neighborhood and community planning. And of course, at such time as Elements pertaining to Recreation and Conservation, Community Development, or any other subject areas *do* come to fruition, they will also be brought to the public for review and comment before anything is actually adopted.



Nevertheless, each department was the key “player” in the development of the plan element for its respective area(s) of operation. However, in order to achieve the level of coordination necessary for Jefferson County to have a *truly* “comprehensive” – and *effective* – plan, there had to be input from the other potentially-affected departments along the way as well.

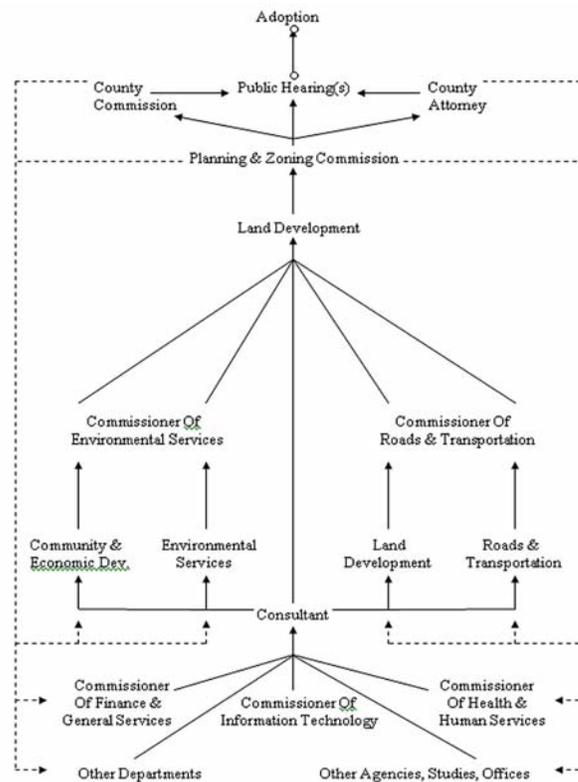
Generally speaking, the work started with the County Commissioners and their respective departments conducting their own assessment of existing conditions, and developing their own respective proposed “plans” for dealing with the issues that they will have identified.

The Planning & Zoning Commission then reviewed and, ultimately, incorporated the “final” *departmental* plans into the *comprehensive* plan through a public hearing and adoption process.

Since Land Development is the support staff for the Planning & Zoning Commission, it fell to this department to – in addition to carrying out its *own* planning work – facilitate the *overall* development of the Comprehensive Plan itself. So while the individual departments – as well as the Jefferson County Commissioners themselves – were developing *their* respective plan elements and directing the establishment of *their* corresponding policies, the planning staff of Land Development was:

- coordinating the interaction among the various departments and the County Commission;
- coordinating all departmental activities with the Planning & Zoning Commission;
- assuming responsibility for ensuring that the process used in developing the plan complies with all applicable legislative requirements, including notifications and public hearings; and,
- is now responsible for the production, distribution and maintenance of the Plan, including all subsequent updates thereto.

Thus, the general organizational structure/flow diagram by which this comprehensive plan was initially developed and adopted is essentially as shown below (although no consultants have been involved to date, and the individual Commissioners’ areas of responsibility have changed):



Organizational Structure/Flow Diagram for Developing a Comprehensive Plan for Jefferson County, Alabama

THE PLAN FOR THE PLAN: A TWO-PRONG APPROACH

The work of preparing this comprehensive plan took place on two fronts simultaneously: one focusing on developing and implementing specific programs and practices as a matter of **policy**, and the other focusing on **geography** – i.e., *applying* those policies to specific geographic areas.

Prong 1: The Policy Side

After establishing the “mission statement” for the comprehensive plan as a whole – spelling out the purpose of the Plan, and the goals and objectives the County hopes to accomplish with its implementation – this part of the process will involve the review, assessment and changes to the Land Use Plan’s *existing* policies, as well as the researching and development of *new* policies to address issues or problems that have emerged *since* the Land Use Plan was first adopted. And to that end, the County Commission adopted the first set of compiled policies – addressing roads and sanitary sewer as well as land use – in September of 2007.

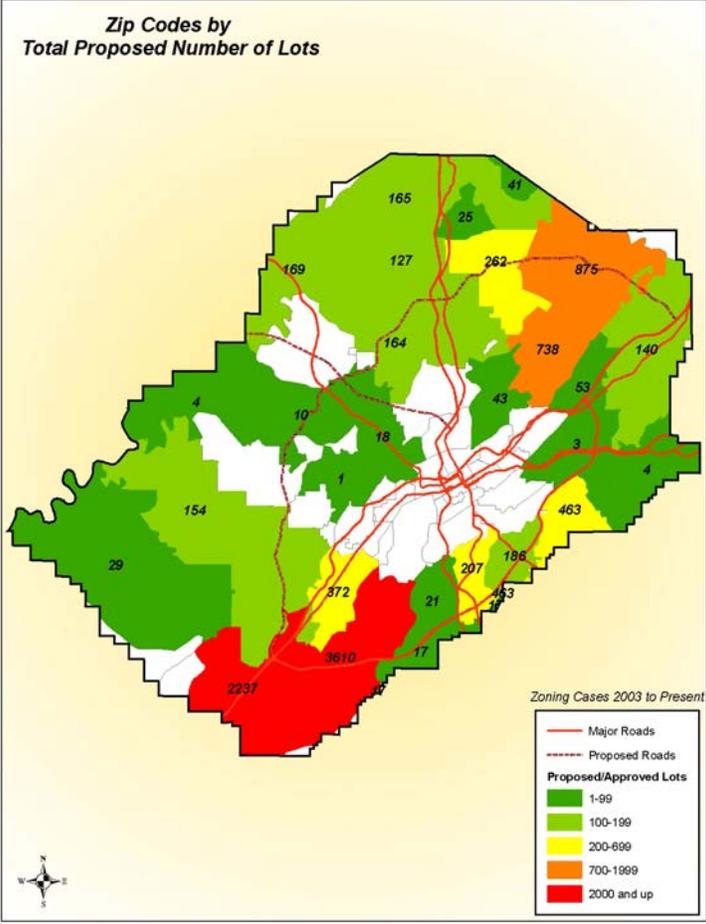
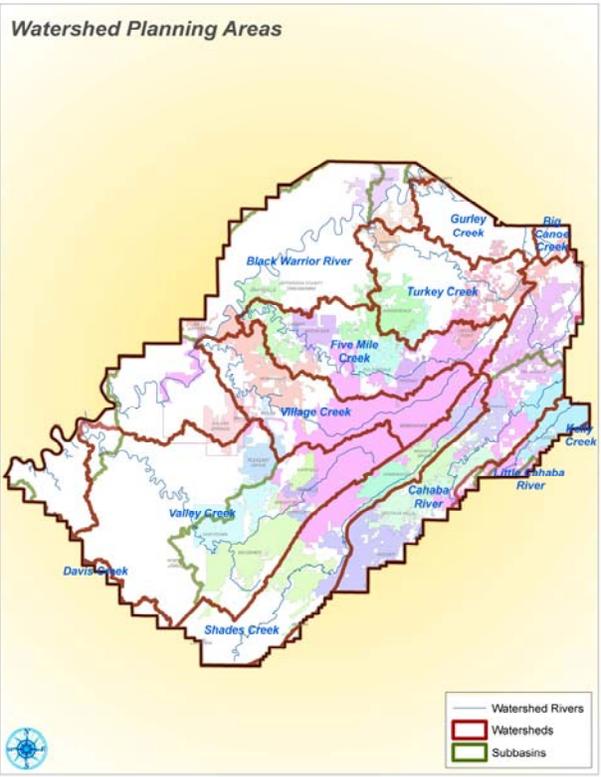
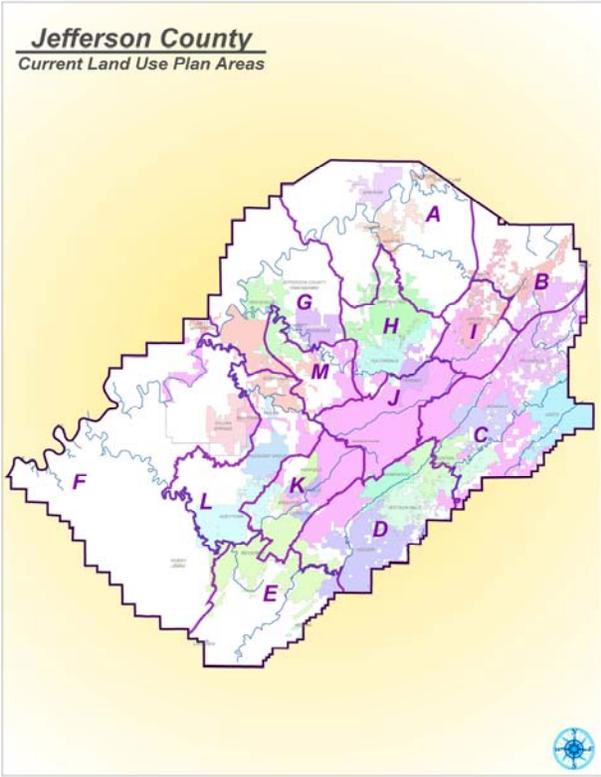
Although the County’s policies will continue to be refined over time, attention then turned to their implementation, either by way of amendments to the County’s development regulations or by other appropriate means. Also, by taking this policy-based approach to identifying and addressing our concerns, *the more urgent needs became self-evident as an inherent by-product of the comprehensive planning process itself*. And with the targeted research and collaborative development efforts that went into each policy decision, there will be a solid body of evidence on which to base *whatever* subsequent course of action is ultimately determined to be appropriate.

Prong 2: The Geography Side

At the same time, the *land use* planning aspect of the Planning & Zoning Commission’s work never stopped; instead, it is being adapted to accommodate the new *policy* information as it is developed and implemented.

However, the geography-based side of the comprehensive plan *did* have one major change: and that was the reconfiguration the “planning areas” such that they are now defined by *watersheds* rather than by *census tracts*. This allows for a more accurate and realistic evaluation of the potential impacts of development *within the actual physical area where those impacts are most likely to be “felt”* – instead of continuing to try to use the “artificial” census boundaries that typically bear no relationship at all to the *actual physical characteristics of the land itself*.

The following maps compare the existing census-based planning areas with the County’s primary watersheds, *along with a third map that shows the number of new subdivision lots that have been approved – by zip code – since 2003*. And given that the conversion of 236 *original* parcels into 5,847 *new lots* represents a 2,378% increase in residential development in the southern part of the County, the decision was made to start the new planning process in the Shades Creek watershed, with the northeast area of the County (where the 1,613 new lots represent the *second* highest increase (at 1,104%) in residential development in the County) slated to be the next target area.



PUTTING POLICY AND GEOGRAPHY TOGETHER...

ELEMENTS NOTWITHSTANDING

As work continues on the various Elements of the Comprehensive Plan discussed earlier, the Geography Side of our approach required the immediate application of not only the standards being developed on the Policy Side of the process, but also of whatever *local* improvement, development or construction plans any County department or other agency may have *within each watershed* as our study efforts move from one watershed to the next.

What this means is that, in order for the planning of the *actual future development itself* within a given watershed (i.e., the directing of the location of future land uses) to be accurate and appropriate, any plans a department may have for any area within that watershed must be mapped out as well – even though the Comprehensive Plan’s corresponding *Element* may *not* yet be complete. For example, even though the Department of Roads & Transportation had not yet completed the “Major Road Plan” *for the County* at the time the Shades Creek Watershed Plan was developed, it was obviously critical to the proper planning of that area for R&T to provide its plans for major road improvements *specifically in that particular Watershed*. Thus, the completion of *certain* Elements of the Comprehensive Plan may actually occur not only *after* the individual watershed plans are done, but the very *development* of those Elements may take place *as a result* of doing the individual watershed plans.

And so again, the need for involvement by *all* departments – as well as the Jefferson County Commissioners themselves – is clear at several levels across this process. And, as has already been mentioned, input from other agencies has been, and will continue to be, solicited as well. And of course, it has always been considered standard operating procedure to keep the *cities* involved in the County’s planning program and any other development-related operations; and as the focus shifts from watershed to watershed over the course of this new project, the County will continue to involve the cities, to the extent practical, in order to better coordinate development at the *county-wide* scale – particularly with regard to such things as streets, sanitary sewer and other infrastructural elements.

*But Land Development would be remiss not to take this opportunity to express our appreciation to all of the County Departments for their in this project, as it would have been impossible to do this without them. Likewise, this project could not have been accomplished without our Planning & Zoning Commission, whose members gave freely of their own personal time and effort during the development and adoption of this Plan. Plus, we received excellent input and great information from a lot of *other* agencies and organizations as well, including utility companies, development authorities and *similar* groups – some, if not *all* of which, you see listed here on the following page. And you can *also* see that we consulted whatever *existing* plans and studies were available and applicable, *all* in order to have the *best*, most *current*, and most complete information about *everything* that *needs* to be taken into account in developing each watershed plan.*

Contributing Organizations and Other Elements In The Works

- Department of Roads & Transportation
- Environmental Services Department
- Upper Cahaba Watershed Study Greenprint Plan
- Jefferson County Greenways Commission
- Alabama Power Company
- Alabama Gas Corporation
- Warrior River Water Authority
- Bessemer Utilities
- Birmingham Water Works Board
- Cities of Bessemer, Birmingham, Hoover, Homewood, Mountain Brook and Irondale
- Jefferson County Department of Health, Health Action Plan
- Bessemer Industrial Development Board
- Bessemer Airport
- Jefferson County Economic & Industrial Development Authority
- Jefferson County Economic Development Department
- Birmingham Historical Society
- Jefferson County Board of Education
- Emergency Management Agency
- Jefferson County All-Hazard Plan

And last, but certainly not least, *both* the Planning & Zoning Commission and the Jefferson County Commission itself *actively sought* the benefit of having the personal, “local” insight of the citizens themselves – and *getting* good feedback from the residents who will be directly impacted by this Plan, quite literally “where they live” (and work and play), was intended all along to be an integral part of the formulation of this Plan.

PLANNING THE FUTURE DEVELOPMENT OF JEFFERSON COUNTY

When the time came to actually start mapping out where the compiled plans of all of the assembled elements are expected to take the Jefferson County of the future, staff determined that the best way to plan for such large-scale areas as the watersheds – and in fact, ultimately on the scale of the County as a whole – was to take the approach presented in the **SmartCode** (written by Andres Duany, William Wright, Sandy Sorlien, et al, and published by New Urban Publications Inc.).

The basic approach is to start with a very general plan for larger segments of the study area, and work down to smaller areas getting more specific and detailed as the process continues. And the reason this is a good approach is that it does not require the end

product to be a detailed and specific plan for every parcel of land in the area; rather, it allows the detailed study and planning work to be devoted to those specific locations where it is necessary and justified to do so. Yet the parts of the area that are *not* currently experiencing any significant development pressure will still be covered by the general development plan map, as well as by the general development policies set forth in the comprehensive plan itself. And at such time as development trends *do* begin to affect any of those areas, the Planning & Zoning Commission will turn its attention to preparing the detailed and specific plans *for* those areas as it becomes appropriate and beneficial to do so. Thus, this approach provides the County with a natural prioritization process for logically and systematically identifying and addressing the needs of the most critical areas of the County first.

Very generally speaking, our planning approach starts on a regional scale by breaking the target watershed down into six general categories: two types of open space sectors, three future development sectors, and an infill development category. It should be pointed out, however, that the **SmartCode** itself is *not* really designed, nor is it intended, to encompass *all* of the zoning districts and land uses that can be found in Jefferson County; rather, the main purpose of the **SmartCode** is to provide an alternative to standard zoning codes that *separate* homes from offices, shops, churches, schools and other uses that *can* – through proper design – be mixed together *with* residential uses to achieve a mutually beneficial arrangement for all. In the words of the **SmartCode**,¹

The SmartCode is a tool that guides the form of the built environment to resemble that of traditional neighborhoods, towns and villages. This form is compact, walkable and mixed-use, and is meant to be comfortable, safe and ecologically sustainable. It allows a mix of uses within the neighborhood, so its residents don't have to drive everywhere. It simultaneously preserves the form of urbanism and open lands.

It is clear, then, that the **SmartCode** *per se* is really designed more to deal with residential development, civic/institutional facilities, and office and commercial uses that are primarily going to be oriented toward serving the residential development that is located immediately around them. All other uses are left to be set up as “Special Districts”. Thus, here in Jefferson County, where there are a number of zoning districts and accompanying land uses that are not directly addressed by the **SmartCode**, the

¹ This language is in *no* way intended to imply that Jefferson County will be discarding its existing zoning, subdivision and/or construction regulations. This section is strictly a discussion of how the Plan itself, and *particularly* the watershed development plan *maps*, were developed – and that is, by adapting the *principles* set forth in the **SmartCode** to our situation here in *Jefferson County*. Furthermore, the SmartCode is *more* than just a “code” – it is not a ‘glorified’ zoning ordinance or something like that; it is a *full planning and development program* that has been used across the country, and even in several communities here in Alabama. Thus, this section simply describes how the planning “framework” of the **SmartCode** (e.g., sectors, transect/plansects, villages, etc.) was used in the development of this Comprehensive Plan, as well as in the preparation of the watershed (and eventually village) plans themselves. There is *no* intent to do away with *any* existing ordinance or other regulations, or to impose any other “code” (be it the **SmartCode** or anything else) as a “mandatory” requirement in any way, shape or form. To the contrary, and as stated in Section 1c (“General Implementation of the Comprehensive Plan”), this Plan is *premised* on the idea that most, if not *all* of the County’s future development will continue to be done under its “conventional” zoning, subdivision and construction regulations.

Comprehensive Plan will map out areas that contain – or are *projected* to contain – such unique or very large or specialized developments or land uses, and designate them as “Special Districts” in their own right at the outset:

SD – Special Districts

These districts will typically be given distinctive labels so as to quickly reflect the nature of the particular use/development that it designates. All of the County’s ten (10) industrial zoning districts will fall into a Special District category, as will certain other unusual or high-impact zones (such as the AIR-1 Airport District, and INSTITUTIONAL-3 where penal facilities are permitted).

After delineating these Special Districts *based primarily on where such zoning and/or uses already exist*, the focus of the planning process then turns back to the six Sectors outlined in the SmartCode; and so the task of breaking each watershed study area down into this “first cut” of general categorizations begins.

The first step is to identify lands where development should *not* occur, or where development is *already* not permitted.

O1 – Preserved Open Space Sector

This category designates areas that have already been “protected” from development – generally by entities *other* than Jefferson County – through a variety of legally-binding methods, and includes areas under environmental protection by law or regulation, as well as land acquired for conservation through purchase, by easement, or by a past transfer of development rights. Thus, it can contain surface waterbodies (like Lake Purdy), protected wetlands, protected habitat (e.g., National Wildlife Refuges), purchased open space (such as those acquired by a land trust), conservation easements, transportation corridors, areas residual to clustered developments (e.g., open space in planned unit developments (PUD’s)), and designated historical, cultural or recreational facilities (such as Tannehill State Park and several historic homes and buildings across the County).

O2 – Reserved Open Space Sector

The other category of open space is for land that *should* be protected, but is *not* yet. These are areas where no significant development is envisioned, but in this case it is still possible because the land is not yet protected by any legally-binding method (nor does this Plan, in and of itself, constitute such.) Yet, because this designation calls attention to land that has some intrinsic value as open space, the Plan recommends that these areas should be protected from development; *and* it is in *these* areas that the Plan also calls for development and implementation of a mechanism that will allow a landowner to ‘transfer out’ his/her development rights. And so this sector designation can include floodplains and steep slopes, as well as open space, corridors and buffers to be acquired.

*It should be noted, however, that this Comprehensive Plan does **not** take away any existing development rights of any landowner – including any owner of any land in the O2-designated areas on the map. Thus, neither the Comprehensive Plan nor the existing Land Use Plan affect any property owner’s right to develop and use his/her property under its existing zoning classification. As is the current process (and aside from the development of policies proposing regulatory amendments), the Plan comes into consideration only when a rezoning or subdivision is being requested, and then that proposed change is evaluated against the Plan. Furthermore, the Plan does not seek to halt development in any area, but rather is calling for the exploration of alternatives to the direct development of certain lands through such things as allowing development to be “clustered” outside of certain areas, providing for the transferring of development rights, and establishing certain incentives to encourage preservation of these areas.*

The next step is to identify lands where development *should* occur, and the corresponding *density* that new development should be allowed or encouraged to reach.

G4 – Infill Growth Sector

This category is for areas that are already urbanized.

G3 – Intended Growth Sector

This category begins to “direct” new development by identifying high-capacity intersection and lands with good proximity to transit.

G2 – Controlled Growth Sector

This category shows additional areas where new development will be encouraged, though on a somewhat more limited basis than in a G3 sector. These are generally lands that are adjacent to medium-capacity thoroughfares.

G1 – Restricted Growth Sector

Finally, aside from any “special districts” that will have already been identified in the study area, all of the remaining land is assigned to this category.

Notice also that this approach lends itself extremely well to the transfer of development rights. When the Sector Plan is complete, the G1 (Restricted Growth) lands effectively overlap with the O2 (Reserved Open Space) lands, providing both a natural transition zone and a “bank” for the transfer of development rights; and the G3 (Intended Growth) areas become the priority locations for new development and the prime receiving areas for those transferred development rights. Then, whenever there *is* a transfer of development rights within the watershed, the “sending” O2 land becomes additional O1 (Preserved Open Space) land, while O2 land that does not have its development rights transferred can be developed as a G1 sector.

It is true, however, that as of the initial adoption of this Plan, Jefferson County has *no* provision allowing for the transferring of development rights – and so, in order to balance the development rights of a landowner with the value derived from preserving certain areas as open space, this Plan is *calling* for the development of just such a mechanism; and *how* such a provision would be *implemented* would be part of that research and development effort. Furthermore, it is the intent of this Plan that the mechanism for transferring development rights be developed *at the same time, and in conjunction with*, the development of any policies dealing with stream buffers, slope protection, etc. And there should be consideration of additional *incentives* as well, such as density bonuses, when development is shifted out of an O2-designated area.

The second phase of the planning process focuses in on the Growth Sectors by first defining the *type* of development that should take place in each:

SECTOR	PREFERRED DEVELOPMENT/COMMUNITY TYPE
G1 – Restricted Growth	Clustered developments or hamlets
G2 – Controlled Growth	Traditional neighborhood development or villages, or Clustered development
G3 – Intended Growth	Regional development centers or Traditional neighborhood development
G4 – Infill Growth	Traditional neighborhoods or urban villages, Regional development centers, Downtown or town centers

Once the preferred development/community type(s) is (are) determined within each Sector, those areas are then divided into sub-sectors or land use zones called “Plansects” which describe what the *character* of new development should be based on a given property’s location *within* the Sector and its assigned community type.

SECTOR	PLANSECTS - ALLOWED DEVELOPMENT “CHARACTER” ZONES
O1 & O2 Open Space Sectors	P1 Natural and P2 Rural
G1 – Restricted Growth	P2 Rural, P3 Sub-Urban, P4 General Urban
G2 – Controlled Growth	P3 Sub-Urban, P4 General Urban, P5 Urban Center
G3 – Intended Growth	P4 General Urban, P5 Urban Center, P6 Urban Core
G4 – Infill Growth	
Neighborhoods/villages	P3 Sub-Urban, P4 General Urban, P5 Urban Center
Downtowns/town centers	P4 General Urban, P5 Urban Center, P6 Urban Core

These “Plansects” parallel the “Transects” of the **SmartCode**, but with one significant difference. Again, because of the sheer size of the areas we are dealing with, the *Plansects* delineated in the Comprehensive Plan are a *general* categorization to be

used by the County to direct or evaluate the (proposed) location of land uses across the watershed based not only on the type/nature of the use itself, but also on differences in character, differing degrees of intensity, etc. A *Transect*, on the other hand, is a term reserved for the use of these same “zones” in the preparation of a *specific* development plan for a *specific* individual property or development.

Thus, even though these two sets of land use zones are essentially the same, the Comprehensive Plan’s use of them *strictly as a generality* allows developers the flexibility of building a *range* of (Transect) zones into *their* particular development – as long as the *overall* impact/character of the development translates equivalently to the Plan (Plansect) zone in which it is located. In other words, it would be reasonable to see a developer propose a development containing T3, T4 and T5 Transect zones in an area designated by the Comprehensive Plan as a P4 Plansect zone – and it would be acceptable as long as the overall development equates to the P4 Plansect criteria.

The different Plansect zones delineated in the Comprehensive Plan are described as follows:

P1 – Natural Zone

- . open space that is mostly natural or untended, generally without buildings;
- . consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation;
- . also includes surface waterbodies, protected wetlands/habitat, riparian corridors, purchased open space, conservation easements, land trust, transportation corridors, and CLD residual open space.

P2 – Rural Zone

- . open space that is mostly cultivated, usually with a few scattered buildings;
- . consists of lands in open or cultivated state or sparsely settled, including woodland, agricultural lands, grasslands and irrigable deserts;
- . also includes floodplains, open space/corridors/buffers to be acquired, legacy woodland/farmland/viewsheds, and CLD residual open space.

P3 – Sub-Urban Zone

- . the most natural, least dense, most residential of the urbanized areas;
- . consists of low-density suburban residential areas, differing by allowing home occupations; planting is naturalistic with relatively deep setbacks; blocks may be large and the roads irregular to accommodate natural conditions;
- . includes areas of medium slopes and woodlands.

P4 – General Urban Zone

- . the most varied residential area, with mixed uses allowed;
- . consists of a mixed-use but primarily residential urban fabric; wide range of building types, including single family, side-yard and rowhouses; setbacks and landscaping are variable; streets typically define medium-sized blocks;
- . generally occurs on dry flat and rolling land.

P5 – Urban Center Zone

- . the more dense, primarily mixed-use area typically located near the center of a pedestrian shed or at an important crossroads;
- . consists of the highest density mixed-use building types that accommodate retail, offices, rowhouses and apartments; has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the frontages;
- . this will generally be areas that are already developed as such.

P6 – Urban Core Zone

- . the most dense business, cultural and entertainment area of a city/town;
- . consists of the highest density with the greatest variety of uses, plus civic buildings of regional importance; may have larger blocks; streets have steady street tree planting and buildings set close to the frontages.

But now, in addition to defining the type of development that will be promoted in the various parts of a given watershed, these Plansects also play a *second* critical role in the comprehensive planning process – because *they* are the connection between the Watershed Development Plan *map* and the County’s zoning and subdivision regulations. Using the County’s existing zoning classifications, the following table defines the various land uses – and, accordingly, the various *zoning* districts – that would be considered appropriate on any given property located in each of the respective Plansect zones.

However, it should be noted that the listing of a particular use or zoning district as “permitted” in a given Plansect is NOT in any way to be construed as an “entitlement”. As described in detail in the following section (General Implementation of the Plan), the appropriateness of a *particular* use/zoning on a *particular* parcel or at a *particular* location – and/or even at a *particular time* – will *still* be determined by the Jefferson County Planning & Zoning Commission and the Jefferson County Commission *on a case-by-case basis*. Here again, this chart deals in generalities, and it will be incumbent upon the County’s Commissions to deny *any* application for a rezoning, use or development that they determine, for whatever reasons, to be inappropriate – *regardless* of whether such zoning, use or development is listed as “permitted” in the Plansect in which the property is located.

TRANSLATION OF JEFFERSON COUNTY ZONING DISTRICTS/PERMITTED USES INTO COMPREHENSIVE PLAN LAND USE PLANSECTS

SECTORS	----- G1 -----		----- G2 -----			----- G3 -----		Special Districts
	----- O1 and O2 -----		----- G4 -----					
	PLANSECTS	P1	P2	P3	P4	P5	P6	
	ZONING/USES							
A-1 agricultural uses, min 10 acres -- farms, greenhouse, stables, kennels, livestock -- with accompanying residence (m.h. or house)	permitted except river camps						A-1 river camps	
U-1	warrant	warrant	warrant	warrant	warrant			
U-2	permitted	warrant						
INSTITUTIONAL-1	permitted except schools	permitted except schools	permitted (no exceptions)	permitted (no exceptions)	permitted (no exceptions)			
A-1 agricultural uses, max 10 acres -- farms, greenhouse, stables, kennels, livestock -- with accompanying residence (m.h. or house)	warrant	permitted except river camps						
A-1 subdivisions	warrant	permitted						
A-1 individual uses (house or mobile home)	warrant	permitted						
E-MF	permitted	permitted						
E-1	warrant	permitted	warrant					
R-R		permitted	warrant					
CEM and PC-1	warrant	permitted	warrant					
residential B&B	warrant	permitted	permitted	permitted				
home occupations		permitted	permitted					
E-2		warrant	permitted					
R-1			permitted	warrant				
INSTITUTIONAL-2		warrant	permitted	permitted	permitted			
C-P		per LUPlan, restricted warrant	per LUPlan, restricted	per LUPlan, unrestricted	per LUPlan, unrestricted			
C-N		per LUPlan, warrant	permitted per LUPlan					
A-1 recreational camps and C-2	warrant	warrant	warrant	warrant	warrant			
C-3			per LUPlan, restricted	per LUPlan, restricted	per LUPlan, unrestricted			
live-work units			permitted	permitted	permitted			

R-2			warrant	permitted			
R-3 (single family & duplex)				permitted	warrant		
R-G			warrant	permitted	permitted		
R-T				permitted	permitted		
R-6				houses by right, m.h. by criteria	warrant		
R-5(A) mobile/modular home subdivisions			warrant	permitted			
R-5(B) mobile home parks			warrant	warrant			
commercial B&B			warrant	permitted	permitted		
C-1				per LUPlan, restricted	per LUPlan, unrestricted except shopping centers, large theatres		C-1 shopping centers, large theatres, other large complexes
R-4				restricted	unrestricted		
C-5				per LUPlan, warrant	per LUPlan, warrant		
SmartCode overlay development			in G-2 and higher	in G-2 and higher	permitted		R-7
							INST-3
							AIR-1
General Distribution of Neighborhood and Community Types	HAMLET						CC-1
	VILLAGE						I-1
	URBAN VILLAGE						I-2/I-2(A)
	TOWN						I-3/I-3(S)
Individual local neighborhood- and community-oriented non-residential uses may also be deemed "warranted" if determined to be consistent with the Land Use Plan's Rural Development policies.							I-4
							I-5/I-5(A)
TERMINOLOGY:							I-O/HW-1
permitted = the specified zoning district, and any use allowed therein, will generally be allowed by right (unless there are some unusual mitigating circumstances)							
restricted = only certain uses from the specified zoning district, or uses of a limited size, scale and/or scope, will be considered, rezoning to carry such restrictions							
per LUPlan = the uses/zoning in question will be considered, but only at the locations where the Land Use Plan maps and/or policies has designated such							
warrant = identifies zoning classifications/uses which, though not consistent with the <i>specific</i> provisions of the Plansect, Land Use Plan maps and/or Comprehensive Plan policies, but which are justified -- in the determination of the Planning & Zoning Commission -- by the <i>intent</i> of the Comprehensive Plan and its components, and may be approved by P&Z through the public hearing process <i>without</i> a Plan amendment.							

Now, returning to the discussion of how the watershed plan maps themselves are actually developed, the chart below shows how the process begins with the larger, more general Sectors and Plansects just discussed, and gradually works down to the more specific community and neighborhood levels.

Developing the Watershed Development Plan Map

Six broad categories of development intensity levels:

- Preserved Open Space <small>(Existing Areas)</small>	- Controlled Growth <small>(Medium Density)</small>
- Reserved Open Space <small>(Recommended Areas)</small>	- Intended Growth <small>(Highest Density)</small>
- Restricted Growth <small>(Lowest Density Of New Growth)</small>	- Infill Development <small>(Commensurate With Surroundings)</small>

Five sub-categories “translating” the permitted uses of the County’s existing zoning districts into the different *types* or “character” of development proposed to occur at the different locations around a watershed:

- Natural	- Suburban	- Urban Center
- Rural	- General Urban	

Pinpoint locations of concentrated development, where any new proposed zoning and/or use, and especially any new *commercial* zoning, must “fit” the existing and/or projected community or neighborhood type at that location:

- Hamlet	- Urban Village
- Village	- Town

For each projected community/neighborhood, there will be a specific, detailed development “sub-plan” within the Plan.

And everything basically starts with simply identifying the land areas where growth *should*, or *should not*, take place; and *then* determining the corresponding *intensity* the new growth should be allowed to *reach*.

1. Sectors

So the Plan first identifies land areas that are, or perhaps *should be*, set aside as open space, for reasons such as environmental sensitivity, or historical or cultural significance (the O1 and O2 Open Space Sectors).

By carrying over the original criteria used in developing the existing adopted policies of the Land Use Plan, the open space areas on the map identify steep slopes (grades of 25% or greater based on topographic maps of the area); floodplains/floodways (based on FEMA maps); wetlands (from the USGS/Corp of Engineers); and established parks/preserved areas, historic properties, etc. (such as Tannehill State Park). This information is then corroborated by comparison back to the data produced by other “independent studies”, such as the Upper Cahaba Watershed Study completed in 2005.

And of course, the main reason these areas are identified on the map is to *show* the areas that *would* likely be affected by any subsequent policies – pertaining to their

protection and/or development – that may be considered in later phases of this planning program.

Then, in beginning to look at the land that *should* be developed, County staff superimposed things like planned road improvements and sewer service area in order to show infrastructure availability. And, based on existing land use information and established development patterns, the Plan then identifies the areas where the future will pretty much consist of just “infill” development (G4, Infill Sector) – including those areas where the *predominate* land use is *industrial* (SD, Special Districts).

Finally, to complete the Sector delineations, the Plan lays out the areas where the County’s significant *new* development is projected to take place – either at a low (G1), medium (G2) or high-intensity level (G3) – *based on* the level of infrastructure that will be there (and *including* the possibilities for access to transportation).

2. Plansects

The second step involves the overlaying of the Plansects to *further* define the future development across the watershed, *and* across the *Sectors* – only *this* time more specifically in terms of character or density.

Thus, the whole process of developing the watershed plan map is premised on the appropriate allocation of differing densities across the watershed (i.e., the G1, G2 and G3 Sectors used in conjunction with the Plansects). And so the Plan will not only serve to *direct* development of various intensities to their respectively appropriate locations within a watershed, but it should *also* work to *prevent* a “premature halt” in development in a given area – by having already *considered* the appropriate density *for* each sub-area. Thus, by its allocating of the different levels of density across the watershed – in other words, mapping out the areas where higher densities are more appropriate and where lesser densities are more appropriate – the Plan “automatically” generates the *overall* density for the watershed as a whole (through the balancing-out of the densities of all of the different Sectors). And because the *appropriateness* of the densities that are allowable in each respectively-designated area was *calculated in* to the development of the plan map itself, there is no need to establish a numerical “cap” on the actual number of units that will be allowed in any given watershed.

And, as stated earlier, it is this set of classifications that serves as the primary framework that the Plan uses to identify which of our *existing* zoning districts can be considered at any particular location: using the zoning Translation Table (on the preceding two pages), each *land use* listed in our existing zoning districts is classified into one or more of these sub-categories of development types, ranging from ‘natural’ to ‘rural’ to ‘urban’ development patterns.

3. Concentrations of Development (e.g., Villages)

Now, in the final steps of the map development process, *because* this Plan *does* focus in on building *neighborhoods and communities* in the County, the map projects appropriate locations *for* these more specific *centers of concentration* of development

(which have been generically labeled “village centers” on the map, although they may denote a hamlet or town as well).

However, to avoid being repetitive, the more detailed description of these last two steps (3 and 4) is contained in the *following* section (1c, “General Implementation...”) – along with an equally detailed account of how the zoning Translation Table will be used. And that section also provides an overview of the four community/neighborhood types – which, again, range in size and intensity, and are located *primarily* according to where the *infrastructure* is – or *will* be there – to support it and *maintain* them.

4. Individual Village Plans

But here, the last step of the map development process calls for the evaluation of new *commercial* uses to be done *within the context* of the neighborhood or community *surrounding* the property in question – *which, again, is discussed in detail in the following Section (1c), as well as in Element 4 of Section 3 (“Community and Neighborhood Planning”)*. And this last step will ultimately include preparation of a far more detailed development plan *specifically* for each such community or village identified *on* the general plan map, following direct notification and input from the owners of property at each location.

And it bears restating, having outlined the map development process, that every phase of a watershed plan’s development will be openly available to the public for review and comment *throughout the process*. Plus, as indicated in Step 4 above, the County’s requests for public input will become even *more* intense during the latter stages of each watershed’s plan development, as the more specific/localized planning begins to get underway. And this, too, is described in more detail in the following section.

GENERAL IMPLEMENTATION OF THE COMPREHENSIVE PLAN

Jefferson County will implement this Comprehensive Plan in two basic ways, essentially corresponding to the “two-prong approach” described in the previous section. On the “Policy Side”, the County’s continuing work on the Plan is expected to eventually generate policies covering virtually every facet of its governmental duties and responsibilities. As a new policy is adopted into the Plan – through the same public hearing process in which this *initial* Plan document was adopted – it will carry with it a “strategy” for its *own* implementation. And, since the Plan is not a “regulatory document” in its own right, that implementation will generally either involve an amendment to an *existing* County ordinance or regulation, or the creation of a *new* one (though *either way*, a *separate* public hearing process will be undertaken for the processing of the ordinance/regulation change itself, as distinguished from the amendment to the Plan).

The second way the Plan is implemented is on the “Geography Side” of things where, aside from any *public project* that may require review by the Planning & Zoning Commission, all rezoning applications and subdivision plats will be compared (by the Planning & Zoning Commission) back to the provisions, proposals and current policies of the Plan. **It is important to note, however, that the Plan does not actively or directly change the zoning or use of any property in and of itself; only when there is a petition for a *change* of zoning on property, or when there is a request for a new *subdivision* approval, does the Commission apply¹ the Plan.** In those cases, the Commission will evaluate the requested rezoning or proposed subdivision within the context of the foregoing zoning Translation Table, the Land Use and/or Watershed Development Plan maps, and the policies set forth in the Comprehensive Plan (including those in any Element of the Plan considered to be pertinent) as part of the standard review and public hearing process pertaining to the case in question. And *all* such assessments will be made with the intention of furthering the goals and achieving the objectives of the Comprehensive Plan as a whole, and it is *this* review and evaluation process that is the subject of the remainder of this section.

It is also the assumption of this Section, as well as of the Comprehensive Plan in general, that development in the County will continue to be done under the County’s “conventional” zoning districts and regulations – even though the initial installment of this Plan included a recommendation to develop and adopt a locally-calibrated version of the SmartCode as a floating overlay zoning district that would be available to developers, *on a strictly optional basis*, as an *alternative* to the more rigid zoning, subdivision and design standards of the County’s existing regulations.² Thus, the zoning district Translation Table (in the preceding section) – used in conjunction

¹ The word “apply” simply means that the Commission will evaluate each rezoning case based on the Translation Table, the future development maps and the land use (and any other applicable) policies of the Plan; and will evaluate each proposed subdivision based on all relevant policies of the Plan as well (as provided by state law and restated in Section 102 of the Subdivision & Construction Regulations of Jefferson County, Alabama).

² See Section 3, Element 4 (“Community and Neighborhood Planning”) for additional information on the proposed new optional zoning district.

with the watershed development plan maps and the policies of the Plan itself – will be the primary tool of the Plan’s implementation, because *it* is what converts the *map* categories (i.e., the sectors and plansects adapted *from* the SmartCode) into the *conventional districts* of the County’s zoning ordinance.

So starting with the zoning **Translation Table** from the preceding section – which classifies each kind of *land use*, listed by our existing zoning districts, into one or more of the patterned Plansect areas on the watershed development plan maps – it should *first* be noted that the uses or zoning districts permitted across the various Plansect categories are not “additive”. As one moves from “rural” to “suburban” to “urban”, left to right across the chart, there *are* “other things” that become permitted, but there are *also* “things” that are no longer permitted. The intent of this is to keep “rural development” in the rural areas, and “urban development” in the urban areas. Thus, subdivisions with 10-acre lots would not be considered in an area where the infrastructure is there to support high-density development (which would be a waste of resources); nor would 4,000-sq.ft. lots or townhomes or apartments be considered out in a rural area where the infrastructure would have to be extended *out* there to make them “work” (that would be a misdirection of capital).

TRANSLATION OF JEFFERSON COUNTY ZONING DISTRICTS/PERMITTED USES INTO COMPREHENSIVE PLAN LAND USE PLANSECTS							
ZONING USES	SECTORS						Special Districts
	Q1		Q2		Q3		
PLANSECTS	P1	P2	P3	P4	P5	P6	
A-1 agricultural uses, min 10 acres – farms, greenhouse, stables, kennels, livestock – with accompanying residence (m.h. or house)	permitted except river camps						A-1 river camps
U-1	warrant	warrant	warrant	warrant	warrant		
U-2	permitted	warrant					
INSTITUTIONAL-1	permitted except schools	permitted except schools	permitted (no exceptions)	permitted (no exceptions)	permitted (no exceptions)		
A-1 agricultural uses, max 10 acres – farms, greenhouse, stables, kennels, livestock – with accompanying residence (m.h. or house)	warrant	permitted except river camps					
A-1 subdivisions	warrant	permitted					
A-1 individual uses (house or mobile home)	E-MF warrant	permitted					
E-1	permitted		warrant				
R-R	permitted	permitted	warrant				
CEM and FC-1	warrant	permitted	warrant				
residential B&B	warrant	permitted	permitted	permitted			
home occupations		permitted	permitted	permitted			
E-2	warrant	permitted					
R-1		permitted	permitted	warrant			
INSTITUTIONAL-2		warrant per LUPlan, restricted	permitted	permitted	permitted		
C-P		warrant	per LUPlan, unrestricted	per LUPlan, unrestricted	per LUPlan, unrestricted		
C-N		permitted	permitted	permitted	permitted		
A-1 recreational camps and C-2	warrant	warrant	permitted	warrant	warrant		
C-3			per LUPlan, restricted	per LUPlan, restricted	per LUPlan, unrestricted		
live-work units			permitted	permitted	permitted		
R-2			warrant	permitted	permitted		
R-3 (single family & duplex)				permitted	permitted		
R-G				permitted	permitted		
R-T				permitted houses by right, m.h. by criteria	permitted		
R-6				permitted	warrant		
R-6(A) mobile/modular home subdivisions				permitted	permitted		
R-5(B) mobile home parks commercial B&B				warrant	warrant		
C-1				permitted	permitted		
R-4				per LUPlan, restricted	permitted except shopping centers, large theatres		
C-6				restricted	unrestricted		
FlexZone overlay development, min. 40 acres				in G-2 and higher	in G-2 and higher		
General Distribution of Neighborhood and Community Types		HAMLET	VILLAGE	URBAN VILLAGE	TOWN		

TERMINOLOGY:
permitted = the specified zoning district, and any use allowed therein, will generally be allowed by right (unless there are some unusual mitigating circumstances)
restricted = only certain uses from the specified zoning district, or uses of a limited size, scale and/or scope, will be considered, rezoning to carry such restrictions
per LUPlan = the uses/zoning in question will be considered, but only at the locations where the Land Use Plan maps and/or policies has designated such
warrant = identifies zoning classifications/uses which, though not consistent with the specific provisions of the Plansect, Land Use Plan maps and/or Comprehensive Plan policies, but which are justified – in the determination of the Planning & Zoning Commission – by the intent of the Comprehensive Plan and its components, and may be approved by P&Z through the public hearing process <i>without</i> a Plan amendment.

Also, as has been stated earlier, the Translation table only *generally* identifies zoning districts and land uses that will be considered within the various Plansect zones. In other words, **not every zoning district or use listed will automatically be deemed acceptable**. Again, the appropriateness of a *particular* use/zoning on a *particular* parcel or at a *particular* location – and/or even at a *particular time* – will *still* be determined by the Jefferson County Planning & Zoning Commission and the Jefferson County Commission *on a case-by-case basis*. And it will be incumbent upon the County’s Commissions to deny *any* application for a rezoning, use or development that they determine, for whatever reasons, to be inappropriate – *regardless* of whether such zoning, use or development is listed as “permitted” in the Plansect in which the property is located.

As a general rule, only the *residential* zoning/development types listed within each Plansect will be considered “**permitted by right**” uses – that is, only in the case of unusual mitigating circumstances might a request for such be considered inappropriate. And while most *institutional* uses are also listed as ‘permitted by right’, unnecessary impacts resulting from the scale and/or scope of a given facility will be considered grounds for denial of those types of uses as well.

In some cases, however, even residential uses may be **restricted** with regard to size, scale, scope or intensity, or will require certain conditions or special requirements in order for a rezoning or development to be approved. And as a general rule, *all* cases where the Translation table calls for a particular zoning or use to be “restricted” *will* be approved subject to certain conditions or requirements.

Similarly, there is also a provision for the Planning & Zoning Commission to consider what might be deemed “borderline” proposals: i.e., a request for rezoning or approval of a development that doesn’t *exactly* fall within the parameters of the Plansect in which the property is located. Through the standard public hearing process, the Commission will evaluate the proposal and determine if the deviation involved is **warranted** – which is to say that, even though the proposed zoning or development does *not* strictly comply with the *specific* provisions of a Plansect, the Land Use Plan maps and/or a Comprehensive Plan policy, it *can* be *justified* in relation to the greater overall *spirit and intent* of the Comprehensive Plan and its components.

In situations where the Planning & Zoning Commission *does* determine a particular proposal to be warranted in this way, the Commission will have the authority to recommend or approve said proposal, with whatever additional conditions or requirements it deems to be necessary and appropriate, *without having to actually amend the Plan itself*.

Finally, as pertaining primarily to all *commercial* uses across the various Plansects, the notation “**per LUPlan**” in the Translation table means that there *must* be a cross-referencing of that table *with the Watershed Development Plan Map or the Land Use Plan map* for that area (whichever is applicable) – and *both* must identify the property in question as an appropriate *location* in order for a commercial rezoning or use to be

considered. The only other option for considering a non-residential use would be under the policy previously established for “Development In Rural Areas” discussed later. But in any case, the scale and scope of all proposed commercial uses will be evaluated carefully with regard to their relationship to the surrounding area – in its present state as well as its projected *future* development pattern.³

So the evaluation of a proposed rezoning or new land use/development starts with the Translation table, and then is continued on the Watershed Development (or Land Use) Plan maps themselves, where specific locations have been identified as being appropriate for varying levels of non-residential development. Based largely on existing and projected infrastructure availability, and listed in order of increasing intensity, the Watershed Development Plan maps use the following designations to identify specific locations where development is expected to be significantly *more concentrated* than will generally be the case across the watershed. However, the concept behind these concentrations does not revolve strictly around *commercial* development. In fact, as discussed in more detail in Element 4 (Neighborhood and Community Planning), these areas are proposed to be a return to a more *traditional* neighborhood development pattern that emphasizes a *mixture* of commercial and civic uses *within, and in conjunction with, a larger concentration of mixed residential uses*.

And so, whether developed under conventional zoning, as a planned unit development, or under an optional SmartCode-type ordinance, it is also part of this concept that the commercial and residential segments are to be largely mutually-dependent upon one another, thereby creating a more overall “self-sufficient” development – for both the businesses and residents alike – than what has tended to be developed in the unincorporated area of the County in the past. And because the commercial and the residential uses are intended to rely (largely) on *one another* for their mutual long-term viability, it is also reasonable to assume that both the residential and the commercial segments will develop and grow (albeit proportionately) *together* – as a “community”. So now the four designations for these neighborhoods and communities are as follows:

Hamlet – Considered something of an “incomplete neighborhood” that stands free in lesser-developed areas of the County, and generally located away from transportation, a hamlet has a relatively weak commercial center – more akin to a rural “crossroads” than anything else. This “crossroads” is generally located in conjunction with a cluster of residences, the density of which gradually decreases as one moves outward from the center.

Village – This is more of a traditional neighborhood development type that also tends to stand isolated in lesser-developed areas of the County; however, it differs from a hamlet in that it lies in relatively close proximity to a transportation corridor, and it has a stronger commercial center. Accordingly, the residential density of a village is generally going to be higher than that of a hamlet, although the amount of *land* actually encompassed by a village may often be about the same as that covered by a hamlet.

³ See policies relating to the development and use of land for commercial use in Section 3, Element 3 (Land Use), sub-section D.

*Note: The characterization of hamlets and villages as “neighborhoods” is primarily a function of scale, as a **neighborhood** is a developed (and usually at least somewhat “urbanized”) area of 40 or more acres that is primarily residential. And typically the physical center of the neighborhood is going to be located at an important traffic intersection associated with a civic or commercial use.*

Urban Village – As the name implies, an “urban village” is going to differ from a “village” in that it is located within an urbanized area; and it is also generally going to be larger than a village or hamlet, encompassing upwards of 80 acres and more (including the residential development). An urban village is centered around – *and oriented toward* – a common destination consisting of a mixed-use center or corridor (containing commercial, civic and transportation facilities), so that it is still “walkable” in spite of its size (i.e., no more than ¼-mile from the furthest residences to the urban village center).

Town – This is the largest of all of the community/neighborhood types addressed in Jefferson County’s Comprehensive Plan, encompassing an overall area of 160 acres or more. A town is oriented toward a strong town center – which, depending on the character of the area, may consist of little more than a community center, corner store and main civic space (e.g., town square); or it can be a more substantial downtown commercial area, possibly even connected to other town centers by transit. Characteristic of a town, however, is that it will be made up of multiple (and often overlapping) neighborhoods or villages.

Thus, *generally speaking*, in order for the Planning & Zoning Commission to consider the rezoning of property in order to establish a new commercial use (outside of a Special District), that zoning/use *must* be permitted in the Plansect in which that property is located (per the Translation table), *and* the property *must* be located in an area *designated* for commercial uses (per the Land Use Plan map) *within* one of the four community types identified above.

However, there *is* an *additional* provision – an existing policy carried over from the Land Use Plan – that allows for consideration of a wide range of non-residential uses in *rural* areas. Alternatively, then, *if* a proposed rezoning or use is determined by the Planning & Zoning Commission to *meet* the conditions for non-residential “**Development In Rural Areas**”,⁴ then *that* rezoning/use *can* be granted by “warrant” (i.e., without a Plan amendment), even when it does *not* meet the requirements of the foregoing paragraph.

But other than that, and speaking to *more* than just commercial uses, ***any proposed development, rezoning or land use that cannot be approved in accordance with any of the provisions of the Comprehensive Plan as outlined in this section – either by right, by warrant, with restrictions, by the Plan maps or by land use policy – will require the Planning & Zoning Commission to first consider an amendment to the Plan.***

⁴ This policy is located in Section 2 under the heading, “General Development/Land Use Policies”.

DEVIATIONS FROM, AND AMENDMENTS TO, THE PLAN

As the County proceeds with the development of the Comprehensive Plan, and its subsequent incremental implementation along the way, the Commission recognizes that plans do evolve and are subject to change from external forces. And so, just as with the original Land Use Plan, there will be occasions when the Plan will need to be adjusted to account for unanticipated changes in conditions over time – *or for anticipated changes that did not come about.*

One of the most common reasons the Planning & Zoning Commission has considered Plan amendments in past has been to allow adjustments in the designated residential density in a particular area. Other amendments were made to allow for the expansion of commercial zones along certain corridors, or in recognizing that what were originally anticipated to be residential properties were not really viable as such. And while those types of situations will continue to be things the Commission will look at in the course of its administration of the new Comprehensive Plan – through the usual public hearing process – the new format of *this* Plan will generate a whole new and different *kind* of amendment situation, particularly when it comes to establishing new commercial uses at locations *other* than what has been already designated as such by the watershed development plan maps and related policies.

Thus, in order to consider establishing new commercial uses at locations where no such development presently exists, or is *projected* to exist by the Plan, the question – under the new format of this Comprehensive Plan (and *aside* from the established policy regarding development in rural areas mentioned in the previous subsection) – will be whether or not it would be appropriate to either *relocate* a proposed hamlet, village or town center, or to establish a *new* hamlet, village or town centered generally around the property in question.

As with *every* instance where a rezoning request or development proposal prompts consideration of a Plan amendment, the situation is as follows:

1. The Planning & Zoning Commission cannot recommend approval of a proposed rezoning/development where it is not allowed under the existing Plan for the area, or under the policies upon which that Plan was formulated. (And in fact, if an “immediate” ruling is called for, the Commission must necessarily recommend denial of such.)
2. The Planning & Zoning Commission will not amend the Plan in any way that could be construed as being contradictory to its own goals, objectives and development policies.
3. Neither will the Plan be amended in such a way as to imply any kind of special consideration or accommodation for specific properties or persons – including but not limited to any change that would support any kind of inappropriate “spot zoning”.

But additionally, in the case of considering the establishment of a new commercial area – without violating the premises above – the Planning & Zoning Commission will have to look at changing the Plan for the entire area *surrounding* the site in question, so as to create a “sub-area plan” that would seek to build up a future village or hamlet that would be centered around an appropriately-sized neighborhood-oriented commercial/civic node at the general location of the subject property.⁵

Among other things, such a “village plan” would have to prevent additional commercial conversions that would create a strip commercial corridor (by specifically delineating the area where commercial uses would be permissible); include a local street plan that would require development of a central intersection/village center at that commercial node (if one did not already exist), and would entail the provision of new streets providing lateral or radial connectivity as appropriate; provide a pedestrian-friendly orientation with sidewalks connecting all (existing and future) residential developments to the commercial/civic center; establish a re-development plan for creating an overall village residential density of about 5 units/acre (to *provide* the pedestrians necessary to support the commercial node, which again is intended to *rely* primarily *on* the residents of the village for the majority of its business);⁶ and include whatever other architectural and design standards might be deemed appropriate by the Planning & Zoning Commission.

And of course, the transformation of an area into a new village or hamlet will not happen overnight – if, in fact, at all – *regardless* of whether it was an *original* proposal of a particular watershed plan, or a *new* village center established through the amendment process described in the next subsection. Either way, without a single developer to consolidate the properties, the plan will have to be carried out one property at a time, as each individual owner comes in to rezone, subdivide, or otherwise sell or develop their property.⁷ But the Plan is a “dynamic” document, and subject – in fact, *expected* – to change over time; so if a village or hamlet does *not* eventually come about, then the Plan will simply be amended (through the usual public hearing process) to reflect that change in circumstance.

⁵ Note that this is the same process and procedure by which the “sub-area plans” were or will be developed for any (generically-termed) village centers that may already have been identified on a given watershed plan map, and against which all subsequently proposed uses will be evaluated. See also Section 3, Element 4 (Community and Neighborhood Planning) for more information about what constitutes a “neighborhood-oriented” use.

⁶ See Section 3, Element 4 (Community and Neighborhood Planning) for more information about determining the appropriateness of a commercial use in a village setting.

⁷ And here again, *because* these projected village locations are generally going to encompass numerous smaller and separately-owned parcels, the “evolution” of these new neighborhoods and communities is also expected to take place under the County’s existing or “conventional” zoning districts and regulations – rather than under any kind of single “special” district or consolidated zoning plan. This means that, once the Commission has established a detailed village plan for a particular location, all subsequent rezoning requests in that area will be evaluated in terms of their respective appropriateness within the context *of* that village plan, and the recommendation whether or not *to* rezone a given property – as requested by the property owner – will be made accordingly.

Thus, the decision on whether or not a Plan amendment is justified in these situations will hinge upon the Planning & Zoning Commission’s determination of whether or not the subject property is an appropriate location for the establishment of a new village or hamlet as described above.

PROCEDURE FOR ESTABLISHING OR RELOCATING A NEW VILLAGE

The process for making that determination begins with the Planning Committee of the Planning & Zoning Commission, which will be called upon to assess the situation in depth, and prepare a recommendation on the matter – at which point one of the following will occur:

1. If the Committee determines this is *not* an appropriate location for a new village, it will recommend that the Commission *not* amend the Plan – and, assuming the full Commission votes in accordance with the recommendation of the Committee, the rezoning case/development proposal must then be recommended for denial accordingly.
2. If the Committee believes, and the full Commission concurs, that establishing a new village at the location in question might *be* a viable option, then, *in keeping with the planning process under which the new Comprehensive Plan is being conducted*, the rezoning case/development proposal will have to be tabled until the following process is completed:
 - a. The Commission’s staff and the Planning Committee will prepare one or more draft “village plans” (as described earlier) for the area in question.
 - b. Staff will send out notices to the owners of all property within the proposed village perimeter, inviting them to a community meeting to be held at a pre-arranged location on a pre-determined date (in the evening) where staff and Commission members will show the current residents of the area what would happen to their neighborhood if the *one* property in question *were* to be rezoned. Thus, the people that would be *most* affected by the proposed plan change will have a direct voice in the matter – *before* the case (or the plan amendment itself) ever reaches the *formal* public hearing stage.
 - c. The determination on both the Plan amendment and the zoning case/development proposal itself can then be based on what the area residents themselves envision for the future of their own community.
 - i. If the area residents find the “new village” plan to be acceptable, then the Commission can feel comfortable about incorporating it – the new village plan itself – *into* the Land Use Plan map as a “sub-plan”. And since it will have been duly adopted as such, *all further construction and/or development within that area* (whether it be

selling, subdividing, rezoning or otherwise developing *any* property therein) will *have* to align *with* that plan.

- ii. *On the other hand*, if the area residents do *not* want their area to become a village or hamlet, then the Commission can feel *equally* comfortable in *not* amending the Land Use Plan, and *not* recommending the rezoning or approving the development of that first “seed” property.

COMPREHENSIVE PLAN
OF
JEFFERSON COUNTY, ALABAMA

SECTION 2

OVERVIEW AND PURPOSE OF THE COMPREHENSIVE PLAN

**Adopted in two sub-sections as part of the First Installment of this Plan by the
Jefferson County Planning & Zoning Commission on August 14, 2008
Updated September 11, 2008**

OVERVIEW: AN INTRODUCTION TO THE COUNTY AND THE PLAN

THE COUNTY

Until the 1870s, Jefferson County was a rural county characterized by small-scale farms and plantations in the bottomlands of Jones and Shades Valleys. The rough topography—actually the southern-most extreme of the Appalachian chain—made for somewhat poorer farming than in the more prosperous Black Belt of Alabama.

The discovery of coal, iron ore, and limestone all within the same geographic area began the transformation of Jefferson County from a rural backwater to one of the nation's major producers of steel and iron. Vast forested lands and farmland became steel and iron mills, mines, and planned industrial villages. The cities of Birmingham and Bessemer were established and began to grow, along with numerous small industrial and mining company towns named Irondale, Fairfield, Mulga, Morris, Brookside, and many others. The county's industries boomed through the First World War and the 1920s. Like the rest of the country, industries shut down and development came to a virtual standstill in the 1930s, but boomed again during World War II and in the prosperous years immediately following the war. In the 1960s, the old industrial plants began to decline, there was less mining, and the economic base began to shift. By the recession of the early 1980s, most of the old iron and steel industry was shut down and the region had turned to medical services, banking, and financial services, and the many area colleges and universities for its economic base.

The completion of Interstates 65 and 20/59 reinforced the Jefferson County region's position as the geographic and economic hub of Alabama. Economic strength and a growing population began to spread development beyond the central areas of Birmingham and Bessemer. The completion of the Red Mountain Expressway and I-459 moved major development south of Red Mountain—the traditional barrier to development—and created a booming urbanized area from Birmingham south into Shelby County.

Much of this development was in the newer cities of Homewood, Vestavia Hills, and Hoover. However, the unincorporated areas of Jefferson and Shelby Counties received their share too. As more and more subdivisions and commercial developments began to spring up in unincorporated Jefferson County, the County found that the old system of zoning and land use controls for rural areas was going to be inadequate as urbanized areas sprang up and remained unincorporated. The County began to change from reactive planning to a more pro-active approach for managing a rapidly urbanizing county. Sewer development, road development, and urban development standards were all adapted and adopted to deal with the new reality. This Plan is a part of the County's strategy for managing this new world.

In addition, the County now regularly engages in cooperative planning efforts with the area's cities and other counties. New jointly-developed regulations have been adopted

for the US 280 corridor and plans prepared for other corridors extending into Shelby, Tuscaloosa, Blount, and St. Clair Counties.

RESOURCES

Coal, iron ore, and limestone were considered the region's primary resources in the 19th, and much of the 20th, centuries. As the iron and steel industries became less important to the economy, the issue of quality of life became a major consideration for future economic development. Quality of life came to include clean air, water, recreational opportunities, educational opportunities, and cultural resources such as museums, music, arts festivals, and historic properties and preservation. Museums such as the Birmingham Museum of Art have been expanded, the Civil Rights Institute created, the McWane Center was developed from an older and less ambitious science museum. There is symphony, opera, ballet, the Alabama School of Fine Arts, a high school with an International Baccalaureate program; the County hosts major sporting events in addition to supporting some local teams; and there is a wide variety of other social resources that County residents can take advantage of.

There is also the land—the foothills of the Appalachians, the streams, the rock-outcroppings, and the forests. Yet this is one of the resources that uncontrolled development can take a great toll on. For example, the beautiful hills that characterize the region are being removed to create flat land to accommodate one more shopping center; huge gashes are cut in the toe of many slopes to accommodate one more strip commercial use; parking lots pour pollutants into streams and rivers, and erosion and sedimentation threaten water life. The Mountaintops of Jefferson County are among the County's most identifiable features, and they are among the area's most important wildlife habitat areas.

The Karst geology of the region, that is the folded, faulted carbonate rocks of limestone and dolomite has created a region 40 miles long and 6 miles wide that is particularly known for its natural springs. Many of these springs have been used as water sources in the past, but now many have been abandoned. Many of these springs serve as habitat for wildlife, including Federally protected species, and these unique areas merit protection.

Rivers are some of the most important resources in Jefferson County. The Cahaba River is nationally recognized as a habitat for numerous plants, fish and wildlife—including several endangered species. The Cahaba is also one of the major suppliers of drinking water for the metropolitan area. The Locust Fork of the Black Warrior River is a significant scenic and recreational resource, as well as a habitat for wildlife. Turkey Creek, though much of its watershed is urbanized, is home to at least one endangered species and provides a significant scenic resource. The Black Warrior River is a recreational resource, a major transport route connecting with the Tennessee-Tombigbee waterway, and a source of water for Bessemer and much of the western and northern portions of the county. Shades Creek is a significant scenic resource running through Mountain Brook, Homewood, and western Jefferson County; but it is

also a tributary of the Cahaba, whose water quality greatly affects the biological resources of the Cahaba basin. Valley and Village Creeks are tributaries of the Warrior River basin that have been severely impacted by past industrial development. Efforts are currently underway to improve the channel and banks of portions of these streams; to improve water quality; and to begin to use these streams as recreational and scenic resources. Gurley Creek is a significant scenic and biological resource that is currently threatened by direct pollution, illegal garbage disposal, and development in general moving into its watershed.

In this Plan, policies are proposed that attempt to reduce unnecessary alteration of topography, to balance development, and to not overload streams with pollutants. Policies address issues of overbuilding and attempt to preserve some of those qualities that made the area attractive in the first place. Protection of these resources is central to land use planning in Jefferson County. Economic and residential development needs and conservation are not mutually exclusive, but are actually mutually dependent. The policies enumerated throughout this Plan attempt to balance all of these needs, and more: as the comprehensive planning program continues, the Plan will evolve to include consideration of whatever new needs or issues may arise along the way. And even today, with this very document, a first evolutionary step has already taken place.

EVOLUTION OF THE PLAN

In 1997, Jefferson County began a process of creating a general Land Use Plan for the unincorporated areas of the county. The County has had zoning since the late 1940s, and the zoning map had served as the official 'plan' for future land development. By the 1980s development had accelerated in Jefferson County to the point that it became clear that the old system of considering every rezoning case as an individual decision that did not affect other decisions—or would not be affected by other decisions—was not working any more. What was needed was an overall look at the County and where it was going. Rezoning of property could no longer be viewed in isolation and detached from long-term development trends and goals.

The intent of that first Plan was initially limited. Its primary purpose was to serve as a guide for rezoning decisions as they are brought to the County. But its coverage of many things that *influence* zoning and development, including water quality, open space, slopes, road construction, and utility expansion, was extremely limited. Nevertheless, the Planning and Zoning Commission evaluated each Area based on the best information that was available, and made preliminary recommendations for future land use where more detailed plans and/or policies were deemed appropriate. Open forums were held in each planning area for public review and to receive citizen's comments, and an "Area Plan" was eventually adopted (by the Planning and Zoning Commission) for all thirteen planning areas.

THE NEW PLAN

There are two main differences between *this* plan and the Land Use Plan. First, because of the extensive involvement of other departments and agencies, this new effort is going to produce a *Comprehensive* Plan that will be far more than just a land use and zoning tool: it's also going to be useful to the departments and agencies that contribute to its development. For example, it will lend itself very well to the development of a capital improvements program, not only for the County and *its* various departments, but for utility companies, emergency services organizations, and other similar groups as well.

Yet, *like* the Land Use Plan, it is still going to be just as useful to prospective developers and businesses – only it should be even *more* informative than before, because of the inclusion of so much additional information from so many other sources.

The new Plan also has a little different *focus* than before, in that it recognizes certain trends – such as the fact that the large commercial developments are all in the cities. In the unincorporated area of the County, most of the new development taking place is *residential*. And since the different types of residential development are distinguished by density, this Plan seeks to direct new development such that the higher-density growth occurs at locations where the necessary infrastructure will be there to support and maintain it.

Also, a major component of the Plan is going to focus more on how the County can “build” neighborhoods and communities – with an appropriate mix and arrangement of local-oriented commercial and public uses¹ – rather than just trying to anticipate what might happen from one individual parcel to the next.

And that leads into the other main difference in the new Plan: the Watershed Development Plans do not attempt to project the *specific* use of each individual *lot* in an area. Instead, the map simply identifies the land areas where growth *should* or should *not* take place; it indicates the corresponding *intensity* (e.g., density) that new growth should be allowed to reach; and it identifies what the *character* of that development should be (e.g., rural, suburban, urban, etc.). So while the original Land Use Plan attempted to specifically “place” *one* of some *thirty specific “types” of uses* on *each* parcel in the County, the far fewer categories of the new watershed development plan maps will provide much greater flexibility for landowners, developers *and the Commissioners alike* by not attempting to hold specific uses to specific parcels – commercial, residential or otherwise.

As for non-residential uses, the new Plan calls for the evaluation of *commercial* development to be done *within* the context of the neighborhood or community *surrounding* the property in question; and each such *community* identified on the Plan will in turn have its *own* detailed “sub-plan” – seeking, in the end, to create

¹ See Section 3, Element 4 (Community and Neighborhood Planning) for information on what constitutes a “local-oriented commercial use”.

neighborhoods that facilitate pedestrian accessibility to community-oriented businesses and civic uses so that residents do not *have* to leave and go outside their communities as often. Please refer to the more detailed discussions of this aspect of the Comprehensive Plan in Section 1c, and in Section 3, Element 4.

And while that Element 4, the Neighborhood and Community Planning Element, really speaks primarily to residential development, civic/institutional facilities, and office and commercial uses that are primarily going to be oriented toward serving the residential development that is located immediately around them, there are many other land uses in Jefferson County that will still have to be addressed as well. These kinds of developments and uses – which would include all of the uses permitted in all of the County’s industrial zoning districts; any larger-scale, regional commercial center; and certain other unusual or high-impact zones, such as the AIR-1 Airport District and INSTITUTIONAL-3 (where penal facilities are permitted) – will continue to be addressed in accordance with the established policies pertaining respectively thereto, in conjunction with the appropriate plan map (i.e., Proposed Land Use or Watershed Development Plan).

THE CURRENT STATE AND APPLICABILITY OF THE PLANS

While the various policy Elements of the Comprehensive Plan can continue to be expanded over time without reference back to the original Land Use Plan, the 5-year timeframe for preparing the new future development *plans* for all nine of the watersheds in the County will necessitate some overlap. Since each watershed must be done in succession, the adopted Proposed Land Use Maps from the original planning areas will remain in effect for all properties until such time as the respective new watershed plan is completed and adopted – and then the new Watershed Development Plan will supercede the original Land Use Plan for the properties covered in the new watershed plan.

During this interim, the policies of the original Land Use Plan will also continue to be considered applicable; however, in any situation where there is a conflict or other significant difference in the provisions of the original Land Use Plan versus those of this new Comprehensive Plan, the policies and procedures of this Comprehensive Plan shall prevail.

It is also bears restating here that, even when the Comprehensive Plan “overrides” the Land Use Plan, subsequent development – even in *those* areas – will be expected to *continue* to be done under the County’s “conventional” zoning districts and regulations, just as it would under the Land Use Plan. And in fact, until such time an some kind of alternative code or district is prepared and made available *to* prospective developers, *all* subsequent development will *have* to be done in accordance with the zoning, subdivision and construction regulations currently in place.²

² See Section 3, Element 4 (“Community and Neighborhood Planning”) for information regarding a proposed new – but strictly optional – zoning district that would provide an alternative means of designing and developing a village-type site.

PURPOSE AND INTENT

The primary intent of this Comprehensive Plan is to serve as a compilation of policy statements, goals and objectives, standards, maps and statistical data to be used in guiding the physical, social and economic development, both public and private, of Jefferson County. And while this Plan obviously constitutes the official statement of the Jefferson County Planning & Zoning Commission regarding how both present and future development should take place in the County, it is *not* intended to only be *used* by the County. To the contrary, this Plan should be considered a resource for all public agencies, service organizations and emergency service providers; for utility companies and other providers of infrastructural elements; for all of the cities contained within the County boundaries; for builders, developers, prospective businesses and industries; and for private individuals who own, or may be considering buying, property on which to build a home.

For example, the Zoning Translation table in Section 1 will also serve to help accomplish *this* mission by promoting one of the main “attractions” that *Jefferson County* can offer people, that *most* of the cities can *not*. And that is that prospective residents can choose from the whole range of the different *kinds* of “places” to live in: from the rural countryside of the Corner area to the extensively-developed *urban* setting of Forestdale. And *because* this *is* such an asset for the County and its residents, *each* of the different *kinds* of areas – natural, rural, sub-urban to urban – *need* to be *protected and preserved* in their own right.

TRANSLATION CHART OF JEFFERSON COUNTY ZONING DISTRICTS						
SECTORS	Open Space					
		Restricted Growth				
			Controlled Growth			
				Intended Growth		
					Infill Development	
PLANSECTS	Natural Area	Rural	Sub-Urban	General Urban	Urban Center	Urban Core
ALLOWABLE ZONING DISTRICTS AND/OR LAND USES ARE BASED ON THE PLANSECT DESIGNATION OF THE AREA						

So it will also be a function of this Plan that, if someone comes in looking, for instance, for a rural area to move into, and to invest in building a house in, they will have at least

some assurance – with this Plan – that the area they are looking at will *stay* “rural”, at least for the foreseeable future. In addition, people *already* living in a particular area can see “what’s coming” as much as 10 to 20 years away – information that will help them determine if they want to *stay* where they are, or look to move to a different area (for which they can *again* turn to the Plan).

But there is yet another aspect of the County’s residents’ involvement in this planning process that must not be overlooked – and that is, their involvement on the “front end” of the process. Through the public participation procedures imbedded in this Plan, an area’s residents can play a vital role in helping to direct the *future* “vision” of their neighborhood or community.

Also, this document is intended to serve as a *county-wide* development plan that encompasses not only the unincorporated area of the county, but includes participation from all of the cities as well; because “we’re *all* in this together”, and it will require communication and coordination *across* jurisdictional boundaries if we are going to make the *whole* County an attractive place for people to live, work, play *and build*. And no, this does *not* mean that every city and town should do things just like the County, or that every jurisdiction should try to look like the next; to the contrary, Elements of the this Plan specifically *promote* differences in character and design from one community to the next. However, each of the jurisdictions *do* need to try to *harmonize* with each other where our boundaries meet – and that can only happen by working *together* on development-related issues.

Thirdly, the Comprehensive Plan is also a capital budgeting tool. For example, early Plan projections anticipated over 30,000 new housing units being developed in the Shades Creek Watershed alone over the next 25 years; and 20,000 of those new units being connected to the County’s sanitary sewer system. But for Jefferson County to actually *connect* those new housing units to the sewer system, there is obviously going to have to be some additional investment in new lines; and whether that money comes exclusively from the County, or from public/private partnerships, or wherever, the Environmental Services Department will be able to use this Plan to project how much those improvements will *cost*; they will be able to *schedule* (i.e., budget) those improvements to be ‘in sync’ with the development as it actually *occurs*; and they will also be able to project the eventual “return on their investment” – the *revenue* that will be generated *by* those additional new sewer customers.

And the same thing with the Department of Roads & Transportation: knowing what “kind” of development is going to go “where”, and to have at least *some* sense of the “timing” of it all, the County’s *road* improvement projects can *also* be scheduled so as to keep pace, if not actually keep *ahead* of, that new growth.

Furthermore, the usefulness of this Plan for capital improvements planning and budgeting is not just limited to the *County* and *its* various departments! When utility companies, school boards, emergency service organizations, and other similar groups can see what and where our future development is going to be, then *they* will be able to

more effectively channel *their* energies and more efficiently allocate *their* resources as well (e.g., prioritizing projects, estimating future demand and revenues, etc.).

Finally, because this new Plan consolidates, for the first time ever, *all* of the plans and policies of *all* of the County's department into *one* document – one big *Plan* with information from every department whose work impacts how and where we develop land in Jefferson County – people who *develop* property (as well as people who just want to find a property to *live* on) will be able to look at the Plan to find “the kind of area” they are looking for. So whether small business owners or large industrial operations, they too will be able to use the Plan to find potential sites where their particular needs can be met, and at locations that are appropriate for such operations.

GOALS AND OBJECTIVES

Listed below is a series of broad, overall goals and objectives that the Jefferson County Planning & Zoning Commission has established for this Comprehensive Plan. These, however, are *general* goals and objectives that the Commission hopes to accomplish at the County-wide level, and are set forth here in order to provide a framework and direction for the development of the more specific policies and plans that will eventually be presented in the other sections of this Plan.

Furthermore, as each Element is developed, and as each watershed plan is prepared, there will likely be *additional* goals and objectives set forth, in those respective sections, that are *specific* to a particular watershed or a particular Element.

COUNTY-WIDE GOALS

- I. To provide a plan for the future development of Jefferson County that will provide for proper protection and appropriate expansion of residential, commercial, industrial, recreational, and institutional land uses to meet the needs of the citizens of Jefferson County.
- II. To preserve and promote the county's natural resources and environmental integrity.
- III. To provide for the development of land uses in appropriate locations, and to limit the encroachment of non-compatible land uses on existing development.
- IV. To encourage sustainable growth of the county economy.
- V. To facilitate the coordination and consolidation of the plans of all County departments and agencies.
- VI. To facilitate coordination and cooperation between the County, the cities and all other agencies and organizations that affect development within the County's boundaries.

COUNTY-WIDE OBJECTIVES

1. To promote residential development in a wide variety of types and styles that will attract prospective homeowners and residents from every market segment.
2. To prevent the sprawl of non-residential land uses along major roadways, and any intrusion of such development into established residential areas.
3. To protect the county's natural areas, including its wildlife, its topographic character, and its water resources.
4. To promote the reservation of open space in new development and to facilitate an integrated park and open space system throughout the county.
5. To encourage the development of infrastructure to support appropriate existing and future land uses.
6. To develop and implement policies that discourage inappropriate development where support infrastructure is not available; where development of a specific use or density would be premature; or where development would adversely impact the public or established land uses.
7. To develop and implement policies that appropriately integrate different land uses in order to minimize unnecessary vehicular travel.
8. To work with municipalities and other counties to encourage and direct development that is transit supportive and reduces automobile dependency and roadway congestion.
9. To develop and implement policies to preclude or prevent additional development that is unreachable by public roads, services, or emergency services.
10. To protect incompatible land uses from one another; to protect property values; and to promote public health, safety, and welfare.
11. To provide for an appropriate aesthetic environment that will help keep the County an attractive place to live and work.

GENERAL DEVELOPMENT/LAND USE POLICIES

INFRASTRUCTURE

Road development is an issue critical to the future viability of development within Jefferson County. Any new roads and road expansions should be consistent with this Plan, and no new development will be considered for approval if the appropriate road access does not exist or will not be provided by the developer. Similarly, appropriate sanitary services and water service shall be required for all development in Jefferson County.

In fact, for many years now, the County has consistently required individuals and developers to make whatever improvements were necessary to support their development, and to do so in such a way that there would be no unnecessary adverse impacts on the existing infrastructure. Such improvements have included improving substandard County-maintained streets, even to points well away from the development site itself; upgrading water lines to install (and support) fire hydrants; and of course, privately-installed sewer lines must meet certain standards in order to be connected to the County's sanitary sewer system. Privately-developed roads also have to be constructed to County standards in order to be dedicated to the County for maintenance; and – without sanitary sewer availability – the Health Department will not approve a development, or even an individual use, without appropriate sanitary facilities.

TRANSIT-ORIENTED DEVELOPMENT

It is in the interests of the County and of the region as a whole to support cooperative transit-oriented development. The County will work with municipalities and other counties to establish transit corridors and development nodes that improve mobility by providing for pedestrian and transit-friendly development through a mix of residential, commercial and employment opportunities that focus and concentrate appropriate diverse uses, densities, and design characteristics within existing and planned transit corridors.

The Metropolitan Planning Organization has established transit corridors on its long-term improvement plan, and these corridors are hereby adopted as a part of this Comprehensive Plan.

RESIDENTIAL LAND USES

Residential development is the single largest category of land use in Jefferson County. In the unincorporated areas and in the cities where this Plan applies, residential development is the driving force for all types of development; it creates the market for commercial and industrial uses and the demand for schools, services, and infrastructure. The unincorporated portion of the county includes all types of residential

development from apartments and condominiums to townhouses, garden homes, standard single-family homes, large estates, and mobile homes. There is a continuing need for all types of housing in the county, and it is a Policy of this Plan that residential development in Jefferson County will accommodate all sectors of the housing market by promoting a variety or broad range of housing types and styles while weighing appropriateness in terms of such things as infrastructure and the character of existing development.

INSTITUTIONAL AND UTILITY USES

Given the scale of the plan areas, not all potential land uses are specified on Proposed Land Use Maps or Watershed Development Plans. Uses which are not specified, but are considered to be included, are generally institutional uses and utility facilities which occur only in isolated locations; which cannot always be predicted in advance; and which are small in scope and scale. These types of uses will continue to be evaluated on a case by case basis, within the context of the surrounding neighborhood or community; and with respect to any necessary supporting infrastructure requirements.

COMMERCIAL LAND USES

Commercial development shall be appropriately sized and located to serve either residential areas or a region as a whole; i.e., commercial development in rural areas should be of a scope and scale that serves primarily the immediate area, and not the entire region. For example, major shopping malls would not be appropriate, but small shopping centers serving nearby residential development would be. In any case, commercial uses should be designed to have minimal impacts on traffic and surrounding properties.

INDUSTRIAL LAND USES

Industrial land uses in Jefferson County range from large scale mining and manufacturing operations to small auto repair shops. An area that may be appropriate for one type of industrial operation may not be appropriate for another. Industrial land uses must be appropriate to a given area and have minimal impacts on other land uses of a different type.

DEVELOPMENT IN RURAL AREAS

Most rural areas of the county have a large number of individual, isolated land uses, largely due to the lack of any kind of well-defined land use pattern. In some cases, these uses are not appropriate and have adverse impacts on the surrounding area. On the other hand, the irregular occurrence of certain uses, such as churches, cemeteries, convenience stores, etc., tend to be an inherent part of a given area's "rural character"; thus, it is difficult to treat such cases the same way in a rural area as they would be treated in a more extensively developed area of the county.

For example, it may be appropriate to locate a smaller-scale commercial land use in a very low-density residential area. Some industrial uses that serve a "local" population may also be appropriate. Large-scale industrial uses such as mining and landfills, are generally be located away from urbanized areas. Conversely, the impacts on land of active agriculture must also be considered in siting residential development. And the condition and classification of area roadways will again be considered in evaluating any type of proposed development.

Nevertheless, in these kinds of areas, the traditional land use pattern often includes residential and commercial development in close proximity and these patterns can continue with due care given to reduction of land use and traffic conflicts, and to the safety of the residents; and all of these considerations will be factored into the evaluation of new non-residential uses within the context of the surrounding neighborhood or community.

Finally, industrial development in rural areas will generally be of one of two types—the small scale industry that is family-run or just has a few employees, or the very large scale use such as a landfill or a strip mine with significant external impacts. Aside from the deliberate separation of large or especially obnoxious operations out into remote areas, the criteria for location of industry in a rural area is the same as for an urbanized area; but, as with small scale commercial development, some small scale and locally oriented industrial uses may be appropriate. However, greater care must be taken to limit impacts on residential and commercial land uses.

OTHER GENERAL POLICIES AND POLICY ISSUES

The following are general policies which reflect things that both the Planning & Zoning Commission and the County Commission have asked developers to consider in preparing their rezoning- and subdivision-related development proposals over the past several years. And while their inclusion here is intended to call *attention* to this practice, the intent is *also* to point out that the Commissions should investigate whether or not more detailed or specific procedures and standards need to be established for such things in subsequent phases of the comprehensive planning program. And of course, *should* any more detailed or specific policies than those contained herein be considered – such as might pertain to things like aesthetics, historic preservation, stream buffers, open space requirements, treatment of common areas within developments, recreation and conservation, stormwater management, slope protection, and so forth – *they themselves will* be subject to the same public review and comment procedures as any other Plan change or regulation amendment.

ZONING

Zoning is the most effective tool available for implementing the policies in this Plan. And, the use of site plans as a tool to determine appropriateness of a prospective land use, and what the impacts on the surrounding neighborhood might be, is the most effective means of using zoning for Plan implementation. Zoning Policies include:

Compatibility. A "Site Plan Approval" approach to zoning that allows appropriate land uses when and where any external impacts of the development can be sufficiently mitigated. Developers should be bound by their rezoning to build substantially what they show the County they are going to build, such rezoning being considered preliminary approval of development plans.

Infrastructure. Property in Jefferson County will be considered for rezoning only if all appropriate utilities, roads, sewer, and other necessary infrastructure already exist or will be complete prior to, or in conjunction with, construction of the new use.

Reasons for Denial. In addition to other zoning concerns, improper location, site problems, over-development, and regulatory problems can all be causes for denial of rezoning of property.

Incentives. Yard, lot, set-backs, and other dimensional requirements within the zoning and subdivision regulations will be utilized to provide incentives for developers to come up with innovative design concepts that achieve their desired densities, but that still meet County standards for open space, natural areas, flood-prone areas, and steep slopes. For example, if overall density goals are met through the provision of open space, a more dense zoning classification can

be approved that would permit more dense development and less expense in infrastructure development.

Inappropriate zoning. The County Commission should consider initiating the rezoning of small, isolated, and inappropriately zoned properties, in accordance with this Plan, wherever a certain level of urgency can be identified in conjunction with protecting the use and integrity of adjoining properties, or in promoting the general health, safety, and welfare of the area, community, or county as a whole.

Reversion. Generally, to ensure compliance with development standards at the time of rezoning, zoning changes shall revert to the original zoning on the land if development is not implemented on the property within 2 years after the rezoning. Zoning will not revert where the zoning itself is a clear upgrade and there are no potential negative impacts of the rezoning on (the future) development in the area. Reversion allows the Commission the opportunity to re-assess a previously proposed development within the context of current conditions; is a deterrent to “speculative zoning” (when an owner has no actual plans to develop the property); prevents possible future land use incompatibilities resulting from “old” zoning that didn’t develop when obtained; and allows for the Commission to reconsider the zoning when there has a change in ownership or in the development ‘plans’ for the property (which is important, since the County’s current zoning regulations do not automatically bind an applicant to the plans submitted for the rezoning hearings). Furthermore, property owners are not precluded from re-applying for the zoning again if it does revert.

Conformance with Municipality. Development in unincorporated 'islands' within municipalities should harmonize with the surrounding zoning and land uses of the city or town in question, as should development of land in the County on the outskirts of municipal boundaries.

AESTHETIC STANDARDS

Aesthetic standards for development can greatly improve the quality of life for residents of Jefferson County. Open Space and natural areas have already been cited as one such amenity development can use in this regard, but, sign regulations, protection of historic properties, and scenic view preservation can, and should, also be employed to make the County more attractive to both residents and businesses. And because they have already established the practice of their own volition, the aesthetic impacts of a prospective development are something both the Planning & Zoning Commission and the County Commission will continue to consider in evaluating development proposals in the rezoning and subdivision approval processes.

SURFACE WATER, EROSION, SEDIMENTATION AND GRADING

Any request for a zoning change for new development in Jefferson County shall include an evaluation of the development's potential impact on surface water quality and quantity, and the potential for erosion and sedimentation. In addition, developments will not be approved that require excessive or inappropriate grading, or that significantly alter the landscape and potentially create off-site adverse impacts in terms of drainage, erosion, and aesthetics.

The Watershed Development Plans take into account appropriate densities of development to minimize long-term negative impacts on surface water quality and quantity. In other words, the proper density is already “built-in” to the watershed plan maps themselves. Nevertheless, all potential development should be reviewed by assessing its specific impact on surface water, and then that assessment be compared against overall development densities the Plan sets out for the watershed in question.

These densities, in turn should not be violated without specific steps to minimize surface water impacts. And since procedures and practices for doing this have not been specially “formalized”, the County should investigate the possibility of developing such as new innovations in the technology of development come out.

STORMWATER MANAGEMENT

The County has an erosion and sedimentation control ordinance that addresses primarily new construction but does not address post-development storm water management. Post-development storm water management, which addresses storm water control for the life of a project, is essential for protecting water resources and is required for NPDES Phase II communities. The county also has many biologically unique and valuable streams which require protection. Because of this, the County has an interest in controlling not only the *quantity* of storm water runoff from developing and developed sites, but also in the *quality* of that water.

FLOODPLAINS

Floodplains provide natural buffers that mitigate pollutants and slow flood waters, and it will be a fundamental function of this Plan to protect the citizens of the County from the dangers of flooding and to protect natural riverine systems.

In fact, it is that policy that led the County to the development and adoption of a new “higher standards” floodplain ordinance in 2006, that promotes the clustering of new residences outside of the floodplain for the protection of both. And the ordinance itself was part of a larger Flood Mitigation Program that the County launched in 2003, allocating \$2,000,000 annually to acquire flood-prone and repetitively flood-damaged properties, thus removing County residents “from harm’s way” and protecting – and

conceptually even increasing – the overall storage capacities of along the County’s rivers, creeks and tributaries.

STEEP SLOPES

Jefferson County is located at the southern edge of the Appalachian Ridge and much of the county is steeply sloped. Given the substantial rains and high clay soils, steep slopes tend to be unstable when their natural vegetation is removed. There are many instances of slope failure in the County after slopes have been cut or vegetation removed. This constitutes a hazard to life and property, as well as increasing flooding potential and impacting water quality through siltation. In addition the hills of the county are one of its signature assets, and the continued removal of hills for development creates visual blight.

Any areas in the County with natural slopes in excess of 25% are to be considered Steep Slope Areas, and will be subject to the conservation policies of this Plan.

RECREATION, NATURAL RESOURCES AND CONSERVATION

The conservation of streams and rivers and the protection of water quality is a high priority for Jefferson County. A Land Trust was established and a plan establishing priorities for greenway acquisition was prepared; and through subsequent purchases donations, the acquisition of property and of conservation easements in these priority Greenways has begun. The County will seek to further capitalize on its natural areas, its wildlife, and its water resources by protecting key lands in order to preserve wildlife habitat and water quality, and by promoting the continued development or conversion of new parks, recreation and conservation areas.

OPEN SPACE IN NEW DEVELOPMENTS

Similarly, the need to preserve open natural areas and to protect water resources; to provide for the recreational needs of the citizens of the County; and, to enhance the aesthetic/visual desirability/quality of life of appeal of new developments, shall be considered in the approval process for all new development.

COMPREHENSIVE PLAN
OF
JEFFERSON COUNTY, ALABAMA

SECTION 3
THE POLICY SIDE:
PLAN ELEMENTS

Adopted as part of the First Installment of this Plan by the
Jefferson County Planning & Zoning Commission on August 14, 2008
Updated September 11, 2008

ELEMENT 1: STREETS AND ROADS

The following are existing development policies relating to streets and roads in Jefferson County, as approved by the Jefferson County Commission on September 11, 2007. As the comprehensive planning program continues, these policies may be revised and additional policies pertaining to other aspects of construction and development in the County will be added as appropriate.

Of course, the County has always maintained certain standards and required approval of any infrastructural elements that are ultimately to be dedicated to, and/or otherwise maintained by, the County; and the general framework of those existing policies and practices of the Department of Roads & Transportation are presented here in order that prospective developers will be aware of what might be required of them by that Department. For the specific requirements in these areas, the developer should consult the Subdivision & Construction Regulations, and/or contact the Department of Roads & Transportation directly.

1. Where road construction is required no subdivision shall be approved unless the area shall have frontage on and access from a County Road built to subdivision standards, or will be brought up to subdivision standards as a part of the development.
2. Generally a developer shall be responsible for construction of new roads in subdivisions, and said roads shall be constructed to County standards, however, the County may participate in new road construction and improvements if there are benefits to areas other than the new development.
3. New private roads in subdivisions should be constructed to the County's standards for private roads.
4. When a new subdivision requires the widening or improvement of an existing road on or off of the property proposed for a subdivision, the developer shall be responsible for the design, construction, right-of-way acquisition, and all other costs of such improvements. Such roads shall be improved and dedicated by the developer.
5. Where a road is to be widened, the developer must provide any necessary additional right-or-way to accommodate anticipated roadway widening and utilities.
6. Where a proposed development requires the construction of a bridge the bridge shall be constructed at the expense of the developer.
7. Streets should be platted along contours.

8. All new development should provide for projection of streets into surrounding areas and connect subdivisions to one another as well as providing access to undeveloped tracts.
9. New minor streets shall be located so that their use for through streets is possible, but not advantageous.
10. Streets shall be designed so excessive speed is discouraged.
11. Streets shall minimize conflict of movement between vehicular traffic and pedestrians.
12. Generally, subdivisions should not have lots fronting on arterial streets and residential subdivisions should not have lots fronting on arterial or collector streets.
13. Reserve strips shall not be permitted to deny access from adjacent property to the street.
14. All through roads shall be public roads.
15. No street shall end more than 750 feet beyond the nearest intersection or turnaround, except as may be approved in specific situations by the Director of Roads & Transportation.
16. Approval of new subdivision lots may be limited or withheld where the particular circumstances or conditions surrounding a specific development site warrant provision of an additional point of access.

ELEMENT 2: SANITARY SEWER

The following are existing development policies relating to sanitary sewers in Jefferson County, as approved by the Jefferson County Commission on September 11, 2007. As the comprehensive planning program continues, these policies may be revised and additional policies pertaining to other aspects of construction and development in the County will be added as appropriate.

1. Sewer expansion should be in accordance with a Master Sewer Service Plan. This Plan should be a part of a Capital Budget Plan for future development, and should reflect not only topographic possibilities/limitations and engineering criteria, but also the County's future land use plan, economic development strategies, other infrastructure plans, and conservation goals. This Plan should be established by the Jefferson County Commission in the Comprehensive Plan
2. Sewer systems contemplated for future acceptance by the County shall be designed, constructed and inspected according to Environmental Services Department (ESD) standards. Sewer systems not meeting these standards at the time of installation shall be evaluated by a professional engineer registered in the State of Alabama and a report of the system's condition shall be provided to ESD. Deficiencies and/or sub-standard systems shall be remediated prior to acceptance by the County unless otherwise approved by the Commission.
3. No privately-constructed sanitary sewer system shall be accepted by the County without a vote of the Jefferson County Commission authorizing such acceptance.
4. The County will participate, at the discretion of the County Commission, in accordance with the County-adopted Sanitary Sewer Extension & Expansion Policy. The current plan provides for participation, upon completion of a determination of the benefit to the County after a cost/benefit analysis for a twenty-five year period, in the development of sewer for a municipality or private interest for up to 50% of the cost of construction. Public involvement will be required in all such projects.
5. Sanitary sewers should generally be designed to follow topography whenever possible (gravity-flow systems).
6. Flow from the estimated ultimate population of the tributary shall be considered in the design of sanitary sewers.
7. Sanitary sewers shall be designed to be free of infiltration and exfiltration.

8. Where not limited by topography, sanitary sewers may be designed to make use of existing and proposed public rights of way where practical and permitted. Sanitary sewers shall be designed to enable proper and cost effective maintenance.
9. Service Area Expansion projects designed to serve a previously unserved portion of a drainage basin may be 100% funded by the County at its discretion in accordance with the Sanitary Sewer Extension & Expansion Policy, but other governments or private interests may participate. These projects are contingent upon available funds from sewer impact fees and are subject to public involvement meetings and a Cost/Benefit analysis.
10. Sewer mains shall be designed to serve every lot or parcel adjacent to the sewer.
11. Developments proposing sewer systems and anticipating future growth in upper reaches of the watershed must develop a long range plan for the installation of sewer facilities needed to accommodate this growth, which must consider the entire watershed beyond the limits of the subdivision and, where applicable, include easements for future sanitary sewers.
12. Sewer design capacity shall be determined from probable future quantities of domestic, commercial, and industrial wastewater.
13. Connections of new sewers to existing sewers shall be plugged and remain plugged until final acceptance by the County.
14. Sanitary sewers constructed by the developer for dedication and acceptance into the County sewer system shall be designed, constructed and inspected according to ESD standards.
15. Sewer mains must be located in easements that are dedicated to the County by means of record map for single-family residential development and deeds for multi-family, commercial or industrial development. If a residential development falls outside the jurisdiction of a municipality currently requiring County approval, deeds will be required in lieu of a record map.
16. Sewers must provide right of way access for construction, inspection, maintenance and repair.
17. Sewers from residential or commercial developments must be designed to achieve gravity flow. Pump stations and force main sewers may be constructed by developers only when approved by the Director of ESD.
18. Sewers should be installed at a depth where they can receive contributing flows by gravity. Single-dwelling sewage pumping systems required where gravity flow cannot be achieved shall be owned and maintained by the property owner.

19. Sewer facilities may be allowed in ALDOT right of way where no other option exists. In these situations, while the County must submit all permit applications, the developer accepts all responsibilities and duties imposed by ALDOT, as evidenced by separate agreement between the developer and the County. The developer shall be responsible for negotiating and providing rights of way at no cost to the County.
20. Sewer facilities may be located within or across an existing railroad right of way or an existing utility right of way where no other option exists, subject to approval by the County. The developer shall be responsible for negotiating and providing rights of way at no cost to the County.
21. Manholes shall be installed at the end of each sewer line; at all changes in grade, pipe size, alignment; and at all intersections of main sewers.
22. Sewers to be dedicated to the County shall be constructed within the center of the dedicated right of way. Easements running parallel with a road right of way or property line must extend to the right of way or property line.
23. All policies and standards contained herein shall not supersede existing or future ESD policies and standards.

ELEMENT 3: LAND USE

The following are existing policies relating to the development and use of land in Jefferson County, as approved by the Jefferson County Commission on September 11, 2007. As the comprehensive planning program continues, these policies may be revised and additional policies pertaining to other aspects of construction and development in the County will be added as appropriate.

A. *Infrastructure in General*

1. The densest types of development in the County should be targeted for those areas that are served with all basic infrastructure, including municipal water, power, sanitary sewer, and an adequate road network.
2. Sanitary sewer service should be provided:
 - a. in any residential development with a density greater than that permitted in an R-1 Single Family zoning district, except under conditions provided for in the zoning ordinance;
 - b. for all large-scale commercial development. Only limited, neighborhood-oriented commercial development (such as that characterized by the C-N zoning district) should be considered for permitting without live sanitary sewer (but subject, however, to Health Department approval); and,
 - c. for any extensive or intensive industrial development.
3. No new residential development with five lots or more will be approved without access to a public water system, nor should any commercial or industrial development be considered unless there is public water service available to provide adequate fire protection.
4. All new subdivisions of more than two lots, and any other new development entailing private drives, easements or any other non-standard, non-public access situation should be required to submit certification of coverage from the local fire district/department.

B. Residential Development

1. The Proposed Land Use Maps will indicate the appropriate levels of gross residential density that should be considered. However, depending upon the dedication of permanent open space within a given development, consideration will also be given to allowing smaller lot sizes where the clustering of units can help achieve other Plan goals and objectives (though *not* to increase the actual *number* of units allowable under the Plan).
2. Where infrastructure allows, urban densities should be encouraged in order to promote transit-oriented development and to lessen dependence on the automobile.

C. Institutional Uses

1. Small to medium-sized churches, schools, and fire stations can be considered in any area of the county. These uses should be considered on a case-by-case basis, with approval dependent upon the potential impacts on the surrounding area, and the adequacy and appropriateness of the site plan.
2. Larger institutions, such as very large churches, retirement homes, nursing homes, and hospitals, can be placed in areas designated for more dense development. Acceptability will depend upon the scope and scale of the institution; the impact on surrounding land uses; and, upon an evaluation of the site plan and support infrastructure.

D. Commercial Development

1. Commercial development should be appropriately sized and located relative to its scale and prospective service area (e.g., neighborhood-based businesses as distinguished from regional retail centers).
2. Commercial uses should be located appropriately with regard to roads that are appropriate to the scale, intensity and nature of the traffic that will be generated by the business/development in question.
3. Commercial uses should not be stretched out in a narrow strip along main thoroughfares, but should be developed in concentrated nodes appropriate to the scale of development; and they should be clustered or otherwise arranged so as to maximize the use of shared access points, and conversely minimizing the need for individual direct accesses onto main roads.

E. Industrial Development

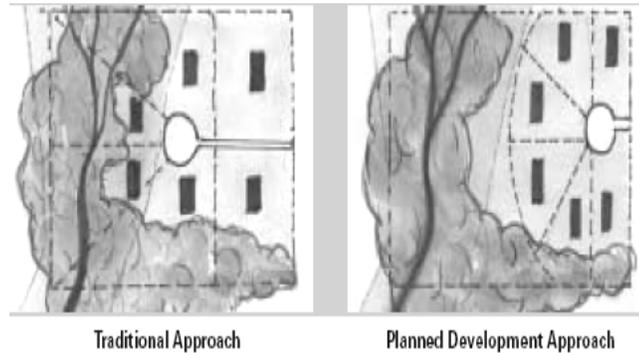
1. High-impact industrial uses should only be sited where external effects such as noise, odor, traffic, etc., will have a minimal effect on residential or commercial land uses, and where there are minimal adverse visual impacts. Where access by large trucks or substantial truck traffic is involved, all developments should either have direct access to major arterial roads, or adequate private roads should be constructed to obtain such access. Truck traffic should not be routed through residential areas. Water quality impacts will also be considered for all developments of this type, and appropriate measures (such as stream buffers) shall be taken.
2. Moderate-impact industrial uses should generally be located on arterial roads, and should have adequate access for trucks and automobiles. All appropriate utilities must be available. These uses should be located to minimize impacts on both residential and commercial land uses in the surrounding area, and so as to minimize or eliminate truck traffic passing through residential areas. Appropriate buffers should be provided to protect areas of different character and/or unlike uses; and this type of use is generally not appropriate in areas that are otherwise predominantly residential.
3. All small scale industrial uses should have adequate access, and not access local or residential streets. And while these types of uses may locate in predominantly commercial areas if there is no outside storage (or such storage is appropriately screened), and the use is compatible with the adjacent uses, they should still be located so as to have no negative impact on nearby unlike uses.
4. Mining and extraction industries should have adequate road access with roads of a type that will support the weight of trucks associated with the use; should be buffered from other types of land uses; and should utilize all practical measures, including known conservation techniques or Best Management Practices (BMPs) to protect surface and groundwater resources.
5. Waste disposal and other odor-producing operations should have adequate road access and should not access local or residential streets; should be in isolation, with no unlike land uses nearby; should not be located where any odor reaches residential, institutional, or commercial land uses; should be placed where they will have no negative impact on ground or surface water resources; and, where such uses *are* located adjacent to any existing or planned development or uses that could be adversely affected by the presence of this type of operation, substantial screening should be provided.

6. Operations involving the open, outside storage of heavy equipment, wrecked or otherwise inoperable vehicles/machinery, or anything defined as “junk” and “salvage” in the zoning ordinance should have adequate road access and should not access local or residential streets; should be isolated from unlike or incompatible land uses; should be located so as to have no negative impact on ground or surface water resources; and should be completely screened from view from all public roads and adjacent (unlike) land uses, whether existing or planned.

F. *Natural Features of the Land*

1. Developers should be encouraged to work with the natural topography of the land in order to prevent surface water degradation, hazards such as landslides, and other undesirable off-site impacts such as excessive erosion, sedimentation, and increased stormwater run-off.
2. Developers should be given incentives in the form of density for the conservation of hazardous or environmentally sensitive lands, such as steep slopes, floodplains, wetlands, designated greenways, and sensitive habitats.
3. All new subdivisions proposed to be located on property containing any Special Flood Hazard Area (i.e., designated floodplain) shall be developed so as to minimize flood damage, both within and outside of the subdivision in question, as follows:
 - a. Such subdivisions shall have *public utilities* and facilities such as sewer, gas, electrical and water systems that are located and constructed so as to minimize *flood* damage;
 - b. Such subdivisions shall have drainage facilities engineered so as to reduce exposure to *flood* hazards.
 - c. Clustering of lots within a *residential subdivision* is encouraged in order to preserve the floodplain, and the resulting protected area may be credited toward any open space requirements of other ordinances or regulations. For all such *subdivisions* of six (6) or more lots, where any portion of a *Special Flood Hazard Area* has been set aside as permanent open space and dedicated to a public agency, land trust, homeowner association or other entity, lots within the area(s) remaining outside of the *Special Flood Hazard Area* may be clustered using a reduced alternative minimum lot area as provided for in the zoning regulations. However, the overall gross density of any such subdivision shall not exceed the gross density which would be permitted under the existing zoning *without* clustering and preservation of common open space; and all such subdivisions shall be

subject to all other applicable zoning requirements, subdivision approval procedures, construction standards, etc.



- d. All streets, drives, and parking areas constructed within such *subdivisions* shall be elevated to the maximum extent practicable, based on site conditions and proposed land use, with transitions in grade provided as necessary to tie into existing streets, drives, and parking areas, or for traffic safety and visibility purposes.

ELEMENT 4: COMMUNITY AND NEIGHBORHOOD PLANNING

OVERVIEW

This Element is being developed in conjunction with the Jefferson County Department of Health's Health Action Plan; and in fact, this very Comprehensive Plan is specifically part of *that* Plan's Strategic Issue #2, "Livable Communities for Community Health" – see Goal 5 below:

- Goal 1 – Improve safety throughout communities
- Goal 2 – Improve environmental quality
- Goal 3 – Increase ways to be physically active in all new developments
- Goal 4 – Preserve and revitalize neighborhoods
- Goal 5 – Work toward a county development plan
with participation from all cities
- Goal 6 – Support development of a viable and integrated mass
transportation system

And while it is likely that, as the comprehensive planning program continues, the goals listed above will be separated out into individual Elements in their own right – for more detailed analysis and more specific policy development – the *concepts* represented in these goals are still *quite* applicable within the context of *this* Element. And so it is appropriate – and important – that they be included here, in the *overall* initial plan for our communities and neighborhoods, until a separate discussion can be developed.

The reason for focusing on development at the community and neighborhood levels stems from the reality that large commercial developments have historically either been annexed into, or were actually developed within, the cities – leaving residential development, institutional uses and only small-scale businesses and offices as the primary concern for the *unincorporated* area of the County.

Thus, additional goals of this Element are to:

- promote the development or re-development of neighborhoods and communities into attractive, desirable and sustainable living environments;
- allow new neighborhoods and communities to be developed with different and unique characteristics in order to offer a broad range of opportunities for developers as well as prospective homeowners; and,
- provide for both horizontal and vertical mixing of (appropriately compatible) uses within communities and neighborhoods that will help reduce the need for local residents to go outside of their communities for "stuff".

And then within those (nine) *goals* will be a series of more specific *objectives* that will be inherent in accomplishing each of those goals – and future editions of this Plan Element

will explore how this Element, and the Comprehensive Plan as a whole, can be used to accomplish objectives such as:

- incorporating health and safety factors into the design of new developments
- providing (or requiring) sidewalks, at least in certain portions of developments
- providing for the adequate lighting in neighborhoods, on main roads, and particularly in public/civic areas
- protect sensitive land areas (such as wetlands, floodplains, steep slopes, etc.) adjacent to as well as within developments
- facilitate development of pedestrian-oriented communities and neighborhoods with opportunities for residents to walk or ride bicycles throughout
- locate schools and other civic facilities, such as parks, playgrounds, community centers and churches so that they are “walkable” from within the community
- revise existing plans, codes and ordinances as described above, and especially with respect to allowing neighborhood-oriented *commercial* uses that are *also* “walkable” from within the community – thus reducing the need for residents to use their cars and/or even leave their community on such a regular basis
- allow citizens, through neighborhood and community groups, to help direct the planning and development their respective neighborhood/community according to *their* “vision” of the future
- provide incentives for retrofitting older neighborhoods according to the objectives of this Element
- encourage the preservation of natural vegetation, over and above any supplemental landscaping, in order to enhance both the attractiveness and the environmental harmony of new developments
- create streetscapes that they are safe to use for pedestrians, bicyclists, motorists and bus riders of all ages and abilities
- develop and incorporate transit routes to provide a viable alternative means of travel *between* neighborhoods and communities

And, of course, the one goal that might also be considered an “objective” unto itself is that the County *“prepare a county-wide development plan that encompasses not only the unincorporated area of the county, but includes participation from all of the cities as well”*... because “we’re *all* in this together”, and it will require communication and coordination *across* jurisdictional boundaries in order for the whole County – the biggest “community” of all – to be an attractive place for people to live, work, *and build*.

Yet this does not mean that every city and town should do things just like the County, or that every jurisdiction should try to look like the next; to the contrary, this Element actively *promotes* differences in character and design from one community – and even one *neighborhood* – to the next. Going back to one of the stated purposes of the Comprehensive Plan itself, it is through the promotion and protection *of* the differences in character from one area to the next that the County and the cities will be able to offer “something for everyone”. However, all of the jurisdictions *do* need to try to *harmonize* with each other where boundaries meet – and we can only do that by working *together* on development-related issues.

BUILDING SUSTAINABLE NEIGHBORHOODS AND COMMUNITIES

The approach for dealing with new residential, institutional and commercial uses (in the unincorporated area of the County) will be based on a hierarchy of development patterns of progressively increasing intensity, and how well a new use or development fits into the established or projected pattern of the area in which it is being proposed.

Established development patterns include the scattered residential and agricultural uses that are characteristic of the rural areas of the County; areas where residential subdivisions virtually dominate the land; and a few areas where commercial development has self-defined a central core, crossroads or corridor over the years – where the addition of “like” uses has historically been found to be appropriate.

However, one of the primary purposes of this Plan is to project *new* development patterns – i.e., where the existing pattern is going to change or “evolve”, whether due to an anticipated expansion of infrastructure, or simply because it lies in the “path of development”. The Comprehensive Plan, therefore – particularly in considering proposals to establish new commercial uses where none presently exist – applies a framework of different “community types” in order to direct this rural-to-urban evolution such that it occurs in a proper and orderly manner.

For demonstration purposes, this evolutionary process can conceptually be thought of as starting within the scattered development pattern of a rural area, where the initial clustering of new development around a centralized location is referred to as a “hamlet”. Over time and with additional development, the hamlet would develop into a larger and/or higher-density neighborhood called a “village”. With continued development, however, that neighborhood would actually evolve into a community – which would eventually be expected to encompass multiple neighborhoods – called an “urban village”. And finally, there is a “town” designation that would contain several neighborhoods and/or communities.¹

Furthermore, both types of neighborhoods – hamlets and villages – are to be centered around a neighborhood-oriented commercial and/or civic node, which may be little more than a crossroads, particularly in the case of a hamlet. That commercial/civic node will be a little more intense in a village setting, and will become even more significant at the urban village and town levels – where the presence of *multiple* neighborhoods will, by their very nature, give the community smaller satellite commercial nodes *in addition* to the main “downtown” core at the center. *But the main point is to facilitate the development of neighborhoods and communities around local-oriented businesses and service establishments such that these developments can become at least somewhat self-sufficient, and so that their residents do not need to leave and go outside the neighborhood or community as often.*

¹ See Section 1c, “General Implementation of the Comprehensive Plan”, for detailed information on the four community types.

Another perspective on this kind of development is to see it as ‘an approach to land use planning and urban design that promotes the building of neighborhoods with a mix of uses and housing types, architectural variety, a central public gathering place, interconnecting streets and alleys, and edges defined by greenbelts and boulevards; and where the basic goal is the integration of the activities of potential residents with work, shopping, recreation and transit all within walking distance’. This approach to development has also been called ‘the process of reintegrating the components of modern life – housing, workplace, shopping, and recreation – into compact, pedestrian-friendly, mixed-use neighborhoods linked by transit and set in a larger regional open-space framework’.

And while not *all* of the aspects mentioned above are necessarily “on the horizon” for developments in Jefferson County at this particular time – such as transit availability outside the urban, incorporated core of the County – programs undertaken by jurisdictions in other parts of the country have shown that the *principles* that define this “new urbanism” or “neotraditional planning” *can* be applied successfully to infill and redevelopment sites *within* urbanized areas just as well as they can be to *new* development sites on the *periphery*. And *that* is the impetus behind this Element of the Comprehensive Plan.

NON-RESIDENTIAL USES IN VILLAGES

This is also a good point to stop and discuss what *Jefferson County’s* Comprehensive Plan will consider to *be* an appropriate “mixing” of land uses in the neighborhoods and communities this Element will be seeking to build.

As has already been stated in other Sections of this Plan,² every non-residential use proposed to be located at a designated “village” site will be closely evaluated with regard to its relationship to the (existing and future) surrounding community. Not only must these uses be compatible in **scope** and **scale** with the surrounding residential development, but these uses – particularly *commercial* businesses – should rely primarily on the *residents* living *in* that village and its immediately surrounding area for the *majority* of their business. Large (“big box”) commercial retailers, and commercial ventures whose nature is to ‘*draw in*’ the majority of their customers from more distant locations – i.e., from *outside* the community – should be located in the larger “regional” retail centers, malls, shopping centers, etc., which will carry designation as a “Special District” on the watershed development plan map; and which are generally located where a constant flow of “non-local” traffic is better accommodated (by the infrastructure) without the imposition of unnecessary adverse impacts on residential development. Thus, *these* types of businesses would *not* fit in this village concept.

² See Sections 1b (The Planning Process), 1c (General Implementation of the Comprehensive Plan), and 2a (Overview of the Plan).

Fitting Into The 'Village Profile'

Proposed rezonings for new commercial uses, as well as new residential developments, will be evaluated according to how they fit within the context of a village or hamlet, including:

- A street layout with a central intersection at the designated commercial/civic (i.e., village) center;
- Pedestrian-friendly orientation with sidewalks connecting residential and commercial/civic areas;
- An appropriate mix and arrangement of residential uses, with an overall residential density that will support the commercial uses;
- The commercial uses are primarily oriented to serving the residents of that village/neighborhood.

Another indicator of whether or not a particular business would be appropriate in a village setting is the **frequency of repeat customers** – which is often related to the type, size and/or expense of the items being sold, or the service being rendered. Thus, a business that could reasonably be expected to be patronized by the same people *at least two* or three times a month (if not two or three times a *week* or more), would be more appropriate for a village than a business whose customers would be expected to visit once or twice a *year* (or less). Along those same lines, Blacksburg, Virginia defines a “neighborhood retail establishment” as an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware.

And this repeat patronage is not only an indicator of how well a business would “fit in” with the surrounding community – in the sense of being **a desirable and attractive addition to the local neighborhood** – but it would *also* likely be an indicator as to the viability of the business *itself* at *that* particular location.

But in determining whether or not a particular business is acceptable within the village concept of the Comprehensive Plan, it must *also* be assessed in terms of its “**disruption potential**” – i.e., activities that would detract from the residents’ safe and peaceful enjoyment of the their neighborhood’s living environment. Thus, non-residential operations and facilities should not *only* be in keeping with the *character* of the neighborhood, but they should not be *disruptive* in terms of such things as the generation of dust, noise, light or traffic in excess of that otherwise normal to such neighborhood.

Finally, **design** – whether architectural or overall site design – should also be considered in the evaluation of whether or not a particular business or facility would be in keeping with the character of a particular neighborhood, and this includes keeping the overall **size** of the commercial *area* (as a whole) for a given village proportionately

appropriate to the uses within the community. Nevertheless, in the final analysis, these commercial areas – *and* the individual businesses and facilities contained therein – should be envisioned as **providing limited retail goods and services primarily for nearby residential customers.**

And of course, there are a number of neighborhoods and communities *like* this that are *already* established all across the County; and it will *also* be the case that some “proposed” hamlets and villages will *not* evolve as described earlier. But since the Plan is a “dynamic” document, and subject – in fact, *expected* – to change over time, it can simply be amended (through the usual public hearing process) to reflect the fact that a particular village or hamlet did *not* come about. And even then, there will still always be a variety of living and business environments that Jefferson County will be able to offer to prospective residents and developers alike.³

Meanwhile, included among the goals and objectives listed earlier are a number of things that will be considered ‘stepping stones’ toward to the accomplishment of those goals. For example, in order to provide for the practical and effective mixing of different uses within a neighborhood, there will need to be some changes made to the zoning regulations that have historically sought to *separate* the different kinds of uses from one another; and there will likely need to be changes made to the subdivision regulations as well, in order to truly promote physical activity in new developments. Thus, this Element will also recommend adoption of an alternative way of handling zoning, subdivision and related development requirements in order to allow developers to do “something different”.

PREVIEW OF A NEW DISTRICT

As described in detail Section 1b (The Planning Process), the County developed this Plan by adapting the principles set forth in a document called the SmartCode to our situation here in Jefferson County. And it was also stated that this SmartCode is more than *just* a “code” – it’s not just a glorified zoning ordinance or something like that – it is a complete planning and development program that has been used across the country, and even in several communities here in Alabama.

³ The other types of uses the County will continue to face – such as industrial developments and “specialized” facilities like landfills, mining, and so on – are typically located with some means of separation from residential areas anyway, and will continue to be treated that way. These uses also generally carry standard requirements and/or restrictions that are generated as much by the specific industries themselves as by the local governing authority; and so the placement and regulation of these kinds of developments are covered in another Element of this Comprehensive Plan. Suffice it to say that the Plan will direct these developments such that there will be minimal, if any, impact on existing and projected (future) communities and neighborhoods.



And it speaks *directly* to properly mixing different uses *within* a community, and establishing alternative *design* standards, all in order to reduce the need – and tendency – for people to use their cars.

Yet the SmartCode's authors did *not* intend for it just to be taken and used “off the shelf”; they *designed* it to be used as a *template* for local jurisdictions to take and customize to fit *their own* particular needs and unique characteristics. And so, included in this Element of the Plan is the recommendation that we develop a customized SmartCode of our own, *specifically for Jefferson County, Alabama...*

But now, one thing about trying to do this in *most* of Jefferson County is that there will probably be very few opportunities for someone to develop an 80-, 90- or 100-acre village – or even to be able to get hold of a single 40-acre parcel that someone could develop into even a little hamlet as a single, consolidated project. Instead, as stated in Section 1c (Implementation of the Plan), the County will still be operating on a property-by-property basis *most* of the time, as individuals buy and sell properties, and come in for rezoning and subdivision approvals. And so *most* of these new communities are essentially going to have to evolve over time, *and* will have to do so through the “standard” zoning, subdivision and construction regulations in place *at* the time. But there will *still* be a plan *for* those villages – developed and adopted by the Planning & Zoning Commission, and incorporated *into* the future development plan map *for* that watershed⁴ – that will be used to guide their evolution such that their development/re-development takes place in a logical, orderly and appropriate manner (in spite of the

⁴ See Section 1c, “General Implementation of the Comprehensive Plan”, for the procedure for preparing and adopting the more-detailed village sub-plans.

fact that it will generally happen “a parcel at a time”, and will be done with conventional zoning districts).

On the other hand, for the people that do come upon larger-sized tracts of land that can be developed as a single – albeit, long-term – project; or who are able to consolidate a number of smaller parcels so as to essentially “create” a sizeable development opportunity; it is the intent of the County to be able to offer an alternative to developing under the conventional standards and requirements of its existing zoning, subdivision and construction regulations.

In fact, there are already several large-scale developments like this that are already underway in and around this watershed – though *not* in unincorporated Jefferson County. And with more and more landowners and developers across the country looking for this kind of opportunity, adding this kind of development option to Jefferson County’s regulatory framework will accommodate that market for large-scale, mixed-use developments in “our” area – the unincorporated County.

Thus, Jefferson County will be looking at developing *its own* customized version of the SmartCode (as stated above), and adopting it into the zoning ordinance as a “floating” overlay zoning district – which simply means that if a developer “qualifies” for it, he or she will have the option of developing in accordance with a very detailed and well-defined development plan that *they* will submit for approval by the Planning & Zoning Commission; all affected County departments; and by the County Commission itself – essentially the same way the current rezoning process works.

Only, in the case of this *new* district – dubbed the “SmartCode Floating Overlay District” – the approved development plan will go *far beyond* what developers in the County have been able to do with the traditional ‘PUD plans’ they’ve been doing for years: this new type of plan will essentially establish new zoning, subdivision and design standards, *irrespective* of whatever the actual underlying zoning of the property may be.

Among other things, the new SmartCode District will allow for the mixing of appropriately compatible uses; it will permit higher densities in exchange for preserved open spaces and public/civic areas; and it will relax a number of design standards currently imposed by the County’s zoning, subdivision and construction regulations – *upon review and approval by the pertinent County departments* – in order to give the developer maximum flexibility for creating a new and unique character for his or her development.

SmartCode Floating Overlay District

- **Will SUPPORT** walkable and mixed-use neighborhoods, transportation options, conservation of open lands, local character, a variety of housing types, and vibrant commercial and civic centers.
- **Will DISCOURAGE** sprawl development, automobile dependency, loss of open lands, monotonous subdivisions, deserted commercial properties, and unsafe streets and parks.

Specific connections to the Comprehensive Plan goals:

- Allows the mixing of appropriately compatible uses *within* a neighborhood.
- ~~Permits higher densities~~ in exchange for open space and public/civic areas, preservation of sensitive lands, etc.
- Relaxed setbacks and similar requirements will increase design options and reduce infrastructure costs.
- Proposals are submitted in the form of a detailed development plan to be approved by P&Z, the County Commission and all affected departments.

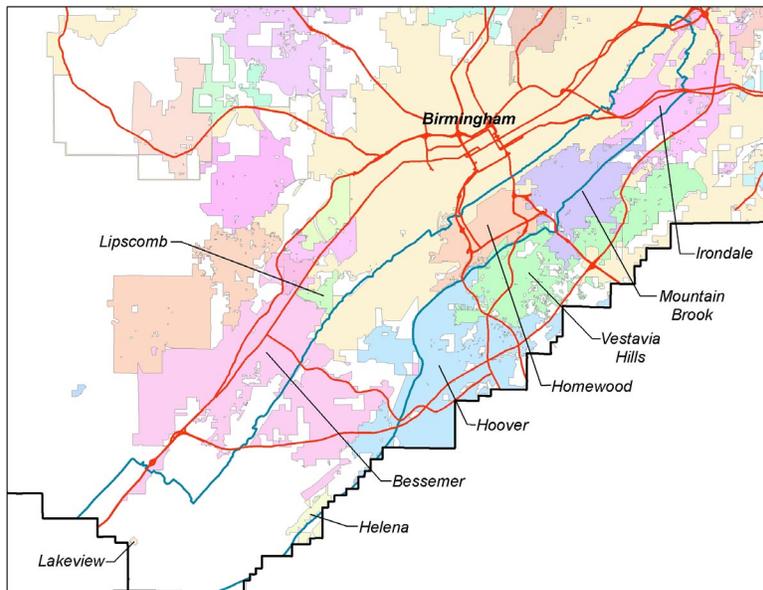
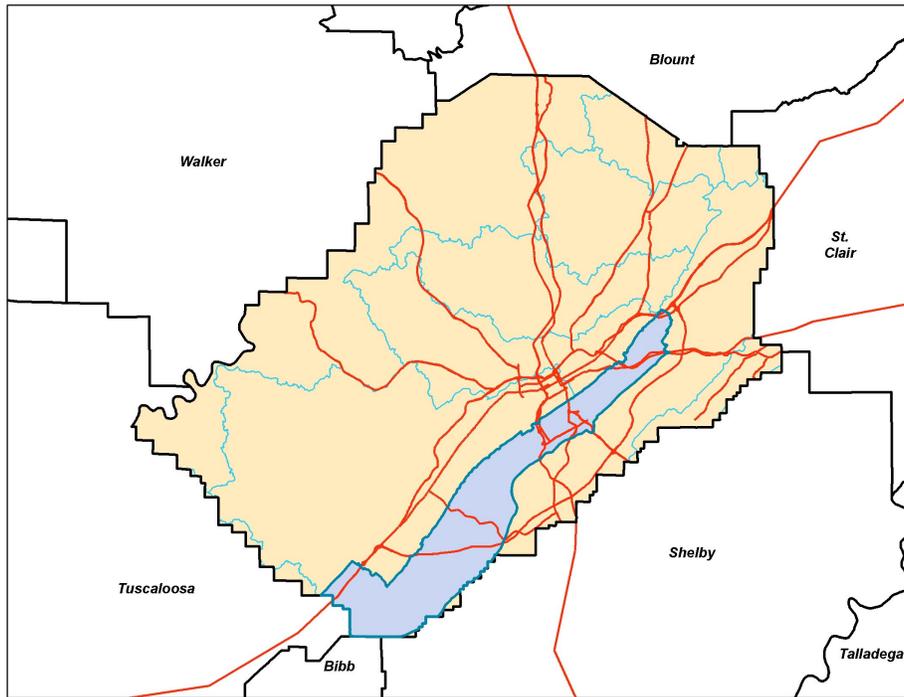
But again, it will be strictly optional – simply an *alternative* approach that will be *available* to anyone who might be interested in doing something different than what the rigid design requirements and standard limitations of the County’s “regular” zoning districts will allow. Nevertheless, those standard zoning districts will *always* be there for anyone who would prefer to simply keep doing things the way they have always done them in the past...

COMPREHENSIVE PLAN
OF
JEFFERSON COUNTY, ALABAMA

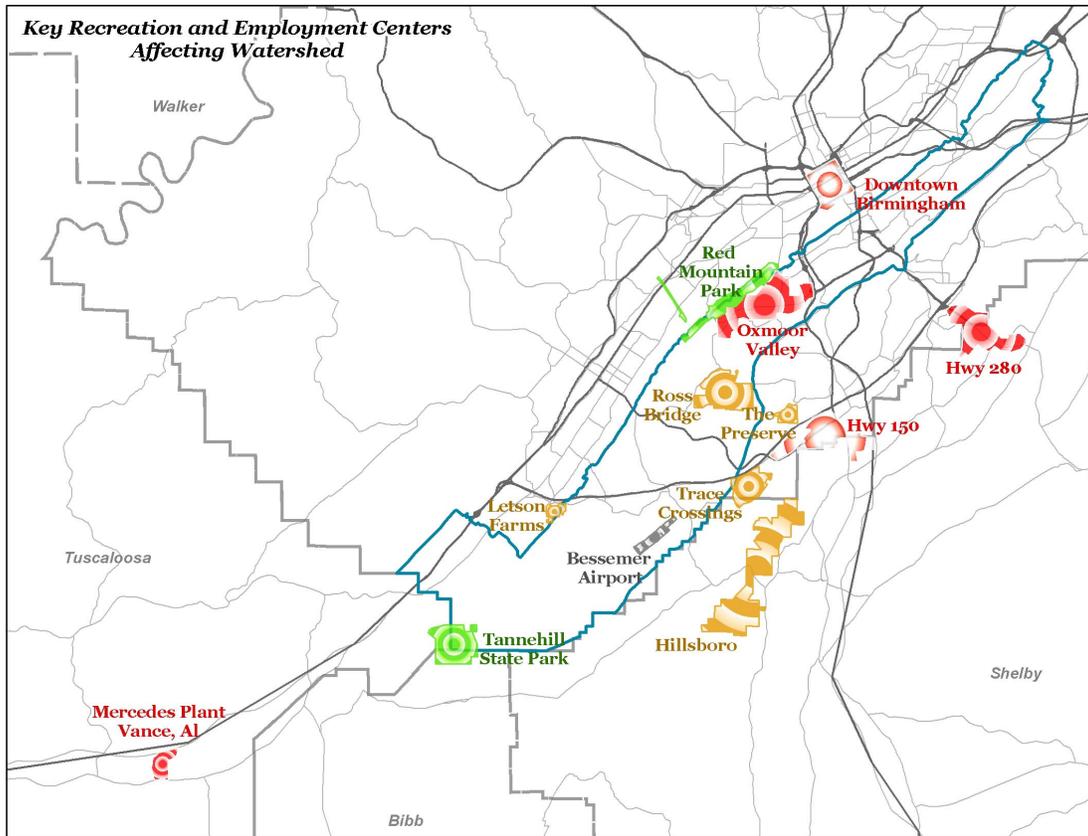
SECTION 4
THE GEOGRAPHY SIDE:
WATERSHED PLANS

Adopted as part of the First Installment of this Plan by the
Jefferson County Planning & Zoning Commission on August 14, 2008
Updated September 11, 2008

Shades Creek Watershed Plan



Cities in this watershed include Bessemer, Birmingham and Hoover; virtually all of Homewood; and about half of Mountain Brook and Irondale. And while the County does not actually “plan for” any of these *incorporated* areas, Land Development staff we did *meet* with *each* city in order to facilitate the coordination of *our* planning efforts *across* jurisdictional boundaries.



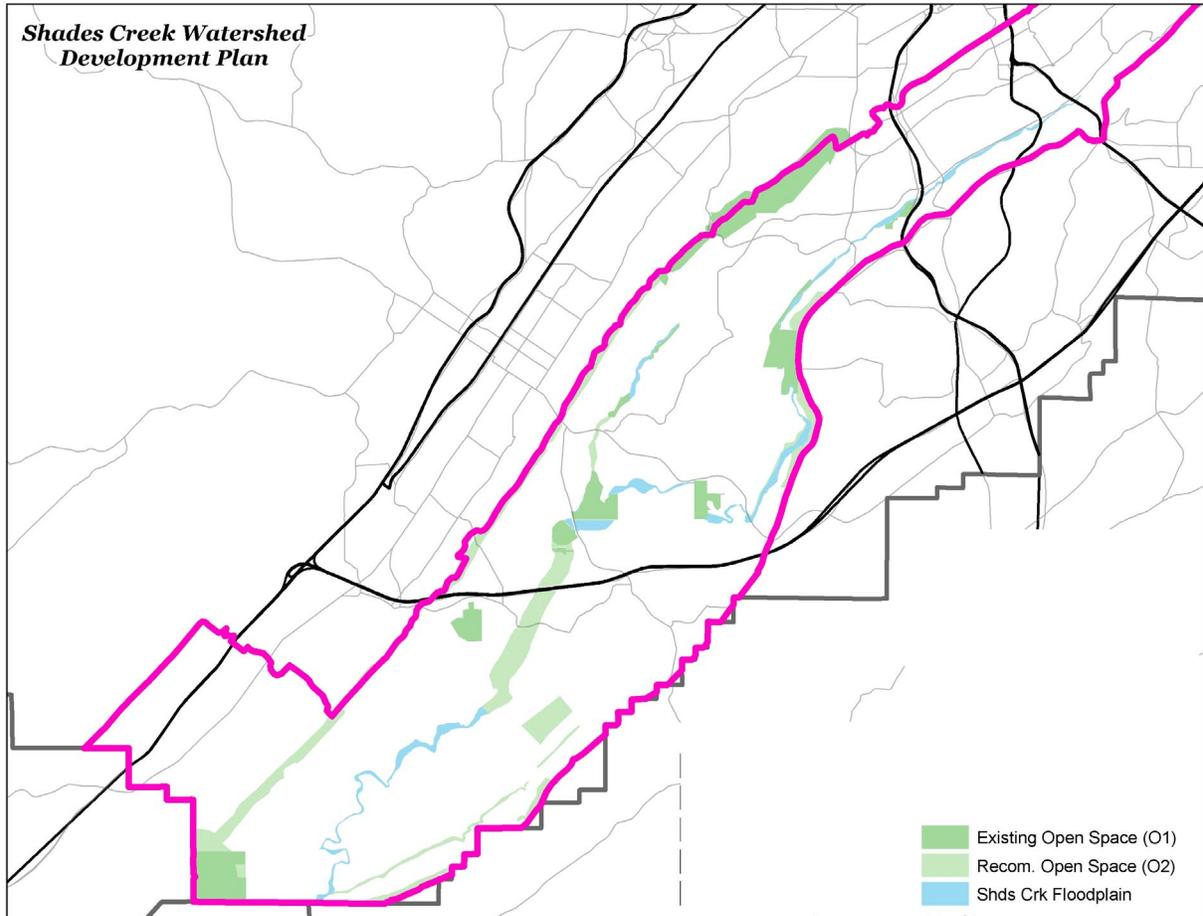
Major assets or attributes about this area of the County include *several* major business and employment centers, shown in red; some significant recreational amenities, in green; and there's the Bessemer Airport noted there as well. And then the *yellow* targets show where there are major *residential* and mixed-use developments either already in place, under construction or in the planning stages.

Of course, the County's Department of Roads & Transportation was a *major* contributor to the development of this Plan by identifying where they anticipate major road improvements over the next several years. And the Environmental Services Department was *also* a major contributor, because they provided both the *current* sewer service area *and* the *future* service area in this watershed.

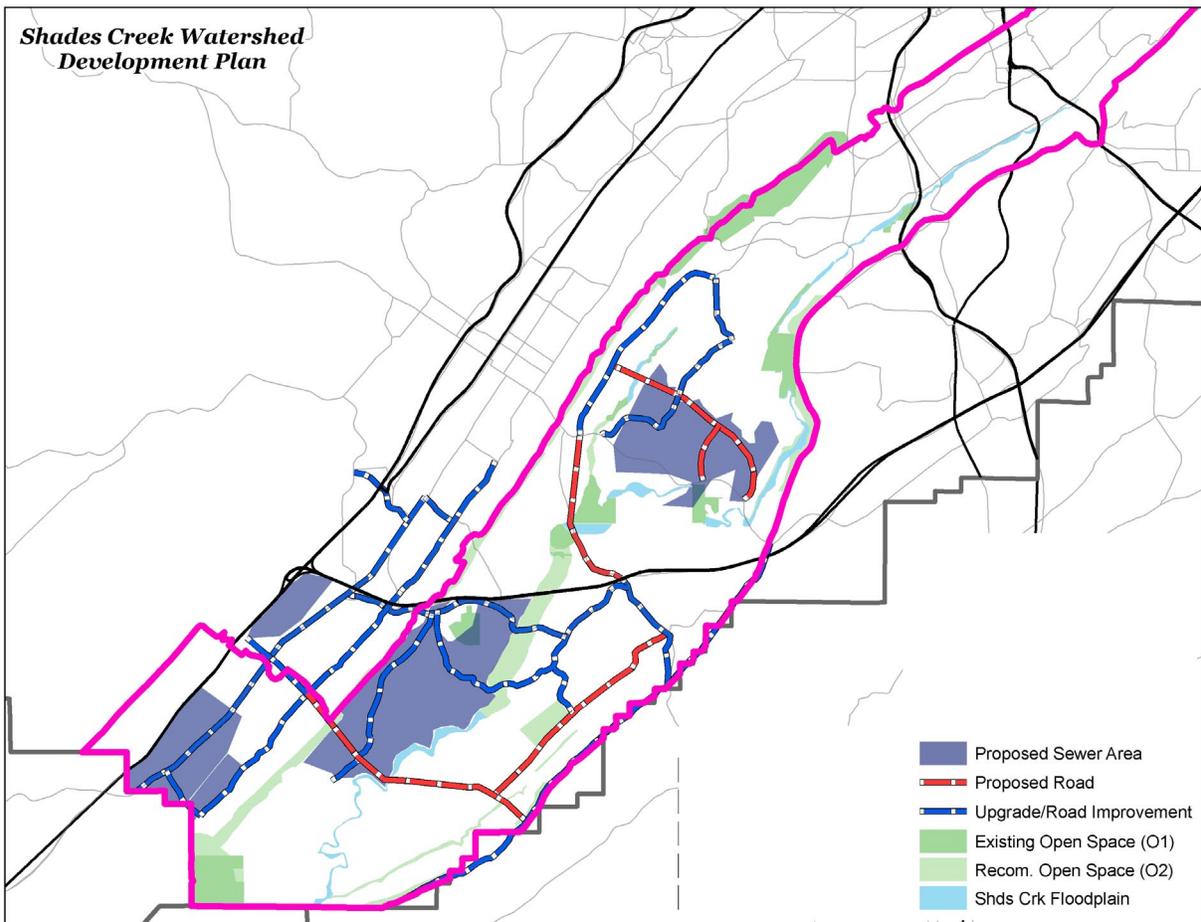
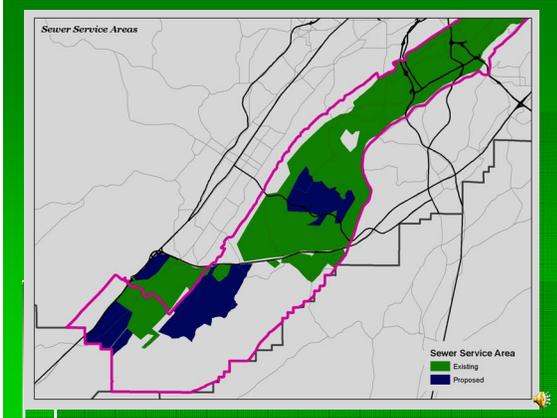
The County also consulted studies prepared by a variety of other organizations, and contacted several other departments, utility companies, development authorities and other similar agencies (some of which were listed in Section 1) in order to have the best, most current information about *everything* that is going to be happening in the Shades Creek Watershed over the next few years.

And in the final analysis, the Department of Land Development has projected that – based on the plan that follows – there will be over 30,000 *more* housing units developed in this watershed over the next 25 years – and about 20,000 of those new households *will* be connected to the County's sanitary sewer system.

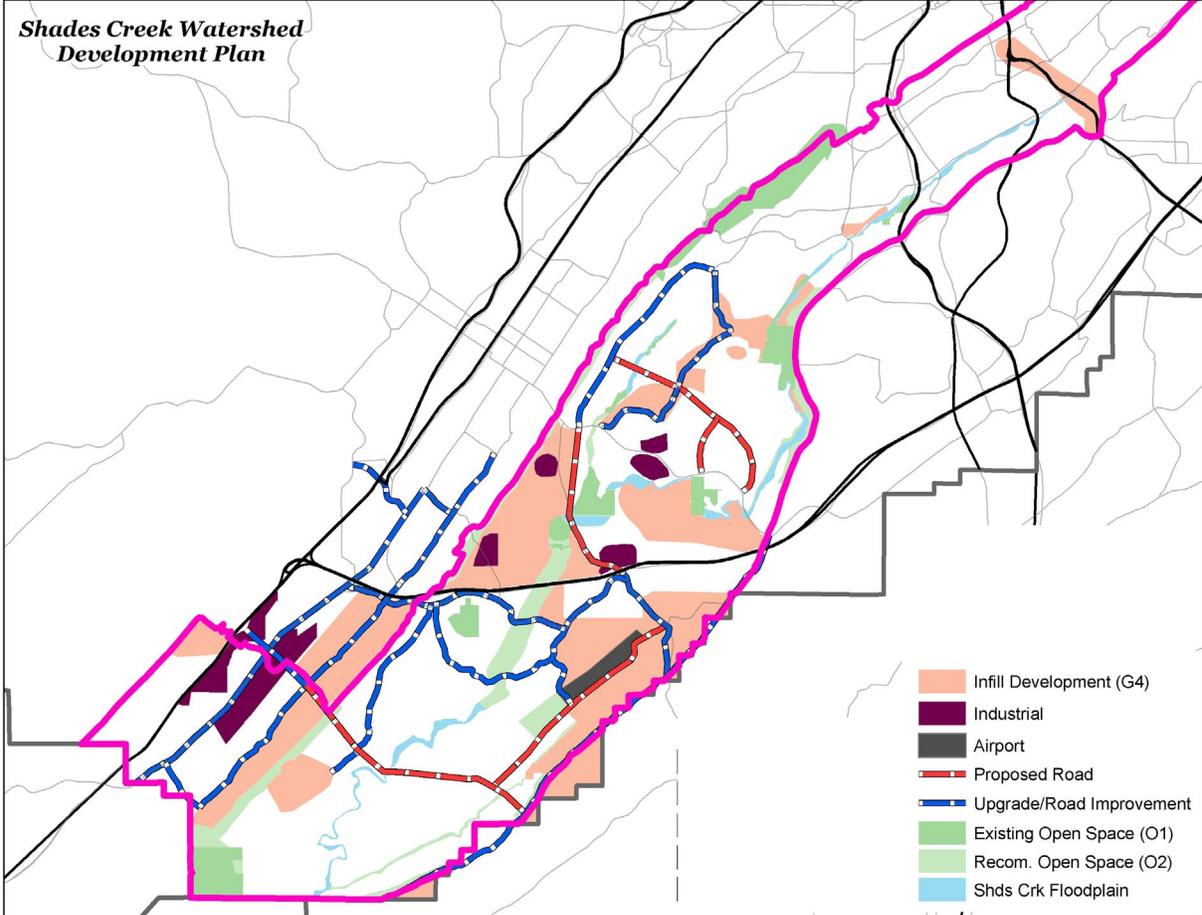
So, as described in Section 1 (Overview of the Map Development Process), the Future Development Plan map for the Shades Creek Watershed was built as follows.



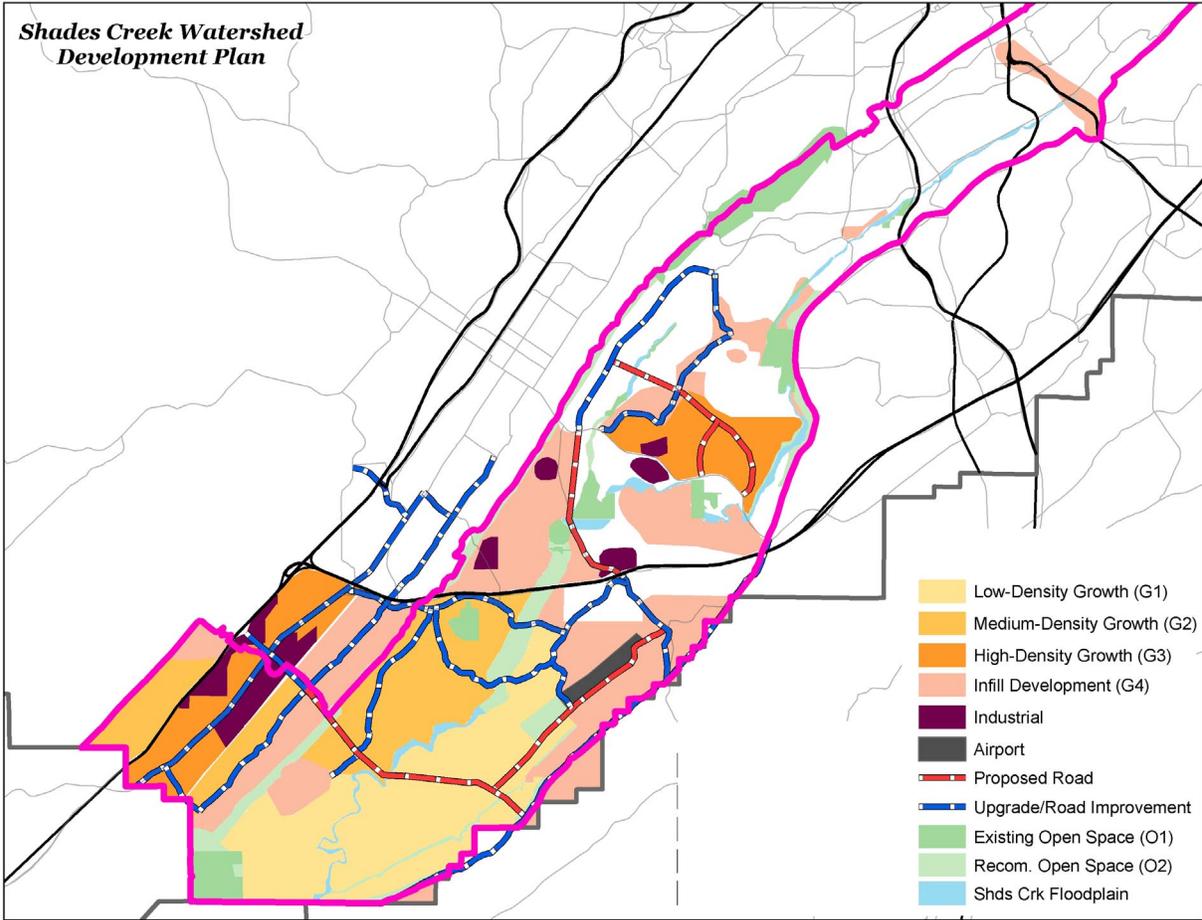
It identifies land areas that are, or should be, set aside as open space, for reasons such as environmental sensitivity, or historical or cultural significance. In this case, the map identifies floodplains, steep slopes, wetlands, and the two large parks in this area.



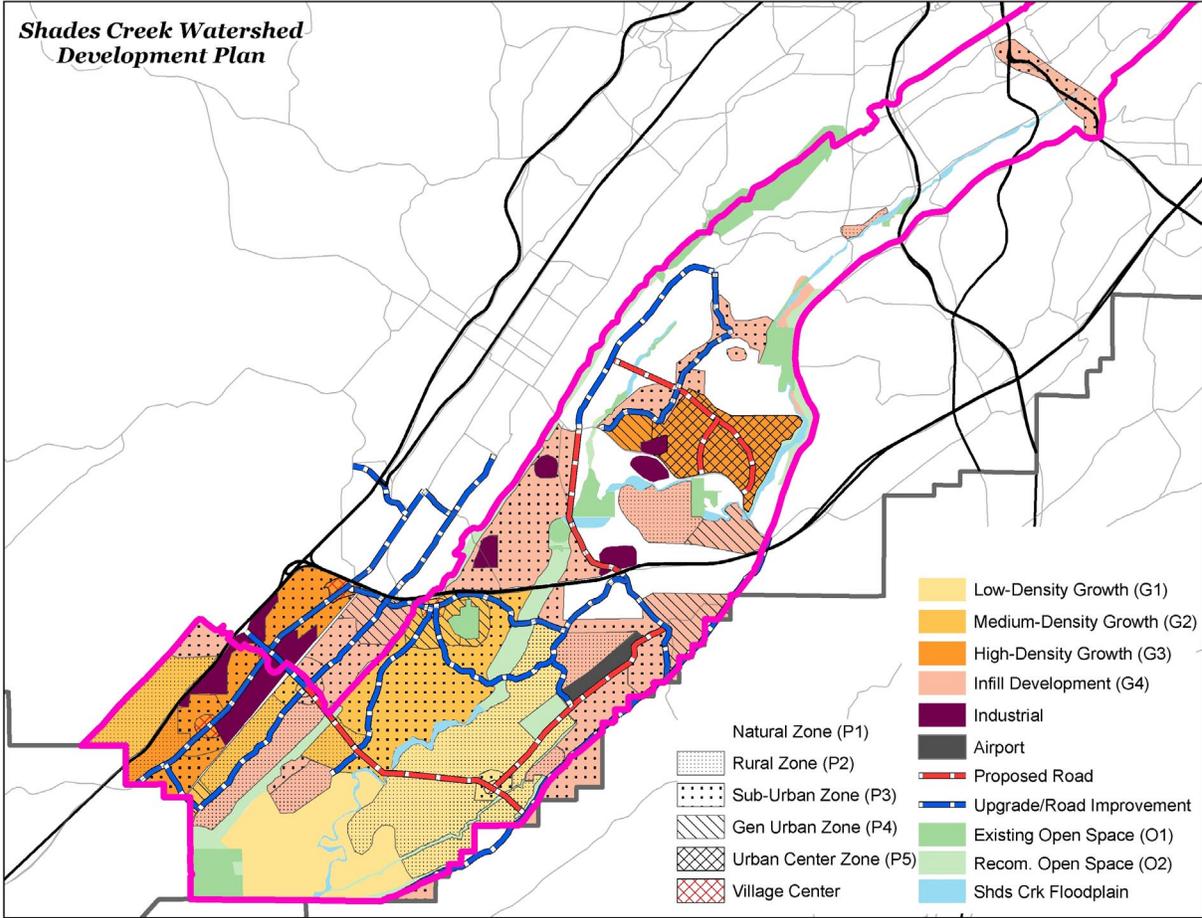
It superimposes the planned road improvements, as well as the existing and anticipated future sewer service area to show where infrastructure is – or will be – available to support higher-density development.



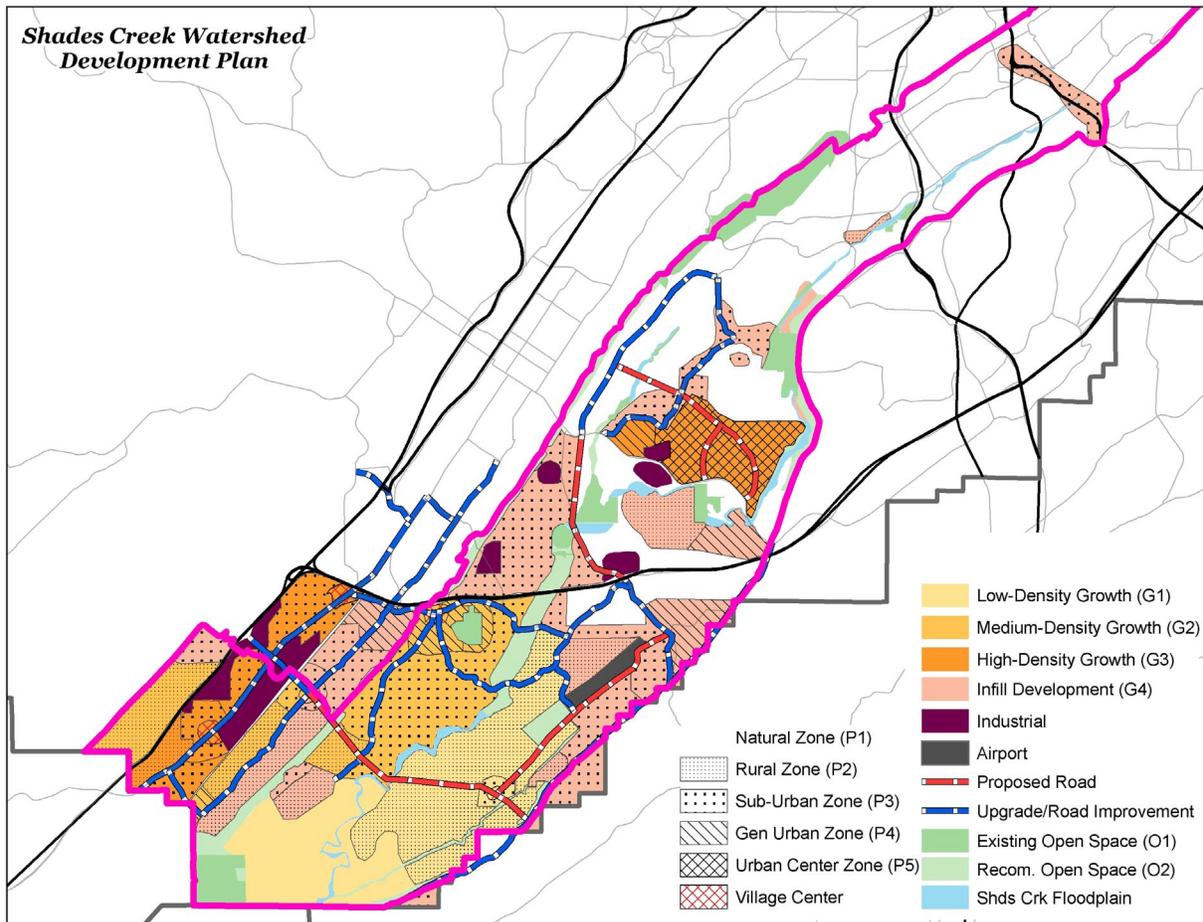
Next, based on existing land use information and established development patterns, the Plan identifies the areas where it is pretty much just looking at “infill” development – including those areas where the *predominate* land use is *industrial*.



Then come the projected “new growth” areas – the locations where the Plan is proposing this Watershed’s significant *new* development to take place, either at a low, medium or high-intensity level based on the level of infrastructure that will be there – and *including* access to transportation.



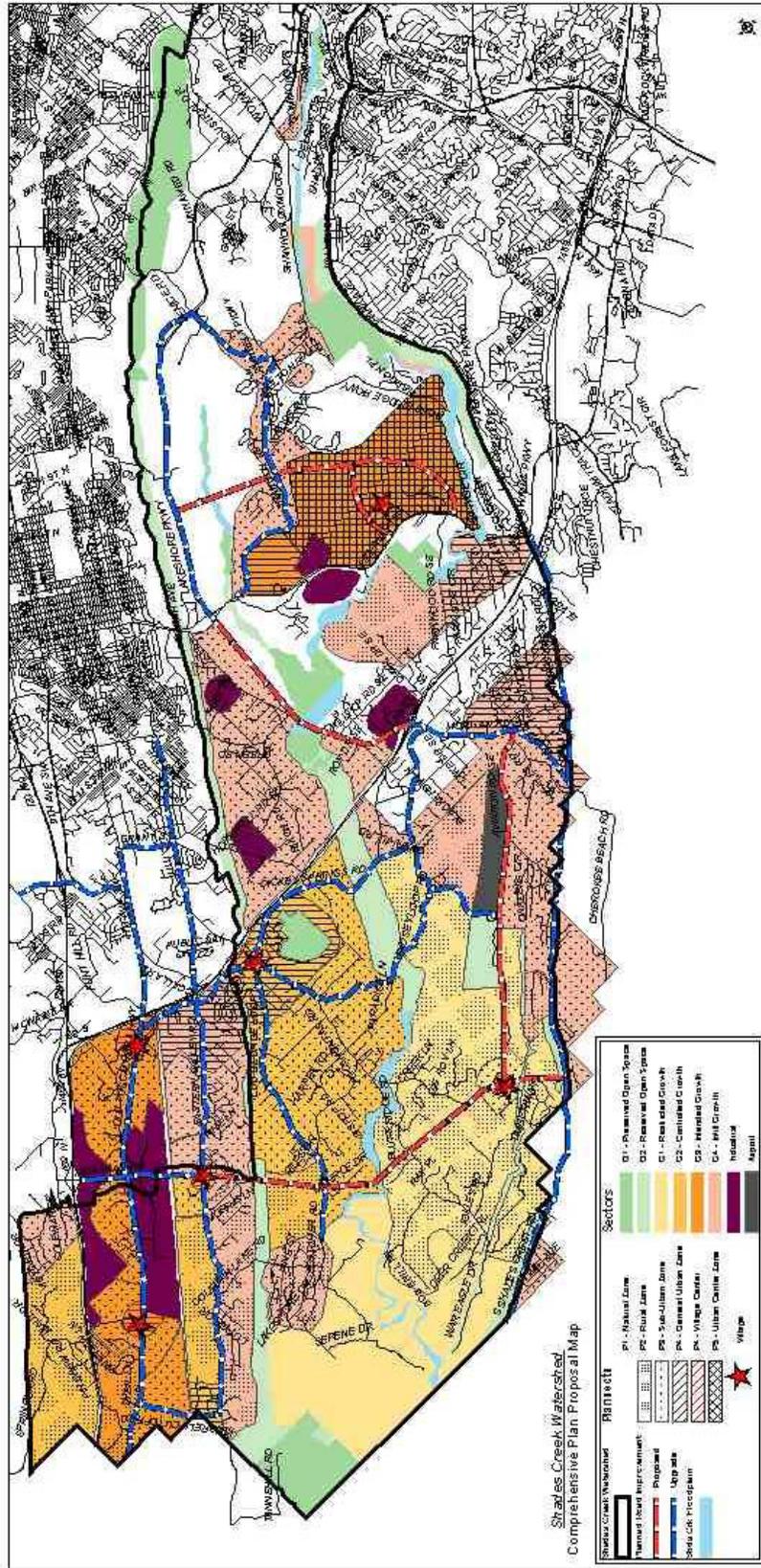
Then the Plansect layer is superimposed to further define the future development across the watershed and the Sectors, this time more specifically in terms of density. And while this set of classifications also serves as the framework the Plan uses to identify which of our existing zoning districts can be considered at any particular location, generally speaking, the darker the color and more intense the pattern, the higher the density that will be allowed.



And then finally, because this Plan does focus in on building *neighborhoods and communities* in the County, the map projects appropriate locations *for* these more specific *centers of concentration* of development (which have been generically labeled “village centers” on the map, although they may note a hamlet or town as well).

The Plan also accordingly calls for the evaluation of new *commercial* uses at these locations to be done *within the context* of the neighborhood or community *surrounding* the property in question. See Sections 1b and 1c, as well as Section 3, Element 4, “*Community and Neighborhood Planning*”, for the details of this evaluation process, including the preparation of more *specific* development plan *for* each such community or village identified *on* the general plan map (following direct notification and input from the owners of property at each location), and to be incorporated into the map as well.

Note, however, that the maps you’ve seen here are NOT the actual Development Plan map for the Shades Creek Watershed. These are the initial “working maps” that were used in the development of the final Development Plan *on the following page*. Changes were made between the time of the foregoing maps and the final version based on feedback and comments received during the public review period.



General Future Development Plan Map, Shades Creek Watershed