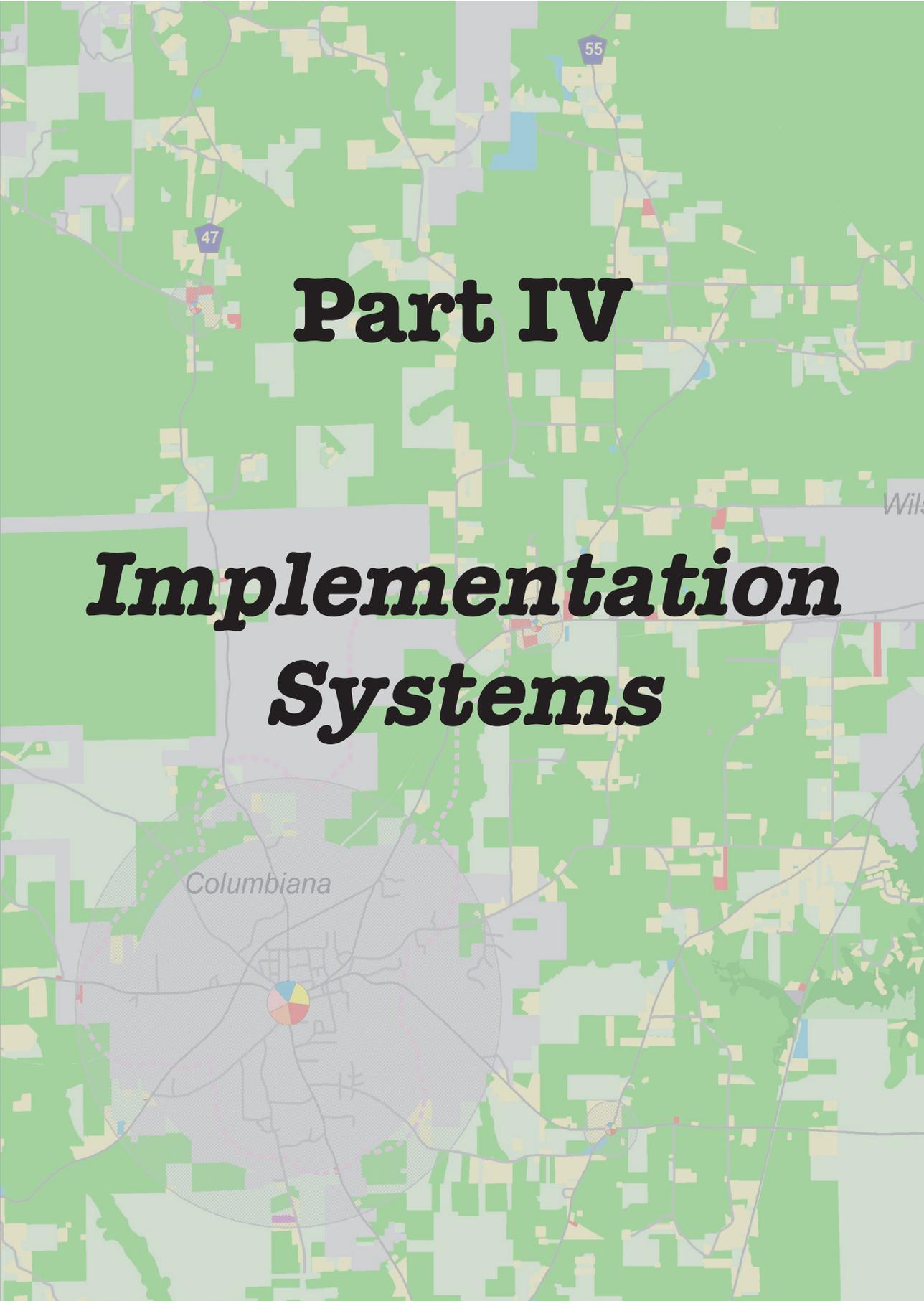


Part IV

Implementation Systems

Columbiana



Part IV

Implementation Systems

Columbiana

Implementation Systems

Introduction

As stated elsewhere in this plan, Shelby County faces a myriad of challenges in implementation, such as advancing a countywide/regional planning scope, or altering the pattern of land development without full use of the most common and effective land use tool - zoning. Nonetheless, Shelby County intends to fully pursue its vision of an integrated network of compact, walkable and sustainable communities, woven into a canvas of functional green infrastructure. By exploring, developing and using "out-of-the-box" methods, tools and techniques, we plan to harness the power of "the market" to advance the development of traditional communities, and stem the tide of sprawl. Rather than reacting to development as it happens - as has largely been the case to date - Shelby County intends to proactively direct where, when and how development occurs following the goals and vision of the Plan.

This plan is not intended to be a static document. It is merely the current iteration of the County's vision and goals and a manifestation of the planning process that the County intends to use to achieve those goals. As such, it is intended to guide the County's action consistently toward the achievement of that vision, while maintaining sufficient flexibility for embracing and incorporating any new tools, techniques, mechanisms, etc., that may arise as new opportunities present themselves.

To fully achieve this vision, the County government will seek to help Shelby municipalities and communities develop and articulate their own vision of the future, upon which they may build and implement a sound comprehensive plan. Through wise, consistent, and coordinated planning, all Shelby County citizens can have the true communities we want rather than settling for the limited choices that the market currently provides. Furthermore the pattern

of traditional communities in equilibrium with green infrastructure, addresses and solves many of the problems inherent in conventional suburban sprawl, such as traffic congestion and the difficulties local government has in paying for the infrastructure and support facilities needed to support such development. Our vision can, and will, accommodate growth effectively and efficiently, while also protecting the rural character so cherished by the citizens of this County; in short, "we can have our cake....and eat it too". Through regional/countywide planning and partnering, we can - and will -- advance community building together, as a Community of Communities.

The Tools, briefly summarizes a number of tools and strategies that will be employed - or developed for future employment - towards achieving the vision and goals of this comprehensive plan. Many of these items were developed with the guidance and approval of first, the Implementation Systems Committee (ISC), and then, the Action Plan Committee (APC). These committees of citizen planners included members of the Shelby County Commission, the Planning Commission, representatives of municipalities, the Shelby County Board of Education, the land development and business communities and the public at large. The ISC and the APC were convened by the Planning Commission to evaluate and prioritize the feasibility, applicability and use of various tools and strategies proposed for plan implementation. The process also produced a list of *action items or action steps*, intended to serve as the basis for building the County's comprehensive plan implementation work program. The original list of action items that emerged was subsequently expanded by staff to address issues identified since the end of the committee process, consistent with the focus of committees and the vision and goals of this plan. This **The Action Plan**, follows this next section.

The Tools

A work program for implementing the policies of this comprehensive plan will be initiated subsequent to adoption. The implementation strategies below discuss key actions that collectively can advance the vision and goals set forth in this plan. Those actions have been itemized under the heading **The Action Plan**, which completes this section. Together, **The Tools** and **The Action Plan**, provide general and specific guidance for the development of regulations, guidelines, planning initiatives and programs to be implemented in pursuit of advancing the goals of the plan.

The following tools and strategies have been organized under the following sub-headings: Regulations, Incentive Programs, Partnering Public - Public & Private - Private, and Fiscal Planning & Public Facilities. Use of these categories is intended only to help the user better understand the differences in how the tools are intended to be employed. No other intent should be interpreted by this organization, as some of these tools could easily fall under more than one category.

Regulations

Zoning and Subdivision Regulations, Generally

Zoning regulations protect and stabilize property values by ensuring that the density, intensity, use, and configuration of land is complementary, compatible, and predictable. In growth areas, zoning is a critical tool for ensuring that development is consistent with the goals and vision of the Plan.

Subdivision regulations are designed and intended to address the physical attributes of land development, such as street and roadway design and dimensions, block size and scale, infrastructure and site drainage issues. As place making is firmly rooted in physical form and function, it follows that subdivision regulations will play a critical role in successfully implementing the plan, as a tool with significant potential for impacting development patterns consistent with the vision of the plan.

Shelby County's current zoning and subdivision regulations are conventionally structured (Euclidean) regulations, mandating strict separation of use and intensity and the virtual prohibition the type of place making the Comprehensive Plan seeks to promote. The affect of these regulations has been the suburban sprawl development pattern that the Comprehensive Plan seeks to discourage. This is clearly incompatible with plan implementation.

Zoning and Subdivision Regulations in Unincorporated Shelby County

The Code of Alabama does not provide counties with zoning authority; without it, virtually no type or intensity of development can be stopped or mandated, provided it has necessary infrastructure available, such as sewer service. Pursuant to the Code, all counties are authorized to regulate the subdivision of land. Shelby County has special enabling legislation that designates the Planning Commission (PC) with the authority to develop a "master plan" and implement subdivision regulations in the county's unincorporated areas. However, it provides the PC with zoning authority in those unincorporated "beats" (a geographical area) having voted for zoning following a complicated, publicly initiated petition process. Of the 804 square miles of land area in Shelby County, 54% is un-zoned and unincorporated, while only 19% of the unincorporated land area are zoned. The remaining 27% is in municipal jurisdictions, all of which is zoned. State law (Section 11-19) provides counties with the authority to enact land-use and control measures, such as zoning and subdivision regulations and building codes, etc., in non-municipal, flood-prone areas (areas within the 100 year flood plain). This authority has not been acted upon in Shelby County.

Often, new development occurs on unincorporated, unzoned land, as development seeks the path of least resistance (read: less regulations), ultimately being incorporated into municipality after receiving development approval. Zoning is the single most effective tool for ensuring that land development follows a path consistent with the vision of the plan. Additionally, the effectiveness of many of the non-regulatory tools discussed below will be

significantly reduced in areas having no County zoning.

Strategy for Implementation:

The County's enabling legislation provides for the "control of height, area, bulk, location, and use of buildings and land", through zoning. As previously discussed, most unincorporated land remains unzoned. Clearly, where zoning authority exists, those designations must be reevaluated for consistency and compatibility with this plan. Likewise, where zoning is authorized, but not implemented, such as with flood-prone areas, it must be established, consistent with this plan. Finally, for areas currently unzoned and not in flood-prone areas, the regulatory strategy primarily relied on for implementation shall be accomplished through reliance on the subdivision regulations.

As subdivision regulations focus on the planning and design of many of the elements of form and function in a development, our strategy is to address those components not specifically enabled through zoning -- such as street design and scale, block size, signage, landscaping, parking - through the use of the subdivision authority. Both the zoning and subdivision regulations will be revised and integrated into a unified land development system, to reflect the vision of the plan as well as this strategy. In combination with other incentivizing strategies discussed below, this approach represents the best opportunity for advancing the vision of the plan through regulations, without zoning in place.

Additionally, the County must continue to pursue all avenues that expand the County's zoning authority in the unincorporated area. This includes exercising the County's statutory authority to enact land use control measures in unincorporated, flood-prone areas, as defined by the 100-year flood plan. However, the results of the recent Upper Cahaba Watershed Study suggest that the current practice of regulating drainage in-flow and discharge on a site-specific basis is not adequate, as all new development upstream in a watershed affects all land downstream in the ag-

gregate. Consistent with the holistic, one-system philosophy underpinning this plan, a question has arisen that suggests that this contemporary development practice of considering impacts in relative isolation, may have rendered the 100-year flood plain a "moving target", and further study is warranted to determine whether this is true, and/or what the current extent of the 100-year flood plain is.

Further, as the ability to mandate these implementing regulations is significantly restricted, our implementation strategies are most focused on achieving voluntary participation by offering various incentives in exchange for compliance with the vision of the plan. Project developers will continue to have the right to develop under the conventional regulations that they have become accustomed to. However, those regulations and processes will become increasingly complicated and time consuming, as additional regulations, such as open space clearing and grading (see below), and additional time for staff review are incorporated.

Processing fees will be evaluated to more accurately reflect the County's processing costs, and the fee structure revised accordingly. As a result, fees will likely be markedly higher and the process lengthier, and among the incentives to be offered for implementing this plan, will be reduced or waived fees and streamlined review and processing as the preferred development scenario of this comprehensive plan; projects choosing conventional processing will not be eligible for these benefits.

Clearing & Grading Regulations

Shelby County currently does not regulate the clearing, grading or other alteration of land from its natural or historical condition. Notwithstanding the impacts of unregulated mass clearing and grading on neighboring and "down-stream" properties, such disregard for the natural, historical, aesthetic and other less tangible assets of the land is clearly incompatible with the vision and goals of this comprehensive plan.

Strategy for Implementation:

Clearing and grading regulations must be developed and adopted that ensure the continued functional integrity of the County's green infrastructure. The intent is to regulate any act of removal, destruction or physical alteration of vegetation, soil and rocks by mechanical or chemical means. Such activity will be required to receive a Clearing Permit from the County. Further, if the proposed clearing is associated with a legal subdivision, then the permit would only be granted upon approval of the preliminary plat. Certain activities such as mowing, or normal cultivation associated with an agricultural or forestry operation are to be exempted from these requirements.

Conservation Subdivision Regulations and Conservation Easements

The conservation subdivision is a mechanism for preserving green infrastructure by clustering a site's overall development potential, into areas having the least amount of impact on the system of green infrastructure. Density bonuses may be used in unzoned areas, to encourage use of the technique, and rural design guidelines will be required for master plan development, consistent with the plan.

The Code of Alabama defines a conservation easement as:

A nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, silvicultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, paleontological, or cultural aspects of real property. (§ 35-8-1, Code of Alabama)

This type of easement can be used for protecting the less tangible natural or cultural value of land by limiting activities that reduce that value, and as with any easement, it runs with the land. Conservation easements can be donated or purchased. Donors can receive significant

tax benefits for the development value of the donated land or easement. Farms may continue to be lived on and farmed, while the farmer or land owner enjoys a reduced property tax burden reflective of the post-easement, agriculture-only use of the site. The easement may be transferred to a land trust or non-profit, such as the Farmland Trust or Nature Conservancy, for management, or to a homeowners association, such as with development of a conservation subdivision where the conserved land becomes a cooperatively owned feature or amenity of the residents of the new conservation subdivision.

Again, the effectiveness of this tool in unzoned areas will be hindered by the County's inability to deny certain activities, forcing a greater reliance on incentivization packages for successful implementation. That notwithstanding, the wide applicability, flexibility, and voluntary nature of this powerful tool, provides many opportunities for its use with other incentive based strategies discussed in this section, ensuring that conservation easements will be a prominent tool in the drive toward successful implementation of this plan.

Strategy for Implementation:

A conservation subdivision component shall be incorporated into the subdivision regulations. Development under these regulations, shall involve close cooperation with staff, and follow a process that begins with a comprehensive site analysis that identifies and maps primary conservation areas, (undevelopable land such as flood-zones, steep slopes, wetlands and other sensitive ecosystems), and secondary conservation areas (developable land such as woods, farms and pasture, view-scapes and other rural features). Once the conservation areas are identified, streets, roads, civic sites and green spaces are to be laid out in the remaining primary development areas, following rural design guidelines (see below), in harmony with the system of green infrastructure. Homes and buildings are then compactly distributed about the framework of streets and parks, following place making guidelines consistent with this plan, with lot lines being drawn only

once the buildings are sited. Conservation easements will be utilized to ensure the protection of the final conserved portion of the subdivision.

Conservation subdivisions shall include no less than the number of residences that would be allowed under current zoning and subdivision regulations, the entitlement minimum of one dwelling unit per 10 acres, or as would otherwise be developable under the conventional regulations. In some cases, particularly in unzoned areas, additional units (density bonus) may be allowed to encourage use of this technique. This tool is most effective with parcels or aggregations of 40 acres or more.

Community Design Manual/Rural Design Manual

Maintaining the rural characteristics valued by County residents requires a comprehensive approach that always begins with the preservation of green infrastructure, and includes design controls that ensures that rural places are rural. A Community Design Manual (CDM) or Rural Design Manual (RDM) is a tool for providing design standards and criteria for developing a community master plan. These are "form-based" regulations, focused on achieving the physical characteristics necessary for successful place making. The look and layout of a street is carefully controlled to reflect desired neighborhood scale, parking standards, and pedestrian accessibility, while allowing building owners and occupants maximum flexibility to determine how the buildings will be used. These guidelines or regulations will be "scale sensitive", with sufficient flexibility for use in guiding the design of a town center or a hamlet. Land use distribution is secondary and intuitive, as market demand, as well as the context and scale of the place, will dictate the appropriate use mix.

Strategy for Implementation:

An illustrated Community Design Manual (CDM)/Rural Design Manual (RDM) will be developed and implemented that provides the necessary standards and criteria for proper rural place making, consistent with Community Design (Manual) section of this

plan. This manual will guide all facets of site design, including initial site evaluation (natural and cultural resources), opportunities and constraints analysis, transportation, street and block design, public spaces and buildings, the relationship of the community to the surrounding countryside, and architectural themes appropriate for the setting. The subdivision and zoning regulations will be revised to incorporate rural design guidelines consistent with this plan. Developments taking advantage of the various incentive programs described in the plan, such as TDRs (see below), density bonuses and conservation subdivisions, will be required to use the CDM/RDM. In unzoned areas, incentives will be must be sufficiently attractive to motivate the willing participation of land owners and land developers in order to fully realize the County's goals of protecting and maintaining its rural characteristics and functional system of green infrastructure.

Master Plans/Area Plan

Area plans are specific land use plans for larger areas, which are broadly focused on seeking balance between growth absorption and green infrastructure and identifying locations and types of places, their connections and interrelationships. They are intended to guide growth and development over an extended time period, or in several phases.

Master plans are more focused on the development of particular places, and the physical form and design required for creating walkable and livable communities consistent with Community Design Manual (CDM) and the vision of this comprehensive plan. They are essentially specialized site plans, providing more detailed guidance for site development with regard to the placement and dimensions of streets, blocks, open spaces, civic buildings, sites and features, which together shape the physical form of the community.

Strategy for Implementation:

The County will develop a process for developing area plans and master plans as part of the land development process. Using the place designations indicated in the Strategic Development

Plan Map (SDPM) as a guide, area plans and subsequent master plans are to be prepared, consistent with the goals and objectives of this plan. SDPM locations have been identified largely from the historic locations of villages, hamlet and crossroads, and particularly those that continue to provide a community-centric service or focal point, such as those exhibiting relative concentrations of stores and/or churches and/or residents, as well as intersecting, inter-local transportation corridors. However, though priority exists to support efforts to develop place making master plans at existing, historic locations, other nearby lands that possess acceptable locational characteristics, consistent with the goals and policies of this plan, may be substituted. Again, without the availability of the most compelling regulatory tool - zoning - access to incentives including reduced fees, streamlined approval processing, increased densities and intensities beyond entitlement, targeted public investment in infrastructure, roads, community buildings, facilities and services, will be associated with the preparation or participation in an area planning/master planning effort.

Preparation of an area plan will be triggered at the time a place making project is proposed consistent with this plan. The area plan process will seek first to identify a "hinterland", or service area, for the proposed community. The hinterland should encompass an area of land roughly equal to the land area that would be consumed should the area be developed in conventional subdivisions, accounting for all non residential uses that would be generated to serve those subdivisions. This is essentially a Yield Plan (see conservation subdivisions, above) in reverse, where the units (rooftops) required to support the type and scale of retail activities expected in the community is backed into acreage using typical suburban yields for the area. This also establishes the base, or entitlement, density for the plan area.

Once this area is determined and mapped, other conditions affecting developability, such as steep slopes, flood plains, the transportation network and

proximity to other communities of place, are accounted for before establishing the final hinterland boundary. The viability of each place is a high priority, so the final hinterland should be amply expansive to assure that the primary center is sufficiently dispersed from other similar type and scale centers as to assure each center's viability as self contained communities of place. Each plan area may have only one primary center, and its hinterland should avoid substantial overlap with those of adjacent places of the same type and scale. Along with the primary center, an area plan may include a number of subordinate centers as warranted, sufficiently dispersed about the hinterland to assure their own viability.

After establishing the boundaries for the hinterland, the natural and cultural resources (green infrastructure & rural landscape) in the area must be mapped. These lands will be prioritized for preservation, through the use of conservation subdivisions, and as the sending areas from which transferable development rights (TDRs - see above) are to be acquired (for transfer to the master planned places of the area plan). A successful area plan will accommodate most (upwards of 75%) of its development within the core and focus area of its center(s), with the balance seamlessly woven into the rural landscape.

The mapping of primary conservation areas also yields the most suitable development sites. Detailed master plans will be prepared for each center located within the boundaries of the area plan, consistent with the "form-based" Community Design Manual/Rural Design Manual (CDM/RDM) and the place making policies of this plan. Each center shall have the greatest density and mix of uses at its core, with intensity and scale transitioning to rural along a transect (or continuum of intensity, scale and design) into the Rural Landscape. A well connected network of streets and pedestrian paths, concentration of commercial, institutional and civic facilities and spaces in and around the core, generous provision of neighborhood scale green space,

and a reasonable diversity of unit types and affordability throughout, are priorities for development of place making master plans.

Each master plan shall be prepared to accommodate twenty years growth, with an automatic evaluation triggered after 15 years to determine whether and how additional growth or intensification should be accommodated at these centers. If warranted, the master plan shall be revised to accommodate new growth, by providing for additional intensification around existing core areas, as well as through extending the street grid and adding new neighborhood centers warranted. A determination that a particular center is approaching its desired maximum size and scale in the face of a need to accommodate additional growth, is an indication that new communities of place are needed, and should be sought and established accordingly, following these area plan and master plan guidelines or their contemporary equivalents.

Criteria and performance standards shall be developed for: guiding center location; for ensuring the sustainability green infrastructure; for ensuring the viability of master planned places; for establishing the relationship between place making master plans and their surrounding green infrastructure and rural landscape; for ensuring that place making design is consistent with the context and scale of its location; to ensure the adequate, appropriate and compatible diversity and distribution of uses in place making master plans; to ensure and fair, equitable and functional distribution of housing affordability; to ensure that rural roads remain rural roads; to ensure manageable, efficient and cost-effective provision of infrastructure and services by local governments and service providers; to ensure the willing participation of land owners and land developers in the process of successful place making; and to ensure inclusion or incorporation of all of the conditions and characteristics necessary for successful place making within in a Rural Landscape of functioning Green Infrastructure.

Incentive Programs

Generally

Shelby County will pursue authorization for, develop and/or implement any tool or mechanism having a reasonable potential to facilitate development and conservation practices and activities that advance the vision and goals of this plan. As discussed above, the use of traditional regulatory tools is limited by state law. Consequently, successful implementation of this comprehensive plan will require the creative application of non-traditional strategies, seeking to spur voluntary compliance with the goals and policies of this plan.

Following are discussions of a number of incentive driven mechanisms having the potential to help Shelby County achieve its vision and goals, as expressed in this plan. Some of these tools are related to regulatory processes, and have been discussed to some extent above in the context of their applicability for use with those tools. These are incentive driven techniques that seek to reward participants (land owners, developers, municipalities), with density bonuses, streamlined processing, reduced fees, etc, in exchange for their adherence to the goals and policies of this plan.

Transferable Development Rights/Density Bonuses

In its essence, the transfer of development rights (TDR - aka purchase of development rights - PDR) is the removal (or transfer) of the right to develop or build, from one lot or parcel to another, or from a portion of a lot to another part of the same lot. It is expressed in dwelling units per acre or an equivalent non-residential equivalency of 1,000 square feet per dwelling unit. Areas to be preserved or protected from development are designated sending areas in the comprehensive plan. Villages, hamlets, infill areas and other locations designated by the plan as appropriate for higher densities or intensities, become the receiving areas. Conservation easements (see above) are established on the sending property, and run with the land. The land owner may continue to live on and use the property as before (e.g.: preserved farmland may continue being

farmed), with a reduced tax burden reflective of his new conservation status.

The use of TDRs represents a potentially powerful tool for implementing the vision of this plan. Currently, there is no specific authorization of TDRs in the Code of Alabama, so there is no specific prohibition of their use. However, as counties do not enjoy the right of presumptive authority, as do municipalities, enabling legislation will likely be required to fully implement a TDR program. Additionally, the lack of zoning authority makes it difficult to establish base development densities on the land.

Despite these apparent difficulties, opportunities may exist to facilitate the voluntary transfers of development rights between willing partners, using density bonuses to incentivize participation in a TDR program. A density bonus is an additional allotment of dwelling units or non-residential floor area which exceeds the otherwise maximum density/intensity for a potential development site, in exchange for some other public goal being met, such as conserving green infrastructure or providing affordable housing.

Strategy for Implementation:

Resources designated as Green Infrastructure (GI) or Rural Landscape (RL) on the Strategic Development Plan Map (SDPM), constitute the sending areas consistent with this plan. A methodology for determining a realistic entitlement density or the otherwise maximum development potential of land under existing regulations will be developed. Such methodology shall use zoning (where it exists), proximity to critical infrastructure, relative location to growth corridors and other appropriate factors that affect development potential, in determining development potential. An entitlement density of no less than one dwelling unit per ten acres shall apply.

A system of density bonuses will be developed based on the relative desirability of lands for conservation and for development, and applied accordingly, in order to incentivize the transfer of development rights from GI and RL designated lands, to designated priority villages and hamlets. The initial

implementation strategy calls for allowing the conventional development of sending areas (ie: GI or RL designation) to occur at entitlement densities, or alternatively, offering a density bonus beyond that density, for transfer only. Once a conservation easement is in place, the development rights (including bonus units) "float", to be transferred, traded or sold to another party for use in a SDPM designated center master plan, consistent with this plan.

Center/receiving areas will have a base density/intensity appropriate for their location, again based on the various factors affecting development potential following the conventional, suburban pattern. A master plan will be required to be developed following appropriate place making design guidelines, before a site can receive TDRs, with a minimum density entitlement in place. This center will be "magnetized" to attract TDRs, by encouraging greater densities/intensities, only through the use of transferred development rights.

Land Trusts

Land Trusts are local, regional, or state-wide nonprofit organizations whose primary goals are the protection of natural, scenic, recreational, agricultural, historic, or cultural property. They work to preserve open land and resources that are important to the communities and regions in which they operate, and are able to respond rapidly to conservation needs. Land trusts can acquire land through purchase or donations, secure conservation easements, manage the lands or easements under their stewardship, as well as partner with each other, private or governmental entities involved in land conservation.

Strategy for Implementation:

To ensure the maximum effectiveness of conservation easements, TDRs and other conservation and preservation tools, the County will establish appropriate relationships with existing conservation land trusts, such as the American Farmland Trust, the Nature Conservancy, or the Black Warrior-Cahaba Rivers Land Trust, for the purpose of receiving and managing conservation easements and lands. Shelby

County may also consider establishing a local land trust.

Partnering Public - Public & Public -- Private

Joint Land Use Management Areas/Intergovernmental Agreements

A Joint Land Use Management Area (JLUMA) is a multi-jurisdictional (County, Cities, School District, etc.) area designated for joint, planning and land development. The purpose of the JLUMA is to enable a unified planning and land development program across an area of multiple jurisdictions. Through an Intergovernmental Agreement (IGA), participating entities agree to synthesize their planning and land development activities under a commonly developed area master plan. Again, the potential effectiveness of this tool is limited by the statutory limitations on County zoning, which restriction does not exist for municipalities. Therefore, to fully realize the potential of this tool, legislative action will be necessary to ensure the County, municipalities, and other governmental entities have the full authority necessary to develop and execute such agreements.

Strategy for Implementation:

Shelby County will pursue all opportunities to develop JLUMAs with willing municipalities and/or the Board of Education, in pursuit of the advancement of the vision of this plan. In exchange for agreement to conduct and enforce a unified, multi-jurisdictional planning and land development program in the subject area, consistent with the goals and policies of this plan, the County will commit its planning staff and resources towards administering the planning area, seeking and acquiring grants and other outside funding sources.

Furthermore, the extent to which a JLUMAs/IGAs advances vision and goals of the plan, will directly impact the prioritization of capital investments in public facilities, such as roads and infrastructure, as well as other community facilities such as community centers, parks and recreation facilities, and schools. The County does not intend to enter into or support JLUMAs

that advance conventional development patterns that are inconsistent with the goals and policies of this plan.

Tax/Revenue Sharing

A large obstacle to achieving the level of intergovernmental cooperation and coordination being advanced by this plan is the intense competition among neighboring municipalities for tax revenue. It is difficult for one community to say "no", to a proposed development that does not conform to its vision and plans, when approval would include a desirable addition to its revenue stream, and a neighboring community is willing to say "yes", regardless of what its own plan says, if it has a plan at all. Coordinated planning among neighboring communities yields better planning results generally, as well as leading to "win/win" land development practices.

The concept of tax or revenue sharing has the potential to mitigate the "cut-throat" competition for revenue. By lowering or eliminating the competition for revenue, inherently multi-jurisdictional issues such as transportation and conservation that cannot be solved unilaterally, can be addressed and solved comprehensively and equitably. A metropolitan area-wide system is ideal and potentially the most effective scale for revenue sharing. A county-wide program would have the most potential for advancing the goals of this plan in Shelby County. More likely, is the development of a revenue sharing component of a JLUMA IGA.

Simply put, a fair revenue sharing agreement would have participating governments commit some portion of their revenue stream into a common fund. Those funds would then be apportioned for use in addressing the common goals of the agreement, such as JLUMA planning implementation, and/or transportation or conservation priorities. Such agreement would also include a redistribution of a portion of the common funds back to the member governments following some proportionate share model. The pooling of resources allows the members to apply economies of scale towards achieving more effective and efficient solutions to those problems that can't be solve unilaterally. Having each member sharing in the largesse of all the member governments, provides a poten-

tially powerful incentive for cooperative and effective planning; in contrast the status quo promotes an "every man for himself" reality that ultimately will live all of the players less well off.

Strategy for Implementation:

The County will promote the development of tax sharing arrangements as a component of JLUMA agreements. Such agreements are seen as critical for reducing the type of contentious intergovernmental relationships that plague efforts to achieve effective and complementary planning in multi-jurisdictional areas.

Adequate Public Facilities Ordinance

An Adequate Public Facilities Ordinance (APFO), is an ordinance that ties or conditions development approval to the availability and adequacy of public facilities. Adequate public facilities are those facilities relating to roads, sewer systems, schools, water supply and distribution systems and fire protection. The location, amount, type or mix of development is a product of the comprehensive plan, as implemented through zoning, subdivision, or other land development regulations. An APFO paces growth by affecting the timing of development to ensure that it is matched with the availability and adequate capacity of public facilities as indicated by the 5 year Capital Improvement Plan. Adequate capacity means that sufficient capacity in the facility exists, such that the absorption of the additional impacts of a proposed project will not reduce the level of service currently being enjoyed by existing users.

The successful implementation of an APFO requires a coordinated, multi-jurisdictional effort on the part of neighboring local governments. All municipalities or service providers in a particular area must agree to condition or phase zoning and land development approvals to the availability of planned facility improvements to be successful. If nearby municipalities are willing to waive or "green light" projects in advance of facility availability, then the goals of arresting sprawl and controlling public budgets can not be achieved with this tool. Therefore, the ideal ordinance would be implemented through an IGA that includes all of the county's local governments

and the School Board, and may or may not involve a JLUMA. Again, the potential effectiveness of this tool is limited in areas lacking zoning.

Strategy for Implementation:

The County will promote and seek the development of an Adequate Public Facilities Ordinance, involving as many of the County's municipalities and the School Board as possible. Additionally, adequate public facilities requirements shall be given a high priority for inclusion in intergovernmental agreements (IGAs) when establishing Joint Land Use Management Areas (JLUMAs).

Fiscal Planning & Public Facilities

Funding, Generally

As has been emphasized throughout this section, successful implementation of this plan will rely heavily on providing incentives to land owners and developers. Some of those incentives will necessarily require funding, so funding must be available for implementation.

Many Federal programs and private foundations promote conservation development practices, environmental protection, agricultural preservation, housing affordability, alternative transportation options, and brownfield development, by providing grants, low interest loans and other financial assistance to projects advancing those goals. Access to these funds usually requires matching funds on the part of a government or non-profit agency, as well as documentation that demonstrates how the subject project meets the requirements for receiving these funds. Most development scenarios favored by this plan would qualify for at least some of this type or funding. Therefore, County incentivization strategies should include seeking and acquiring any such funding opportunities, thereby magnifying the impact of each County tax dollar spent towards successful plan implementation.

For this type of proactive implementation strategy to be effective, a dedicated source of funding must be established and readily available for inclusion in incentive packages that will be developed on a case by case basis. While some funding may be

secured as County budgets are reprioritized for consistency with this plan, this is not likely to yield the levels of funding necessary to be truly effective. Therefore, the County must consider committing additional funds to the implementation process, such as through the imposition of additional fees or by selling bonds.

A number of additional mechanisms are potentially available for funding projects, such as Capital Improvement Cooperative Districts, Alabama Improvement Districts and Tax Increment Districts. With each, specific districts can be established for the purpose of financing capital improvements within its boundaries. Tax Increment Districts may have the most applicability for plan implementation. Capital improvements are financed by capturing the increased revenue generated by the property taxes for the increment of increased property (relative to its pre-existing base value) that results from the capital improvements funded through the district, over a period of time.

Strategy for Implementation:

The County will establish a dedicated source of funding for implementation programs. These resources will be allocated specifically for funding plan initiatives and implementation mechanisms largely through targeted or prioritized capital spending and the Capital Improvements Plan. Where eligible, the County will leverage additional funds from all federal, state and/or private funding programs, for which favored development projects and initiatives of this plan qualify.

The County may secure these implementation funds by evaluating existing budgets and priorities against the goals, objectives and policies of this plan, revising existing fee structures, as well as seeking additional funds through the sale of bonds or other funding mechanisms, such as Tax Increment Districts.

Capital Improvement Program/Plan, Priority funding

The Capital Improvement Plan/Program (CIP) is a program of scheduled capital facility improvements, which schedules permanent improvements for a minimum of five years in the future, consistent with the County's projected fiscal capability. The

program is reviewed and revised annually for conformity and consistency with the comprehensive plan. Prudent planning also suggests maintaining a longer range version of the CIP that is consistent with the planning horizon of the comprehensive plan.

Strategy for Implementation:

A continuing theme throughout the plan and this section, centers on the County's lack of full statutory authorization to use zoning to implement the vision and goals of this plan. As a consequence, much of the emphasis in this section has been on the County's intention to develop creative and unconventional mechanisms for incentivizing property owners and land developers into developing projects that implement the plan. Additionally, as land development activity is heavily dependent on the existence of publicly funded infrastructure, the CIP and the comprehensive plan must be consistent if the plan's vision is to be advanced.

In the past, public facility development has only occurred in response to development and the drive to "keep up" perpetually plagues budget-challenged local governments and school boards. Therefore, with the most compelling tools for plan implementation unavailable, the County will use its capital facility spending as an implementation tool, with the intention of funding only those capital improvements that are compatible and consistent with plan implementation, to the fullest extent allowed by law. This includes all transportation projects, public facilities such as community/senior centers and libraries, parks and recreation facilities, water and sewer projects, as well as any participation in school development as might result from future IGAs. Additionally, consistent with the plan's countywide vision of a community of communities, the County intends to use its capital spending to promote place making in municipalities, where possible.

Shelby County will prepare, and annually revise, a 5 year Capital Improvement Plan for all County funded capital improvements. Each item in the CIP must be determined consistent and com-

patible with this comprehensive plan during the annual revision process. The County's capital improvement budget must therefore, be consistent with the CIP.

Consistency and compatibility of a proposed capital expenditure with the comprehensive plan shall be determined by evaluating the relationship of the expenditure to the objectives and policies of this plan, and/or the location of the project relative to the Strategic Development Plan Map (SDPM). Departments proposing capital expenditures must coordinate with Development Ser-

vices staff to determine appropriate applicability. Should a proposed expenditure appear consistent with the plan, but find that no supportive policy or directive exists, an appropriate revision or amendment of the plan may be warranted. Such CIP item should not be included in the 5 year plan until the comprehensive plan has been successfully amended accordingly. Final approval of plan amendments shall be made by the Planning Commission, relying on a demonstration that the proposed amendment advances or supports the vision and goals of the plan.

The Action Plan

As discussed previously, a number of *action items* have been developed with the guidance and direction of first, the Implementation Systems, and then the Action Plan Committees (ISC & APC, respectively), to provide direction for plan implementation activities. These committees of citizen planners were convened by the Planning Commission to evaluate and prioritize the feasibility, applicability and use of various tools and strategies proposed for use in plan implementation, and develop a list of *action items* for plan implementation. The list of action items that emerged was subsequently expanded by staff to address additional issues, consistent with the focus of committees, and the vision and goals of this plan. A plan implementation work program will be initiated subsequent to adoption of this plan, following the guidance and direction provided by **The Action Plan**, for developing regulations, guidelines, planning initiatives and programs that advance the vision of this comprehensive plan.

The *action items* have been organized following the same organization as the previous section: Regulations, Incentive Programs, Partnering Public - Public & Private - Private, and Fiscal Planning & Public Facilities. Use of these categories is intended only to help the user better understand the differences in how the actions are intended to be employed. No other intent should be interpreted by this organization, as some of these actions could easily fall under more than one category.

Regulations

- ◆ Incorporate all development regulations and review processes into a single, unified development review system, consistent with the goals, objectives and policies of the Comprehensive Plan.
- ◆ Revise the scope of the zoning regulations to remove items not required to be included the enabling legislation.
- ◆ Revise the scope of the subdivision regulations to include all components of land development regulations not

mandated for inclusion in the zoning regulations.

- ◆ Develop and implement a separate Land Disturbance Ordinance, applicable to all unincorporated lands in Shelby County with appropriate penalties, and consistent with the goals, objectives and policies of this comprehensive plan.
- ◆ Develop and implement a process for creating specific area/sector plans, for use in County initiated planning efforts, joint planning efforts with other local governments and for developing specific master plans with developers seeking to implement the goals of the Comprehensive plan.
- ◆ Develop appropriate performance criteria for siting and locating communities of place, and assuring their proper development and long term viability, consistent with these guidelines and the goals, objectives and policies of this comprehensive plan.
- ◆ Develop and implement revisions to the existing Development Services administrative fee structure and procedures that more accurately reflect the actual costs.
- ◆ Establish zoning authority and appropriate zoning designations in unincorporated areas falling within the 100 year flood-plain.
- ◆ Develop standards for utilization and development of land adjacent to or contiguous with any land in the proximity of a waterway which provides drinking water or is considered a floodway, an environmentally sensitive stream, waterways, lake, river, etc.
- ◆ Map the current boundaries of the 100-year flood plain, and evaluate the effect of unplanned and uncoordinated land development,
- ◆ Develop and implement a program designed to educate the public on what zoning can and can't do.
- ◆ Request that the Shelby County Commission begin exploring appropriate zoning options for effective growth management with the Shelby County Legislative Delegation.
- ◆ Require the use of conservation easements for ensuring the conservation or

preservation of green infrastructure as results from development of a conservation subdivision, or any other mechanism for land preservation.

- ◆ Establish a program for the reclamation and appropriate redevelopment of unused or abandoned quarries, mines, refuse piles, gas wells, pits and brownfields.
- ◆ Develop an historic preservation program(s), ordinance(s), and incentives that protect buildings, sites and districts of historical, architectural and cultural significance.
- ◆ Develop and enact a countywide access management plan to alleviate congestion.
- ◆ Prepare an overview and analysis of the way that affordable housing initiatives in the County in relationship to the comprehensive plan.
- ◆ Develop and implement a transit plan consistent with regional mass transit efforts and the goals and policies of the Comprehensive Plan.
- ◆ Develop and adopt roadway design standards necessary to create the compact-walkable developments prescribed by this plan.
- ◆ Develop and implement a sidewalk plan to provide for a network of pedestrian mobility facilities throughout communities, especially in residential, mixed use, and school areas.

Incentive Programs

- ◆ Determine the feasibility of developing a transfer of development rights (TDR) program in Shelby County.
- ◆ Develop and implement a program with incentives for encouraging the preservation/ conservation, and/or sensible management of the County's green infrastructure resources.
- ◆ Develop relationships with appropriate local or regional land or conservation trusts, or seek establishment of a Shelby County Land Trust.
- ◆ Develop and implement a proffer system process to encourage developers and/or landowners to donate land for schools or other public facilities.

- ◆ Develop and implement an incentive package of information technology, including GIS, fiber optics, and wireless networks to advance the development of activity centers and placemaking.

Partnering Public - Public & Private - Private

- ◆ Develop and implement a Joint Land Use Management Area (JLUMA) program to facilitate and encourage multi-jurisdictional (sector) planning.
- ◆ Research and develop revenue/tax sharing strategies for inclusion as part of JLUMAs or Intergovernmental Agreements (IGAs), to mitigate conflict between parties participating in a JLUMA planning district.
- ◆ Pursue the development and implementation of an Adequate Public Facilities Ordinance. Proposed infrastructure expansion shall be included in the Capital Improvement Plan, adopted consistent with this comprehensive plan.
- ◆ Develop an agreement with the property owners to master plan the Cahaba River Wildlife Management Area to permanently protect a significant portion of that resource.
- ◆ Develop and implement a program for establishing wildlife corridors from public lands such as Oak Mountain State Park.
- ◆ Assist businesses in finding space for expansion and start-ups within Shelby County.
- ◆ Explore more effective methods of delivering tourism activities that support placemaking, consistent with the comprehensive plan.
- ◆ Provide planning services to municipalities and communities such as planning grants and/or the support of members of the County planning staff to advance the development of activity centers and placemaking, consistent with this plan.
- ◆ Develop program materials and agreement templates for communicating the intent and merits of the JLUMA program to the various municipalities and other applicable governmental agencies.

- ◆ Evaluate the statutory implications of such agreements, and develop appropriate legislative remedies as necessary.
- ◆ Cultivate positive working relationships with the elected officials and staffs of Shelby County's local governments and the School Board, and advocate to those communities and entities, the benefits of implementing development strategies consistent with this plan.
- ◆ Evaluate the statutory implications of implementing an APFO, and develop appropriate legislative remedies as necessary.
- ◆ Study the needs of seniors, i.e. living quarters, activity facilities, walkable communities, and transportation needs.

Fiscal Planning & Public Facilities

- ◆ Establish a dedicated revenue source for the specific purpose of funding comprehensive plan implementation initiatives, programs and projects, particularly for capital projects targeted to advance place making, consistent with this plan.
- ◆ Evaluate applicability of using Tax Increment Districts, Capital Improvement Districts, Alabama Improvement Districts, or any similar mechanisms that may be available, to fund capital improvements for advancing plan implementation consistent with this plan.
- ◆ Commission a study to determine an alternative fee structure for the capital facilities necessary to advance the goals of the Comprehensive Plan. This study shall be a collaborative project coordinating efforts with the Partnership, which represents the interests of governments and business, the Shelby County Legislative Delegation and the County.
- ◆ Further refine the County Capital Improvement Plan/Program for managing the expenditures, resources, design, and location of capital facilities consistent with the goals and vision of the plan.
- ◆ Develop and implement a County Transportation Plan.
- ◆ Develop and periodically update a fiscal plan that identifies diverse methods and sources of revenue and establishes public policy for funding the development, expansion, and maintenance of infrastructure, land preservation, and other County programs and activities
- ◆ Continue developing recreational and community amenities/facilities throughout the County, only when advancing the goals and policies of the plan.
- ◆ Explore expanding public sites to enhance the viability of public transportation, consistent with the comprehensive plan.
- ◆ Develop and implement a rail grade separation program to identify at grade railroad crossings and plan for their improvements and/or reductions.
- ◆ Develop an intergovernmental maintenance study of infrastructure capacity, allocated capacity, and anticipated growth to ensure adequate facilities to meet the future demand.
- ◆ Research the feasibility of developing alternative energy producing technology for both county and private facilities.
- ◆ By FY 2007, the County's Capital Improvement Budget shall be consistent and compatible with the CIP adopted consistent with this plan.