

Chapter 14

Future Land Use, Regulations and Urban Design



*“A prosperous, viable, equitable, diverse city that has strong neighborhoods and is **visually attractive**.”*

“Multiple, small, robust neighborhood centers.”

GOALS	POLICIES FOR DECISION MAKERS
A development pattern composed of a high-intensity, mixed-use downtown; mixed-use urban village centers to serve and revitalize neighborhoods; and strong green networks.	<ul style="list-style-type: none"> Promote development that can strengthen the city's tax and job base while serving citizen, workforce and tourist needs and preserving city character.
	<ul style="list-style-type: none"> Consider incentives to help preserve and support the character of stable residential neighborhoods.
	<ul style="list-style-type: none"> Consider incentives for compact mixed-use urban villages that concentrate retail and services in walkable environments.
	<ul style="list-style-type: none"> Consider incentives for major mixed-use centers downtown, in other job-rich locations, and to support major transit stops.
	<ul style="list-style-type: none"> Consider incentives for the preservation and protection of environmentally sensitive land.
	<ul style="list-style-type: none"> Establish urban design frameworks to guide new development so that it improves the public realm and fits into the urban fabric.
	<ul style="list-style-type: none"> Preserve land for industrial uses.
Zoning and development regulations and procedures that reflect and implement the Comprehensive Plan.	<ul style="list-style-type: none"> Support a rewrite and consolidation of development regulations to combine high-quality development with clear, user-friendly regulations and streamlined administration.
Excellent urban design quality to enhance city livability and competitiveness.	<ul style="list-style-type: none"> Strengthen the city's public realm and urban design character.
	<ul style="list-style-type: none"> Support high-quality design through incentives in regulations and in land use decisions.

findings

Residential areas that have seen the most population loss and disinvestment are typically older areas where industry and transportation lines have created fragmented land use patterns by dividing and isolating neighborhoods.

Additional public school closings are expected to add more vacant buildings to neighborhoods.

There is too much underutilized or vacant commercial space in Birmingham for the size of the population and reuse depends on growth in households and population or innovative use of vacant property or space.

A large inventory of underutilized or vacant industrial space needs to be repurposed.

The zoning ordinance does not have a modern, user-friendly organization and it does not incorporate design standards effectively.

Design standards and guidelines for design review districts are not on the City web site or otherwise easily available to property owners, businesses and residents.

challenges

Transitioning the city's industrial property to other uses over time.

Right-sizing residential districts to be sustainable even if they do not return to historic densities.

Consolidating very fragmented land uses with better connectivity.

Providing the right kind of land and space for the 21st century economy.

Balancing revenue needs for sales tax with good land use policy, so that commercial development contributes to centers of critical mass that can leverage enhanced transit and other improvements.

Modernizing development regulations to balance the goals of streamlined processes with the desire for urban design outcomes that promote desired activities and aesthetic character.

Providing public participation when completing the zoning rewrite process.

A. What the Community Said

- Over recent decades, poorly designed multifamily development has intruded into predominantly single-family neighborhoods.
- Some neighborhoods are isolated because of industrial, rail and highway barriers.
- Vacant and blighted property results in fragmented and disconnected areas within neighborhoods.
- Vacant and blighted properties in nonresidential areas need to be repurposed.
- Streamlining of the permitting process is desired.

B. Recommendations

1. LAND USE PATTERNS

Land use patterns and decisions are influenced by population and economic growth (which create market demand), transportation access and opportunities, the availability of infrastructure, environmental constraints, as well as the potential for a high quality of life reflected in parks and recreational opportunities, cultural amenities, and school quality. Most development decisions are made by the private sector, but those decisions occur within a land use framework created by zoning and other development regulations and influenced by public investments, incentives and disincentives. These regulatory and incentive frameworks will not, by themselves, cause development of a specific type to happen, but they can encourage it.

Every community comprehensive plan contains a Future Land Use Plan. This comprehensive plan chapter and the Future Land Use Plan set forth the policy framework for the physical development of the city, providing a guide for decision makers in directing the pattern, distribution, density and intensity of land uses that will, over time, best achieve the Comprehensive Plan's goals for revitalization

of downtown and core city neighborhoods, support for stable neighborhoods, job growth and economic development, transportation choice, and a robust network of greenways and green spaces. The plan aims to direct the most efficient, functional, cost-effective and aesthetically pleasing way to provide sufficient land to meet potential demand for various land uses in the future. As an older city, Birmingham should focus and consider incentives for the redevelopment of previously developed land and at this point, there is more than enough land in Birmingham to meet current demand.

- **Population and economic growth.** The City of Birmingham has sufficient land in redevelopment opportunities and in as yet undeveloped land to accommodate population and economic growth over the next twenty years for the types of land uses projected to be of most importance. Like other formerly industrial cities, Birmingham's problem, as discussed elsewhere in this plan, is that many vacant parcels are brownfields in need of remediation, while "greenfield" parcels, particularly for industry, lack infrastructure and prepared sites. The main issue is to ensure that redevelopment provides sufficient choice in the types and locations of development that people and businesses are seeking. This means new housing types, as well as rehabilitation of older housing, and building types and locations for businesses and industries—such as multitenant buildings for technology companies.
- **Transportation access.** Transportation choice and convenience—transit, roads, bicycle and multiuse routes, as well as freight and long-distance opportunities—influence where people want to live and where businesses want to locate. Offering more transportation choice and locating it strategically will be a key element in shaping Birmingham's future development.
- **Infrastructure.** Birmingham's highway and rail infrastructure was located for economic reasons but it has divided the city and isolated a number of neighborhoods, sometimes near empty or declining industrial uses. Within the city, infrastructure projects of highest interest should be focused on improving quality of life in order to retain and attract households and businesses: rerouting the I-20/59 elevated highway to reunite the BJCC district with the rest of downtown, implementation

of the Red Rock Trail System, providing better bicycle and pedestrian infrastructure, improving transit, and repairing streets and sidewalks.

- **Environmental issues and constraints.** Within the city, continued efforts to improve air and water quality, buy out properties subject to repetitive flooding, and ensure safe development on steep slopes are some of the environmental issues affecting land uses.
- **Quality of life.** A number of issues make up quality of life: parks and recreational opportunities, culture, walkability, convenient and attractive retail areas, transportation choice, public school quality, and so on. School quality is less important for attracting and retaining singles, childless couples, empty-nesters and retirees than for families. Although quality of life conditions are often considered only in terms of residential development, businesses of all kinds that provide good jobs for educated workers want to locate in places with many amenities, because that is where their workers want to live. Birmingham's partnerships and investments in a new network of parks and greenways has galvanized the community and set the stage for the 21st century city to be known for providing extraordinary access to nature and outdoor experiences inside the city limits.

The well-known real estate mantra, "location, location, location," is as important for the overall pattern of land use and development within a community as it is for the individual property owner. A "good" location is only partly an attribute of a particular piece of property (soils, topography and vegetation can be positive or negative depending on the proposed use); it results from the intersection of interrelated conditions that include nearby existing and future land uses, transportation investments, infrastructure availability, and the likelihood for these conditions to persist or change.

Many of the conditions that create a "good" location depend on public action and public investment, either because of investments in public improvements or because of regulation. This is the origin of zoning in the United States: a way to protect single-family homes from impacts of existing or future industrial or other nonresidential uses. The legal justification for zoning rests on government's authority to protect public health, safety and welfare. How

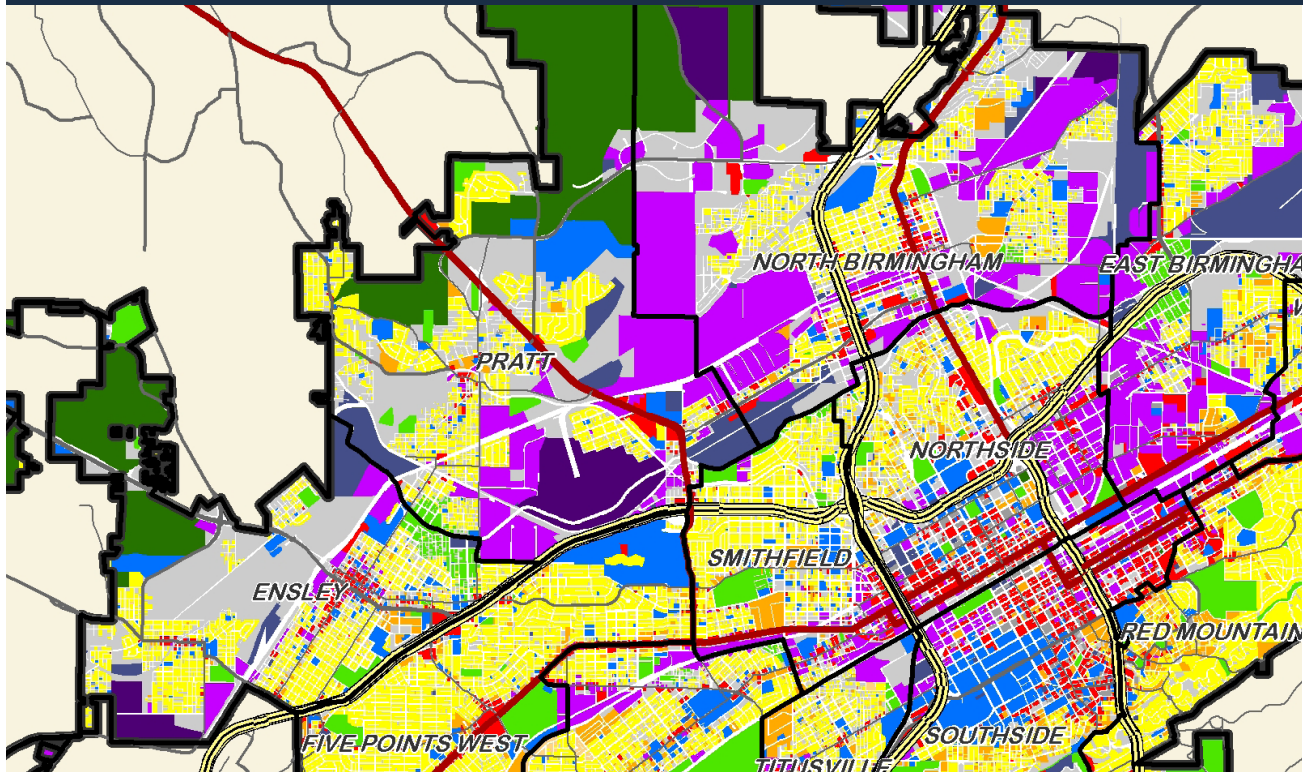
land uses are located geographically and their relationship to one another helps create higher value, "good" locations with greater overall choice and amenities in the community as a whole, improving quality of life and economic prosperity. Land uses arranged so that they have beneficial impacts on one another help produce communities where the whole results in more than the sum of the parts. A system of well-organized land uses creates the possibility of more choice in transportation, supports businesses, provides neighborhoods attractive to the work force, and mitigates adverse impacts, improving the compatibility of diverse land uses.

2. EXISTING LAND USE PATTERNS

Existing land use patterns within the city. Birmingham's land use patterns have been significantly affected by the railroad and highway networks and the growth of the city by annexing smaller independent towns. The city's industrial heritage is evident in the large amount of active and inactive industrial land occupying an arc from Ensley in the west, through Pratt and North Birmingham, to East Birmingham, the eastern part of Northside, and the southern part of Woodlawn. Together with the railroad network and the highway network, this industrial legacy has the effect in many places of isolating and fragmenting neighborhoods.

The core residential and employment areas of the city today stretch southwest to northeast, from Belview Heights to Huffman/Roebuck, south of I-59 and Village Creek and north of an imaginary line stretching from Red Mountain through Ruffner Mountain. This core area is centered around downtown, with relatively affluent residential neighborhoods to the south and southeast, a ring of struggling, disinvested residential neighborhoods from the west to the northeast, and industrial areas in varying stages of transition to the east. Residential neighborhoods linked to industrial plants are found north of I-59 and Village Creek. The peripheral areas within the city limits in areas such as Coalburg Road and lands connecting the city to Birminghamport are still predominantly in timber or other rural uses. South of the Red Mountain/ Ruffner Mountain line, the Oxmoor neighborhood has a mixture of industrial, recreational open space, institutional, residential and commercial land uses, but a significant area remains undeveloped.

FIGURE 14.1: INDUSTRIAL LAND NEAR DOWNTOWN



The industrial land shown in purple and former industrial land in gray makes an arc around the center of the city.

FIGURE 14.2: ROEBUCK AND EASTLAKE GRIDS



The larger, suburban-style lots and more winding streets of Roebuck contrast with the smaller lots, street grid, and more uniform blocks in the older Eastlake neighborhood.

About two-thirds of the city is made up of older neighborhoods laid out before 1960 with grid street patterns, sidewalks, and modest lot sizes. About half the housing in the city was built before 1960: typically a bungalow-style, single-family house located relatively close to the sidewalk. The northeastern part of the city (Roebuck, Huffman, East Pinson Valley, and Airport Hills) was developed after the 1960s and has the typically suburban physical character of the last 50 years: larger lots, more winding streets and blocks of different sizes, houses set back more from the street and without sidewalks in some areas, and long arterial roads with auto-dependent commercial uses.

The residential neighborhoods that lie north of the I-59/ Village Creek line are among the parts of the city most affected by the location of both active and inactive industrial sites, the location of the rail network, and environmental issues. Neighborhoods created for workers to be in close proximity to the industrial plants are now losing population, often becoming increasingly fragmented

because of blight and vacancy, and likely affected by environmental contamination. The Communities of Ensley, North Birmingham and East Birmingham saw population declines over 20% in the 2000-2010 decade, and have some of the highest unemployment rates in the city. While the Pratt Community lost 14% of its population in the same census period, it was slightly better off before the 2011 tornadoes. While it is receiving funds for rebuilding and reinvestment, the land use pattern in this neighborhood remains quite fragmented.

Although the majority of residences in the city are single-family houses, there are multifamily buildings throughout the city. These include new and adaptive reuse buildings downtown; historic apartment buildings in the Highland Park neighborhood; housing authority garden apartment and townhouse complexes; small-scale apartment buildings inserted into older neighborhoods; and relatively new, self-contained apartment complexes and townhouse developments built as suburban-style “pods” off arterial roads, at the edges of the city. With few exceptions, the development pattern of multifamily housing in Birmingham does not appear to have much planning or design logic, such as location near neighborhood commercial nodes, or transitions to single-family areas. The larger multifamily developments are designed as enclaves within neighborhoods and sometimes seem deliberately sited to isolate the residents, as in the case of the Housing Authority’s Harris Homes, which is surrounded by rail lines and an interstate highway. It is certainly possible to have a successful mix of single- and multifamily housing in a neighborhood, but there are many examples in Birmingham of two extremes—either a self-contained pod or an inexpensive box on a lot without much attention to the surrounding context.



Small multifamily buildings like this one in Fountain Heights have been inserted in single-family neighborhoods over the years.

3. LAND USE POLICY AND PATTERNS

This chapter of the plan sets forth the policy framework for the physical development of the city. The Future Land Use Plan is a guidance document—not a set of regulations—and does not replace the City’s zoning and development regulations. The Future Land Use Plan is not a zoning map and its land use categories are not zoning districts. It does not address design issues and has no direct impact on the function and appearance of land uses. The Future Land Use Plan and the accompanying interpretive text will help guide decisions on zoning amendments and discretionary permits. The City’s Planning Division, the Birmingham Planning Commission, and the City Council will refer to the Future Land Use Plan as they face future decisions on land use and zoning. The Future Land Use Plan will also be subject to periodic review to see if conditions have changed and the map should be amended.

The Future Land Use Plan was created based on a review of existing land uses; an evaluation of the City’s current adopted future land use map that is made up of proposed land use patterns established in the early 1990s with modifications that emerged through the adoption of small area plans since then; the recommendations and strategies of this Comprehensive Plan; and discussions during the planning process. The Future Land Use Plan was prepared with a 20-year time horizon in mind. This means that it is based on an understanding that revitalization and growth in the City of Birmingham will be an incremental process that will proceed at different speeds in different parts of the city. Changes to existing land uses in this Future Land Use Plan focus on the areas that are the most strategically important for the next two decades.

The land use designations in the Future Land Use Plan are intended to be broad and flexible. It is common to see comprehensive plans for older cities with Future Land Use Plans providing only general indications of density or building type. This is because these cities have grown organically with a fine-grained mix of densities and land use types. In the case of Birmingham, significant population decline and disinvestment have resulted in effective household and population densities in many parts of the city that are not necessarily reflective of urban form, lot sizes and housing types. Through implementation of

the Comprehensive Plan, the urban fabric that has been damaged in some parts of the city in the past years can be repaired over time.

What kinds of land uses are likely to stay the same? Any land use map for the future is based on existing land uses. Some land uses are less susceptible to change once they have been established. For example, single-family and lower-density residential neighborhoods tend to stay in place over long periods, with limited change or encroachment from other uses. Similarly, functioning heavy industry and utility facilities do not tend to move because it is difficult to find new locations. In contrast, retail, commercial and light industrial land uses are more likely to change and to change in more rapid cycles.

Because Birmingham has many older established residential neighborhoods, the majority of the residential areas on the Future Land Use Plan will continue to reflect existing residential types and densities, particularly neighborhoods that contain predominantly single-family to four-family buildings. Areas with nonresidential land uses that citizens want to retain and that are expected to persist are the mixed-use commercial districts in older neighborhoods; shopping areas that serve neighborhood needs; cultural and entertainment areas; existing institutional areas, such as university and medical campuses; and industrial land that is currently in use or expected to be used in the future.

What kinds of land uses are likely to change? Underutilized commercial and industrial properties and public properties no longer needed are the prime candidates for transition to new uses. Vacant agricultural or industrial land, dead or dying shopping centers, decommissioned schools and churches, empty office buildings, downtown parking lots, and so on, are the types of uses that are most likely to be subject to change and to be ready for new land use designations. A critical dimension to successful new development is making sure that there are development and design standards in place that create attractive environments within the new development, connect it with the surrounding area so that it becomes part of the existing urban fabric, and ensure that the edges of the new development provide appropriate transitions to traditional neighborhoods.

4. LAND USE ISSUES AND FUTURE LAND USE APPROACH

The most serious land use issue facing the City of Birmingham is that there is a large amount of vacant property, both buildings and land, in all categories—residential, commercial, and industrial. Unlike growing communities, which seek to identify sufficient land to meet future demand, Birmingham's focus must first be on stimulating demand, retaining current residents and businesses, and attracting new ones. School closings present a related issue, with empty public buildings adding to the inventory of vacant buildings in city neighborhoods.

In addition, the City's dependence on sales tax means that the City is motivated to gain control of land where retail development is likely. This was the great success of the annexation efforts of the 1980s, which secured for the City the land on US-280 where The Summit lifestyle shopping center opened in 1997.

Blight and vacancy in residential neighborhoods. As discussed at length elsewhere in this plan, there are not enough households currently in the City of Birmingham to fill all the housing units and support all the retail and commercial space. At the time this Plan was prepared, the city had trouble attracting new residents except to the downtown area. The strategy recommended in this Comprehensive Plan is to focus density on a few areas designated for mixed-use that have the potential to serve as locations for enhanced bus service and, potentially over the long term, new forms of public transportation like Bus Rapid Transit (BRT).

- *Land use goal:* Focus density in key locations. Limit new multifamily development in predominantly single-family neighborhoods.
- *Future land use category designations:*
 - > The majority of residential neighborhoods in the city are designated Residential-Low Density/Single Family. Even if some multifamily units have been located in these areas in the past, additional multifamily development in these areas is not recommended. Areas with small lot sizes and many vacant lots can benefit from encouraging transfer of those lots to neighbors, creating over time a neighborhood with larger lots.

- > Key locations are designated Mixed-Use and are suitable for multifamily development appropriately located at or near the Urban Village commercial centers, transit stops, at important intersections, and so on.
- > All residential and mixed-use categories automatically include churches, public and private schools, public uses such as fire stations, police stations, libraries, and small pocket parks.

Vacant and underutilized industrial properties. In one sense, Birmingham has too much industrial property. There are some very large inactive former heavy industry sites, as well as vacant light industrial buildings and sites. Greenfield property at the edges of the city is also potentially usable by industry. Yet there is much discussion that the City lacks industrial land. This apparent contradiction is due to several factors. Birmingham lacks industrial property that is prepared and ready for tenants. The inactive heavy industry sites require some level of environmental remediation, depending on the former use. The greenfield sites are not served by infrastructure. In some cases, land assembly is needed to create sites of appropriate size. Smaller light industrial buildings that might be suitable for companies graduating from the Innovation Depot or other technology companies also require work and are not ready to be leased and occupied.

The economic findings of this Plan indicate that traditional industry is a declining sector in Birmingham and is providing a declining number of jobs. Big manufacturers today tend to prefer very large greenfield sites in exurban locations. In addition, manufacturing in the New Economy is increasingly automated, providing fewer jobs and requiring more education for those positions that do exist. From the perspective of this Plan, the 21st-century economic destiny of the City of Birmingham is to be the region's center of the knowledge economy, not traditional manufacturing, though the knowledge economy can include advanced manufacturing as well. The expectation is that over time, there will be a transition, especially for light industrial properties, towards more office, technology, research, and biomedical uses. The potential transition for the large, heavy industry sites is more clouded at present and innovative options in use elsewhere, such as "brightfields" solar arrays, or conversion to unique tourist destinations, should be explored.

- *Land use goal:* Continuing industrial uses for operating businesses and flexibility for inactive uses. It is expected that opportunities may arise where non-industrial uses are increasingly emerging in areas designated industrial on the Future Land Use Plan. In that case, adjustment of the Future Land Use Plan and associated zoning would be appropriate.
- *Future land use category designations:*
 - > Heavy Industry, where intensive and high-impact industry or distribution is operating.
 - > Light Industry, where it continues to operate or may be appropriate. Some small heavy-industrial areas that are located adjacent to or within areas of light industry have been designated for Light Industry. The Light Industry category can also include urban agriculture, business parks, offices and artisanal-style industries such as craft breweries. Many of the locations designated for Light Industry in this Future Land Use Plan are expected to shift sooner or later to general commercial or mixed-use areas. Areas with light industrial properties in downtown and in the proposed urban village areas have been designated with the Mixed-Use land use category.
 - > The Planned Development land use category is used on several former industrial sites that are large and could accommodate a variety of reuse options.

Vacant and underutilized commercial properties. The decline in population combined with a changing retail industry over the last thirty to forty years has resulted in an oversupply of commercial sites in the city, especially along arterial roads and in former neighborhood commercial districts, but also including vacant space in shopping centers and malls, such as Century Plaza. A number of big box retailers are downsizing and "the pool of tenants looking for large blocks of space is shrinking," according to commercial real estate experts.¹ The expansion of online retailing also presents a serious challenge to all kinds of retailers. However, the 2012 acquisition of Eastwood Festival Centre by a Canadian company that is making improvements and attracting new tenants may encourage other retail investments in that area, which still has an exceptional location for regional retail nearly 50 years since Alabama's first mall was built there as Eastwood Mall (now the Wal-Mart location).

¹ <http://www.cpexecutive.com/newsletters/capitalmarkets-newsletter/netleasecolumn/the-effects-of-big-box-downsizing-on-the-retail-side>

- *Land use goal:* Promote commercial consolidation in the urban village strategic focus areas and in downtown as part of a mixed-use environment, and in key retail centers that have locational advantages. Neighborhood-serving retail is struggling in many locations because of declining population, but the potential for revival of some of these neighborhood main streets should be preserved, with efforts to encourage clustering in a few blocks. Long stretches of low-density commercial land uses—and vacancies—on arterial roads such as US-11 and 1st Avenue North will persist without the addition of new households. In the future, it may be possible to change some segments from commercial to residential through implementation of redevelopment plans that include land assembly, streetscape and street improvements. Corner stores, which typically served dense, older neighborhoods and in some cases still exist, have been included in overall residential designations. While these stores are sometimes well-managed and liked by residential neighbors, in other cases they attract problems and criminal behavior that neighbors do not like. From a land use point of view, these stores should be subject to discretionary approvals, such as continuation of the Zoning Board of Adjustment's (ZBA) authority to permit resumption of legal non-conforming uses.
- *Future land use category designations:* These designations are intended to provide for flexibility.
 - > The Mixed-Use land use categories designate key potential locations for urban villages such as Five Points West, Carraway/Norwood, Woodlawn, and Parkway East, as well as downtown.
 - > The General Commercial designation, which includes both retail and office uses, is used for areas that today or in the recent past have had medium to high intensity commercial uses.
 - > The Neighborhood Commercial designation is used in locations where small-scale businesses today or in the past have served neighborhood needs. In order to encourage clustering and elimination of excessive amounts of retail space, conversion of some blocks to residential uses can be encouraged.
 - > As in the residential land use categories, schools, churches and public uses that support neighborhoods are included.

Vacant schools and other public properties. When schools close, the surrounding neighborhoods and school alumni are upset because of the role that schools play in neighborhood identity. The school system has a responsibility to do more than simply divest itself of the properties or hand them over to the City. The City and the school system must develop a set of criteria and a basic planning process for these properties before the City agrees to accept more vacant school property. The fate of empty public buildings should be discussed with residents in the development of the Community Framework Plans. These properties must be evaluated for their potential to serve other public purposes and for their market potential to serve private purposes. Schools may be suitable for use by social service agencies or as elderly housing, artists studios or live-work buildings, offices for start up businesses, and so on. The costs of renovation, rehabilitation, securing empty buildings over long periods, and demolition must be compared. Costs and potential benefits—including intangible benefits, such as preservation of historic character—must be balanced.

Greenfield areas. Many acres of unbuilt lands at the edges of the city continue to be used for rural enterprises such as timber or are simply being land-banked and held for future development. Some of these lands were annexed as long ago as the 1970s and have not yet been developed. Most of this land is owned by a handful of corporations. The Comprehensive Plan Vision, Principles and Goals—all based on the community planning process—and the strategies to achieve that vision, focus on redevelopment of existing communities and promotion of economic development. While nonresidential development could be beneficial, residential development of these greenfield properties at the edges of the city is not a priority of this Comprehensive Plan, with few exceptions. Revitalization and redevelopment of existing neighborhoods, reweaving of the historic urban fabric, and an initial focus on the mixed-use centers strategy (urban villages and downtown) are the focus of this Plan. This includes the creation of new market-rate housing. One exception is Oxmoor, located within a matrix of developed communities, both in Birmingham and adjacent jurisdictions, and which already has some subdivisions and the Robert Trent Jones golf trail course at Oxmoor Valley. As suggested earlier, development in this area could target retirees in

conservation/open space subdivisions that cluster housing units while preserving large areas of open space.

- *Land use goal:* For most of these lands, continue with maintenance of rural enterprises unless a significant job-creating development is proposed. For the Oxmoor area, encourage planned developments that include conservation/open space subdivisions, light industry/office/technology parks, mixed-use clusters.
- *Future land use category designations:*
 - > The Rural Enterprise land use category can include single-family houses on agricultural properties, timber lands, and land being held for future development without an identified current use.
 - > The Resource Extraction land use category includes mining for minerals, gravel, sand, clay, and so on.
 - > The Planned Development land use category is intended to provide flexibility and the ability to take advantage of opportunities, while still promoting an overall master planning process for development.
 - > Proposed new uses should be examined carefully in a process that may include consideration for the amendment of the Future Land Use Plan and the zoning ordinance.

Metropolitan development. Chapter 3 discussed the sprawling character of metropolitan growth around the City of Birmingham, the many independent jurisdictions within the region, and the city's 50-year history of declining population and households. This experience of seeing Alabama's biggest city and the core city of the region on an apparently permanent trajectory of population loss has created a zero-sum mentality in which gains for communities outside the city are interpreted as taking from the city's potential growth.

Implementation of the Comprehensive Plan is not only about capturing a greater share of regional growth for the city—it is about fostering urban-inclined economic and household growth that would otherwise not come to the region. Development regulations appropriate to urban character should align with this policy goal.

FEDERAL TRANSPORTATION PLANNING IS NOW GUIDED BY SIX PRINCIPLES OF LIVABILITY

- **Provide more transportation choices** to decrease household transportation costs, reduce our dependence on oil, improve air quality and promote public health.
- **Expand location- and energy-efficient housing choices** for people of all ages, incomes, races and ethnicities to increase mobility and lower the combined cost of housing and transportation.
- **Improve economic competitiveness of neighborhoods** by giving people reliable access to employment centers, educational opportunities, services and other basic needs.
- **Target federal funding toward existing communities** – through transit-oriented and land recycling – to revitalize communities, reduce public works costs, and safeguard rural landscapes.
- **Align federal policies and funding** to remove barriers to collaboration, leverage funding and increase the effectiveness of programs to plan for future growth.
- **Enhance the unique characteristics of all communities** by investing in healthy, safe and walkable neighborhoods, whether rural, urban or suburban.

Source: <http://www.dot.gov/livability/101.html>

Annexation policy. This Comprehensive Plan recommends caution and careful evaluation of annexation proposals. Annexation of small adjacent communities that are having trouble providing services to their residents would bring additional population but at the high cost of adding service demands and more blight. Annexation of more greenfield sites, taking into account the costs of infrastructure, extension of services like fire protection, and similar considerations, should also be subject to a thorough cost-benefit analysis, even if proposed or likely uses will be non-residential.

5. ZONING AND DEVELOPMENT REGULATIONS

Zoning ordinances and development regulations need reorganizing and updating from time to time. Incremental amendments can introduce inconsistencies, ambiguity, and confusion—and produce disappointing outcomes. As communities change, so do their land use goals. Unanticipated consequences of previous decisions need to be corrected. The current Birmingham Zoning Ordinance is based on a 1962 ordinance, modified with major changes

and readopted by the City Council in 1990. Additional amendments have changed the code since 1990. After the adoption of a new Comprehensive Plan, it is usually necessary to either modify an existing zoning ordinance to reflect the comprehensive plan, or to completely rewrite it. A modern zoning code is based on planning goals and principles, is user-friendly and precise about what is and is not permitted, and provides clear standards for high quality and sustainable development. As a result, modern codes make it possible for most development projects to proceed without lengthy delays and reviews, because developers and communities know what to expect and what is expected. Many communities have opted to create a “unified development code” that gathers into one document zoning, subdivision regulations, thoroughfare regulations, development standards, environmental regulations, sign regulations, historic preservation regulations, permits, and annexation regulations.

Approaches to Zoning

Land use zoning first appeared in the United States in 1916. The zoning system that emerged in the early twentieth century is now called conventional or “Euclidean” zoning (after *Euclid v. Ambler*, the 1926 Supreme Court case that validated zoning as a proper exercise of municipal police power). As some of the disadvantages of conventional zoning became evident by the second half of the twentieth century, new zoning approaches emerged, including performance zoning and form-based (also called design-based) zoning. Conventional zoning remains the basis of most zoning systems today, but many jurisdictions have added aspects of performance zoning and form-based zoning.

Conventional Zoning. Conventional zoning was originally created to separate industrial and other noxious land uses from residential areas, and particularly to preserve quality of life and property values in single-family home neighborhoods. Conventional zoning regulates the uses and dimensions of development, for example:

- Type and mix of land uses
- Size and dimension of lots
- Type, size and height of buildings
- Distance of front, side and rear setbacks
- Width and length of streets and sidewalks
- Amount and size of off-street parking

Conventional zoning separates land uses deemed to be incompatible and is prescriptive, in that it specifies land uses and required maximum or minimum dimensions, parking, etc. This prescriptive character makes it easy to implement both by governments and by property owners because there are no judgment calls when the zoning says, for example, that a building must be ten feet from the front lot line. However, conventional zoning is also proscriptive, that is, it focuses on what is not allowed rather than articulating what is actually desired. Conventional zoning provides some certainty about development outcomes and, because it is long-established, it is familiar to everyone. However, it is inflexible and inhibits design creativity. It is one, though not the only, source of the “Anywhere, USA” sprawl landscape that has produced a modern built environment lacking in distinctiveness. Most municipal governments in Alabama have conventional or Euclidean type zoning.

The homogenizing and inflexible outcomes of conventional zoning have led to the establishment of an array of strategies to get around that inflexibility. Variances, conditional uses, special exceptions, bonuses and incentives, planned unit developments, design review, and similar devices are intended to allow development to be more closely tailored to particular conditions and desired results. Most of Birmingham’s existing zoning code is conventional and Birmingham has also found it necessary to add mechanisms to improve the outcomes from conventional zoning.

Performance Zoning. Performance zoning has its origins in industrial performance standards that identified limits on measurable industrial impacts such as noise, vibration, light, dust, smells, and so on, and that were incorporated into zoning codes for industrial land uses. This idea was expanded in performance zoning to regulation of the impacts and effects of the built environment. Unlike conventional zoning, which assumes certain uses are incompatible and separates them, pure performance zoning assumes virtually any uses can be made compatible if impacts are properly managed. Because it can provide flexibility to developers and designers to present their own solutions to mitigate impacts for administrative review, the specific outcomes are not always predictable. Generally speaking, performance zoning requires highly-

trained administrators who have the confidence of residents, property owners, and developers. Performance zoning emerged in the 1970s and 1980s. There are few places with a pure performance zoning system, but some aspects of performance zoning are incorporated into many communities' zoning codes. In Alabama, the City of Auburn has elements of performance-based zoning combined with conventional zoning.

Form-Based Zoning. Form-based zoning focuses more on building form—the physical character of the building and how it addresses the public realm—than on land uses. Form-based codes are based on the concept of a transition from low densities at the periphery to high densities at the center (called a “transect”)—of a city, a district or a neighborhood. These codes are a reaction to conventional zoning’s separation of land uses, which made it impossible to build mixed-use neighborhoods and districts, and its neglect of the public realm, which resulted in visually- and functionally-impooverished environments that are often unattractive and functional for only one type of user. Form-based codes are very detailed and prescriptive about certain aspects of design and use many visuals to give a positive vision of what is desired, rather than focusing on what should be excluded. They require a design-focused community process in advance of writing the zoning. In existing communities, these kinds of codes have generally been applied in specific districts, such as a commercial corridor, rather than city-wide. Birmingham’s zoning code includes a form-based overlay district for the Highland Park neighborhood. Several other Alabama cities have incorporated form-based zoning into their regulatory system, such as Montgomery’s downtown zoning regulations. A few small towns, such as Pike Road (AL), have only form-based zoning codes. Where there is already some development interest, form-based codes have been found to hasten development and improve property values.

Hybrid Zoning. Conventional, performance, and form-based zoning codes all have advantages and disadvantages. Because of its familiarity and long institutional history, conventional zoning is likely to remain the foundation of most zoning codes. However, performance standards and form-based elements are valuable to increase the flexibility of conventional zoning. For example, conventional zoning is organized in separate-use districts

on a citywide basis and is not effective in mediating impacts at the edges of districts—which is precisely the strong point of performance zoning. Form-based codes are organized around the street and the neighborhood and are particularly good for mixing uses and about conveying what is desired in terms of the relationship between private buildings and the public street. A type of hybrid zoning known as “place-based” zoning focuses on the desired characteristics of types of places, such as residential areas, walkable mixed-use centers, or industrial areas. In this type of zoning, design standards are included in the zoning district requirements.

The Existing City of Birmingham Zoning Ordinance

The City of Birmingham Zoning Ordinance is based on what is called “pyramid” or “cumulative” zoning. This is a system that establishes a hierarchy of uses in which zoning districts are organized from most restrictive in terms of uses to least restrictive. In single-family zoning districts, only single-family housing (and some public or semi-public uses such as schools, parks and churches) is allowed (the top of the “pyramid”); multifamily districts continue to allow single-family uses; and commercial districts allow all residential uses. In pure cumulative zoning systems, heavy industrial zones also allow residential, commercial, and all types of industrial uses. What makes the system “cumulative” is that any use permitted in a less intensive zone (i.e., where uses have less impacts on neighbors) is permissible in a more intensive zone. Most cities today do not have true cumulative zoning. What is more common is to have a hierarchy within a general zoning category. For example, all residential uses would be allowed in the least restrictive residential zoning district, some residential uses would be allowed in commercial districts, but industrial zoning districts would not allow residential uses. Birmingham has a modified cumulative zoning system.

Cumulative zoning, particularly when there are few design standards, can create uncertainty for businesses, property owners and developers and retard investment. While they might wish to make improvements, build housing or commercial uses, or open a business, they hesitate to make an investment because incompatible and unappealing uses may be able to locate next door. For example, the M-1 Light Industrial District, that covers much of the western

half of downtown north of the railroad as well as Lakeview, permits uses such as lumber yards, truck terminals, metal plating, and “similar uses,” as long as they don’t produce “objectionable noise, vibration, smoke, dust, odor, heat or glare” (performance standards for which no measurement criteria are given in the zoning ordinance). This is not the same thing as having a “mixed-use” district. The strict definition of mixed-use limits it to vertical mixed-use in which a single structure contains more than one land use, typically retail/housing or retail/commercial. For the purposes of this Comprehensive Plan, “mixed-use” also incorporates horizontal mixed-use, in which buildings with different but compatible or reinforcing land uses are located in close adjacency.

Design Review as a solution to zoning deficiencies

Like many communities that decided that as-of-right zoning would not produce the desired results in certain areas of the city, Birmingham has made projects in much of downtown, certain commercial districts and corridors, and local historic districts subject to review by the Design Review Committee (as well as placement of telecommunications equipment in national register historic districts).

Commercial Revitalization Design Review. Authority for design review is found in Section 60-5, Article IV of Ordinance 79-56 in the General Ordinances. The authority is based on the adoption of Urban Renewal Plans in the decades after 1978. A 1984 amendment to the General City Code, Section 7-1-C “Building and Housing Code Enforcement” currently governs the Committee’s actions. This ordinance outlines the purview of the Design Review Committee in very general terms and states that more detailed standards for each area were to be developed by the Committee in collaboration with the areas’ Merchants’ Associations. Within a few designated design review districts, the design review process is connected to the City’s façade improvement program which provides a 20% rebate of façade improvements in accordance with architectural guidelines, and a 10% rebate of the cost of other capital improvements, within specified maximum limitations. The design review standards and guidelines for the various design review areas are not available online.

Because the expressed rationale for review lies in the city’s interest in revitalizing older commercial areas, the commercial revitalization design guidelines have their roots in historic district design guidelines, with an emphasis on restoration to prior conditions. In addition, in the older sets of district guidelines, there is less focus on the urban design character of the project (whether rehabilitation or new construction) or sustainability than would be found in more recent design guidelines from other cities. In Downtown and Lakeview, where the M-1 Light Industry zoning district covers a substantial portion of the area, design review is clearly being used as a way to overcome the deficiencies of the base zoning as a guide for development and redevelopment.

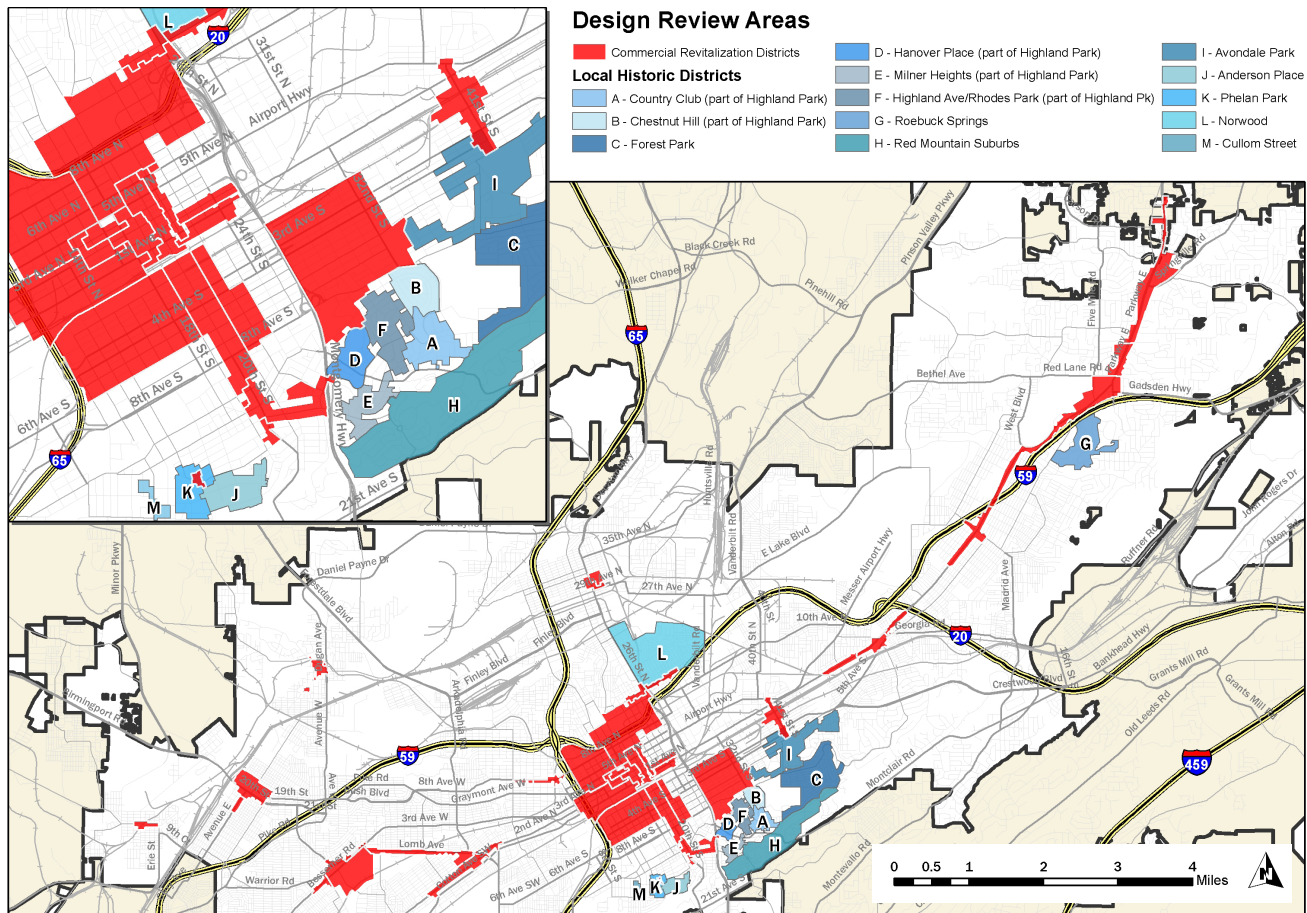
Modern zoning codes often include basic design standards as part of the zoning district regulations. Design review is deployed for development projects that meet certain size and impact thresholds (which can include certain important locations), rather than covering all developments, many of which can be sufficiently guided by design standards in the zoning. These design standards for by-right development need to be understandable to project proponents and to the building and permitting staff who will have the responsibility of signing off for issuance of a building permit.

Existing zoning and design review: potential issues

Examples of the kinds of issues that need attention in the current zoning ordinance include:

- **Lack of user-friendly organization and illustrations.** Better organization of procedures, definitions, and administrative materials, replacement of the laundry list approach to uses (including the vague “or similar uses”) with use categories, and more charts and illustrations are among the improvements that can make the zoning ordinance more user-friendly.
- **Sign regulations scattered in many places.** Regulations about signs can be found in multiple locations—descriptions of use districts, a separate article in the zoning ordinance, and some, but not all of the various sets of design review guidelines.

FIGURE 14.3: DESIGN REVIEW AREAS



SOURCE: BIRMINGHAM GIS

- Large number of residential zoning districts.** There are 10 residential zoning districts in Birmingham, of which four are single-family districts, one is a two-family district, and one permits up to 4-family dwellings. Three multifamily districts allow increasing levels of density. Of course, because this is a cumulative system, all residential districts also allow the least intensive use—a single-family home on at least a half acre. There may not be a need to have so many relatively minor gradations of residential density. Two of these districts, E-1 and R-1 have minimal difference in required lot size and frontage but are otherwise identical. The Planned Residential Zoning District (R-8) does not allow for a mixture of uses but the B-5 Mixed Business District is essentially the same as the R-8 except that it allows business and has a smaller acreage requirement. Buffer requirements appear to reinforce suburban-style “pod” subdivisions, rather than promoting connectivity and appropriate transitions between new planned districts and existing areas.
- Large number of business zoning districts.** There are four other business districts in addition to the Planned Business District. B-3 Community Business District and B-4 Central Business District are essentially the same except that B-4 does not require off street parking.
- Five industrial districts.** The rationale behind the uses enumerated in the various industrial districts and how the districts are distinguished from one another needs to be reviewed in light of desired economic activity in various parts of the city.
- Mixed-Use District (MXD).** The Mixed-Use District is essentially what in many other zoning ordinances is called a Planned Unit Development or PUD, which promotes

integrated master planning of a significant area with a mixture of uses. The Birmingham zoning district requires a minimum of 40 acres when initiated by a property owner or developer, which seems unnecessarily large. The various subtypes of the Mixed-Use Zoning District list allowed uses (with a vague “other like uses” at the end of the list) and provide detailed use percentages, dimensional standards for various types of mixed-use, and so on. The project is required to include a set of development guidelines, but little guidance is given on what the city’s urban design goals are and what the indicators might be to meet those standards. In this case, the zoning district’s goal of flexible and creative development and design approaches might be better met by providing a set of urban design and sustainability goals and indicators, which the project proponent would then have to respond to with a narrative explaining how the site design and guidelines will meet the City’s goals.

goal 1

A development pattern composed of a high-intensity, mixed-use downtown; mixed-use urban village centers to serve and revitalize neighborhoods; and strong green networks.

POLICIES

- Promote development that can strengthen the city’s tax and job base while serving citizen, workforce, and tourist needs and preserving city character.
- Consider incentives to help preserve and support the character of stable residential neighborhoods.
- Consider incentives for compact mixed-use urban villages that concentrate retail and services in walkable environments.
- Consider incentives for major mixed-use centers downtown, in other job-rich locations, and to support major transit stops.
- Consider incentives for the preservation and protection of environmentally sensitive land.
- Establish urban design frameworks to guide new development so that it improves the public realm and fits into the urban fabric.
- Preserve land for industrial uses.

STRATEGY

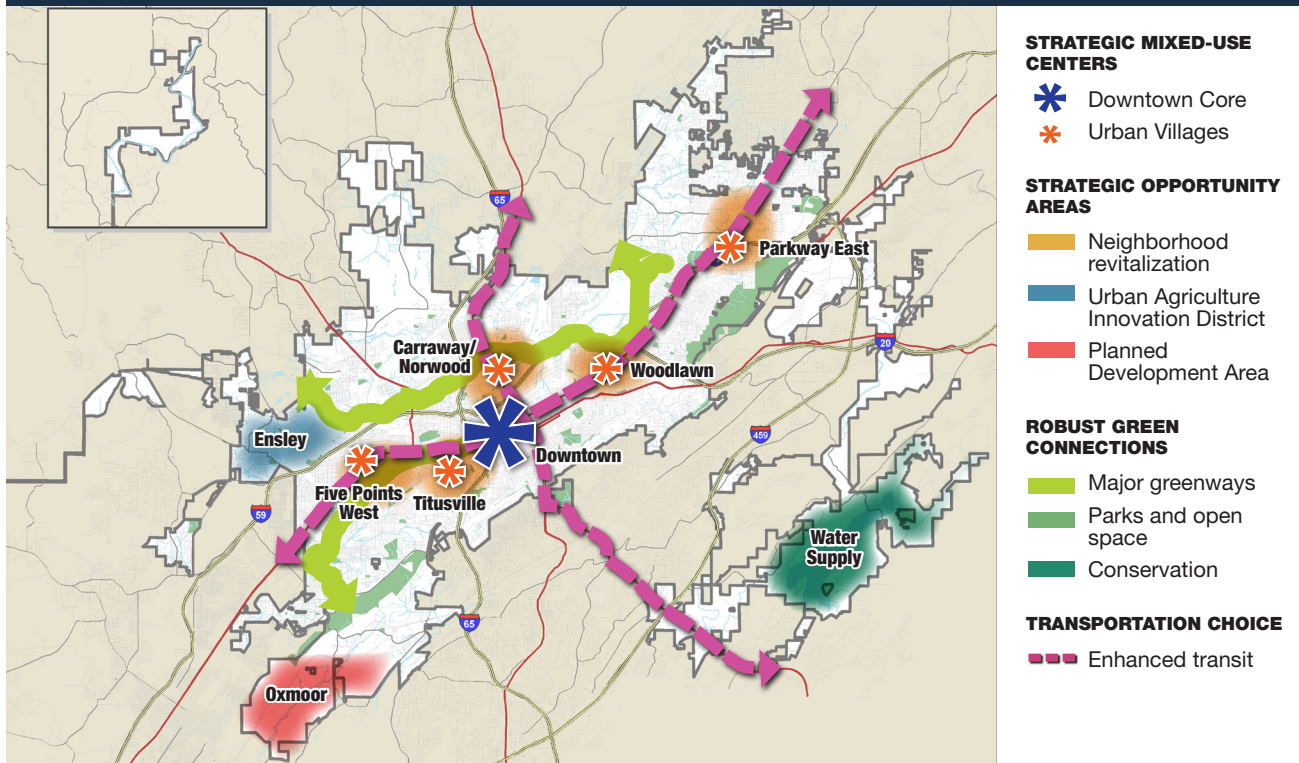
A. Use the Strategic Policy Map and the Future Land Use Plan to guide land use decision making.

The Strategic Policy Map

The Strategic Policy Map provides a diagrammatic expression of the key land use issues and changes that emerged from the recommendations of other Comprehensive Plan elements:

- **Downtown as a major mixed-use center** with a strong residential population, expanded entertainment and cultural options, and an entrepreneurial environment for economic innovation.
- **Creation of walkable “urban villages” at key locations and varying scales** to provide for residential critical mass to support retail and to function as transit hubs, first for express bus service and over the long term for Bus Rapid Transit.
- **Strategic Opportunity Areas around urban villages** for an integrated program of physical revitalization, social services, workforce development, and other supports to improve quality of life.
- **An Urban Agriculture Innovation District** in Ensley, to create a new industry of intensive indoor and outdoor agriculture to serve the restaurant industry and other consumers in the city and region.
- **Preservation of the single-family character** of most Birmingham neighborhoods.
- **Concentration of heavy industry** in a few major locations.
- **A robust greenway network** that links community destinations and preserves environmentally sensitive areas, while helping to achieve the goal of public green space within a ten-minute walk.

FIGURE 14.4: BIRMINGHAM COMPREHENSIVE PLAN STRATEGIC POLICY MAP



The Future Land Use Plan

As noted earlier, the Future Land Use Plan is not a zoning map. It includes a map that shows the distribution of general land use categories for desired future development within the city. The land use categories in a Future Land Use Plan are often reflected by more than one zoning district in a zoning ordinance.

Any future land use plan in a long-established city is inevitably based on the existing uses, because some land uses are much less susceptible to change once they have been established.

The Future Land Use Plan balances respect for existing land uses with designations for consolidated land uses and new future land use designations. The consolidated land uses as they appear on the map take two forms: a) consolidation under one category of land uses with similar impacts, for example, a “General Commercial” designation for areas where there is an existing mixture of retail, service and office uses or where that mixture would be appropriate; or b) a consolidation under a predominant use, for example, where an area is predominantly residential but also includes

schools, churches, and a few scattered retail, office, or public uses.

The existing development pattern in the city includes many areas with scattered examples of other land uses. In some cases, these uses coexist without much difficulty, such as churches and schools in single-family neighborhoods. In others there are different land uses or intensities of the same land use that are located in ways that do not function effectively. For example, a number of older areas within the city limits contain a few streets with residential uses surrounded by industrial or transportation uses, sometimes as a small enclave and sometimes as dead end streets that empty directly onto a collector street or major arterial. The edges of the city contain areas where greenfield properties entirely surround isolated suburban-style subdivisions except for one connection to an arterial road.

This Future Land Use Plan also does not provide full detail for where neighborhood retail and service centers should be located in all revitalization areas. Instead, the Principles to Guide Future Land Use, and the Zoning and Urban Design Principles provide guidance for the Framework Plans and other detailed planning that will be necessary

for successful revitalization. The appropriate location for an urban village or neighborhood commercial center in neighborhoods that require significant redevelopment should be established on the basis of this detailed planning, including the incorporation of market analysis.

Finally, it should be noted that this Future Land Use Plan is conceived with a 2030 time horizon in mind, and the understanding that the amount of job growth and household growth that can be achieved over the 20-year time period will affect the outcome. From the land use point of view, a few key locations—designated as urban villages in the Strategic Policy Map—should have high priority because of the opportunity to leverage existing job numbers, transportation opportunities, investments and programs, and other benefits. Once there is success at these locations and sufficient growth, then subsequent Future Land Use Plans can identify additional locations for shaping change.

FUTURE LAND USE CATEGORIES

These future land use categories provide a generalized pattern of land uses that are consistent with the Comprehensive Plan Vision, Goals, and Strategies. As noted earlier, schools and churches are not called out separately but are subsumed as neighborhood uses in residential, mixed-use and commercial areas. The Plan recommends locating new government facilities such as fire

stations and police stations, in mixed-use and commercial areas, when feasible, but existing facilities of this type are also subsumed into the general land use category.

The Future Land Use Plan for the entire city can be seen in Figure 14.5, and Future Land Use Plans by Community can be found in the Appendix.

RURAL USES

- **Rural Enterprise**
 - > Single-family homes on very large lots or associated with rural enterprise uses.
 - > Agricultural and forestry uses.
 - > Vacant land that has not previously been developed.
 - > Schools, churches, and neighborhood-serving public uses.

RESIDENTIAL USES

- **Residential Low-Density (Single-Family)**
 - > Single-family homes.
 - > Schools, churches, and neighborhood-serving public uses.

The predominant residential land use in the City of Birmingham is the single-family dwelling. Depending on the location, lots can be quite small, so some single-family areas are denser than others. Additional multi-family development in areas with this land use category is not recommended.

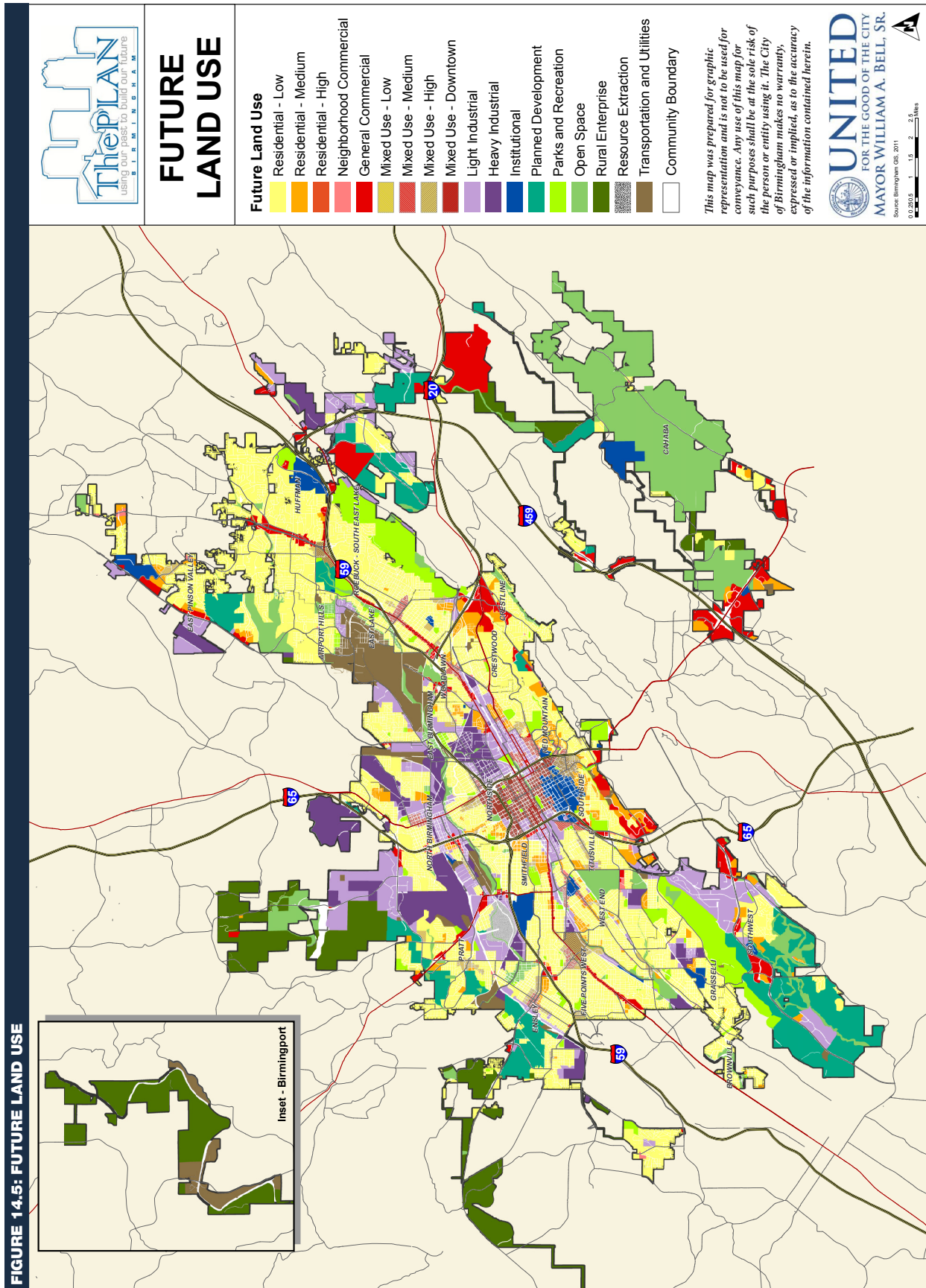
PRINCIPLES TO GUIDE FUTURE LAND USE

- Preserve the single-family character of the majority of Birmingham's existing occupied single-family residential neighborhoods and promote consolidation of vacant lots with occupied housing, where appropriate.
- Encourage residential infill development on vacant lots, starting with Strategic Opportunity Areas.
- Concentrate density and mixed-use development in a limited number of mixed-use centers in order to promote the emergence of critical mass to make a visible difference and support retail and transit.

- Locate compact, neighborhood mixed-use centers ("urban villages") with residential, retail and office uses at key intersections within walking distance of neighborhood residences and where they could support improved public transportation service.
- Locate multifamily development in mixed-use centers ("urban villages"); where there is nearby access to retail, services, and public transportation; or on collector or arterial streets and at intersections.
- Implement the Red Rock Ridge and Valley Trail System by preserving land to achieve a green network of

interconnected greenways and multi-use paths, parks, and passive and recreational spaces.

- Locate new housing developments adjacent to and connected to existing development, rather than in areas where they are surrounded by undeveloped land.
- Avoid locating residential uses where they will be surrounded by industrial uses.
- Establish appropriate transitions from higher-density and higher-impact land uses to lower-density and lower-impact land uses.



- **Residential Medium Density (Two-Family, Townhouse, Small Multifamily)**

- > A mix of single- and two-family, townhouse, and small and medium size apartment buildings.
- > Schools, churches, and neighborhood-serving public uses.

- **Residential High (Multifamily)**

- > Multifamily rental and condominium structures and townhouses, typically in large developments or mid-rise and high-rise buildings.
- > Generally found at or adjacent to major transportation/transit corridors and intersections and in downtown adjacent areas.
- > Schools, churches, and neighborhood-serving public uses.

COMMERCIAL USES

- **Neighborhood Commercial**

- > Areas for neighborhood retail and services that meet the day-to-day needs of residents and workers of surrounding neighborhoods (typically within a 1-mile radius) with a range of uses such as smaller grocery stores, banks, restaurants and services such as small professional and health offices, barber/beauty shops, dry cleaners, etc.
- > Small- to medium-scale offices.
- > Areas are accessible both by automobile with sufficient parking, but also designed to accommodate pedestrian and bicycle access.
- > Schools, churches, and neighborhood-serving public uses.

- **General Commercial**

- > Commercial areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments including large supermarkets, department stores, movie theaters, big box stores, and supporting retail and other services. Office uses with ground floor retail are encouraged.
- > Office buildings.
- > Leisure and entertainment uses.
- > Accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior

circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.

- > Residential higher-density uses.
- > Schools, churches, and neighborhood-serving public uses.

INDUSTRIAL USES

- **Light Industrial**

- > Light industrial and office uses, potentially in “business park” settings, and typically near major transportation routes including Interstates, State Highways, railroad spurs and airport facilities.
- > Warehouse and distribution uses.
- > Urban agriculture.
- > Supporting uses, such as minor retail and services to support the major uses.
- > Residential uses by ZBA special exception.

- **Heavy Industrial**

- > Heavy manufacturing.
- > Uses that require significant truck traffic and/or rail connections.
- > Supporting uses included (minor retail, services, offices connected to the industrial use or serving an industrial park).
- > No residential uses.
- > Certain public uses, such as landfills, that have an industrial character and impact.

RESOURCE EXTRACTION USES

- > Mining.
- > Gravel, sand, and clay pits.
- > This land use category has the potential over the long term to transition to other uses if these uses are abandoned and market conditions promote site restoration and redevelopment.

MIXED-USE AREAS

Mixed-use centers, ranging from vibrant downtown environments to active urban villages, include residential, retail, entertainment, and office uses. The mixture can be vertical, with uses on different floors of a building, and horizontal, with different uses in adjacency. Mixed-use centers are pedestrian-friendly and provide concentrated population and activity centers that can support enhanced transit. Buildings should be oriented to the street, with active

ground-floor uses or easy pedestrian access. Parking should be located in the rear of the parcel or to the side where lots are shallow, or in parking structures or parking areas that serve multiple lots. Uses that require large amounts of trucking are not suitable for mixed-use areas. Churches, schools and public uses are included in mixed-use areas.

- **Mixed-Use Low Density**

- > Compact, walkable, residential and commercial areas, often with a “Main Street” spine that historically served as a town center with two- to three-story buildings.
- > Uses can be mixed horizontally (side-by-side), or vertically (one above the other) and include multifamily, townhouse, cottage and small-lot single-family residential, neighborhood supporting retail and services, offices, hotels and live/work structures.
- > Main Street areas would typically be characterized by ground-floor uses including small markets, convenience retail and services, restaurants and cafes, and existing or potential residential uses on upper floors.

- **Mixed-Use Medium Density**

- > Similar mix of uses as in Mixed-Use Low-Density but with provision for up to mid-rise buildings, artisanal industries and small warehouses that may be characterized as light industry but that do not have noise, odor, illumination, trucking, or other adverse impacts on adjacent land uses.

- **Mixed-Use High-Density**

- > Medium- to high-density office, residential, retail, artisanal industries and small warehouses that may be characterized as light industry that do not have noise, odor, illumination, trucking, or other adverse impacts on adjacent land uses. Also including entertainment areas, typically mid-rise to high-rise, including mixed-use lifestyle center types.
- > Transit-accessible or transit-ready locations.
- > Intensity of development would vary by area.
- > Potential uses include multifamily, loft, townhouse, cottage and small-lot residential, retail and services, offices, hotels, large entertainment facilities, and live/work structures.
- > Ground-floor uses encouraged on desired pedestrian-intensive streets.

- **Mixed-Use Downtown**

- > Medium- to high-density office, residential, retail and entertainment areas that create vibrant 18–24-hour, 7-day a week live-work-play environments, typically mid-rise to high-rise; artisanal industries and small warehouses that may be characterized as light industry that do not have noise, odor, illumination, trucking, or other adverse impacts on adjacent land uses.
- > Transit-accessible.
- > Focused in the downtown area.
- > Uses include multifamily, loft, townhouse, retail and services, offices, hotels, large entertainment facilities, and live/work structures.

OTHER

- **Institutional**

- > Hospitals, colleges, nonprofit research facilities and universities.
- > Public and private primary and secondary schools and churches are not included in this category. They are allowed within all residential and commercial areas.

These land uses, whether public or private, are designated as separate land uses because of their campus-like character, which requires special attention to edges and relationships with adjacent areas.

- **Parks and Recreation**

- > Parks and playgrounds, recreational fields and facilities managed for public access and recreation.
- > The exact location of future public open space will depend on the implementation of the Red Rock Ridge and Valley Trail Plan and the Community Framework Plans. The Strategic Policy Map provides a diagram of the potential major greenway network in areas identified by the Red Rock Trail Plan.

- **Open Space**

- > Lands owned for conservation purposes, such as the water-supply protection lands owned by the Birmingham Water Works Board or the Freshwater Land Trust.
- > Cemetery
- > FEMA-designated floodways

- **Transportation and Utilities**

- > Airports, major train yards, highway and interstate rights-of-way.
- > Water and sewer plants, including publicly owned plants.
- > Electric utility plants.

- **Planned Development**

- > Planned Development areas are lands that have no current use but may be suitable in the future for a variety of uses. They can be “greenfields,” which are undeveloped properties that are being held for future development but have no specific current purpose (either for profit or to promote other values, such as conservation), or they can be previously developed properties that are no longer in use, such as former industrial lands. In order to preserve flexibility, the Planned Development category does not indicate a more specific use such as residential or industrial, although recommendations for some areas can be found elsewhere in the Plan. The Framework Plans and market conditions will provide more guidance.

ACTIONS

1. *Consult the Future Land Use Plan when considering zoning amendments or other land use changes.*

Consider both the letter and the spirit of the Future Land Use Plan as it reflects the values, goals and policies of the Comprehensive Plan as a whole.

goal 2

Zoning and development regulations and procedures that reflect the comprehensive plan.

POLICY

- Support a rewrite and consolidation of development regulations to combine high quality development with clear, user-friendly regulations and streamlined administration.

Zoning codes and land use regulations. Given the time that has passed since the Birmingham Zoning Ordinance (BZO) has had the benefit of guidance from an up-to-date comprehensive plan, revision of the ordinance is inevitable and desirable. Recent amendments to the ordinance have introduced some best practices, providing a foundation for a new approach to land use regulations. With completion of the comprehensive plan and further elaboration of Community Framework Plans, the City may wish to completely rewrite the zoning ordinance and/or create a unified development code. In the interim, strategic amendments can be prepared to address the most pressing problems, and to ensure that the ordinance does not conflict with the Comprehensive Plan.

Best practices characteristics of modern zoning codes

User-friendliness and clarity in organization and expression.

Clear organization and language, tables for rapid understanding of regulations, and illustrations (drawings and photographs) that show what is and what is not permitted.

A limited number of zoning districts and grouping of land

uses. As a general rule of thumb, the fewer the zoning districts in an ordinance, the easier the regulations will be to understand and administer. Many codes now group land uses, providing definitions for those groups, and often further create land use categories based on common characteristics such as type of products, site conditions and impacts, amount of activity, and so on. The table of uses allows a rapid review of which use categories are allowed by right or by special permit in which zoning districts. The advantage of this system is that it eliminates the “laundry

list” approach to uses and the need to amend the zoning code as land use types change over time.

Streamlining by-right development with robust standards.

More robust development standards attached to by-right zoning can provide confidence to project proponents and the community that quality development will result and streamline development approvals for smaller projects, while allowing City staff and the Design Review Committee to concentrate on more complex development approvals and area planning projects. Zoning that reflects the Comprehensive Plan’s Future Land Use Plan should also be less subject to rezoning, particularly changes in use. This will give property owners more confidence in the long-term value of investments, and it will reassure residents, who will be able to count on stability in land use designations.

Incentives for desired outcomes. Many communities allow greater density or other types of regulatory relief in return for provision of public benefits by the developer—as long as certain criteria are met. Such mechanisms are usually confined to particular zoning districts, types of development, and geographic areas. Birmingham’s zoning ordinance does not lend itself to the most common types of incentives. For example, there are two business zoning districts in Birmingham (B-3 and B-4) that do not have a height limit. Density bonuses have little value in such circumstances.

Combining development standards for better design and more sustainable outcomes.

A Unified Development Code offers the most comprehensive approach to an integrated system of development standards, as well as being user-friendly. The current regulations offer a limited array of development standards scattered among various sections of the zoning code and in other regulations and general ordinances. The zoning ordinance itself provides no clear urban design vision and associated standards for different areas. Development standards should also incorporate and encourage sustainable development practices—for example, allowing for natural drainage systems, pervious pavement, green roofs and solar panels.

Subdivision design characteristics that promote connectivity, multimodal travel, access to open space, and sustainability.

Issues that need consideration in updating subdivision regulations include:

- Review of street and right-of-way widths to avoid over-capacity and excessive impervious surfaces, to provide flexibility in subdivision design, and potentially, to create incentives for desired subdivision types, such as conservation/open-space clustered subdivisions
- Review of maximum block size, cul-de-sac length and similar measures with an eye toward promoting pedestrian friendliness and future road network connections.
- Providing a conservation/open space subdivision option with incentives and with a series of design steps to ensure effective design.²

STRATEGIES

A. Implement the Comprehensive Plan by rewriting the zoning ordinance, as needed, and consider consolidating a new zoning code with other development standards in a Unified Development Code (UDC).

The zoning code is one of the primary tools for implementing the Comprehensive Plan. A new code will help preserve the character of places that residents want to conserve while creating opportunities to grow the community and the economy. It is important, therefore, that people who want to invest in the community know where they can locate, what the rules are, and that those rules are consistently and predictably applied. New or re-written zoning codes will make Birmingham a better place to live and to invest in by:

- **Setting clear standards:** design standards that enhance the appearance of the entire area, such as in place-based zoning or form-based zoning.
- **Removing obstacles:** eliminating or modifying rules that unnecessarily hinder development.
- **Creating incentives:** providing flexibility to encourage real estate and business development.

² See Randall Arendt, *Growing Greener*, (Island Press, 1999) for a detailed approach and model ordinances.

The existing zoning ordinance has all the characteristics of a code that has been added to incrementally and has not been comprehensively reviewed or revised in many years. For example, there are about a hundred pages of “Supplementary Regulations and Modifications.” The most effective way to reform the development regulation and permitting process is to create a Unified Development Code (UDC) that encompasses zoning, subdivision regulations, street and thoroughfare regulations, development standards, environmental regulations, sign regulations, historic preservation regulations, and permitting and annexation rules. Today, new codes for entire jurisdictions are generally hybrids of several zoning approaches, so that the right approach is tailored to a particular place.

The foundation of a new code will continue to be the conventional zoning model that people are familiar with and understand, because there are many parts of the city which do not require changes. However, aspects of performance zoning and form-based zoning can be incorporated into a new zoning code or UDC, which would have the following characteristics:

- A single, uniform set of definitions and terminology
- A refined list of zoning districts and a new land use classification system
- Integrated procedures with step-by-step details on the sequence of development approvals
- Illustrated design guidelines and standards
- A detailed table of contents and index
- Hyperlinks to code sections (in an online electronic version) and site design standards
- New and improved page layout and content.

Actions

1. *Use a set of principles to audit and guide the rewrite of zoning and development regulations:*

A modern zoning ordinance is more than requirements and mandates. It should make it easy to do the right thing. Obstacles that stand in the way of desirable development practices should be removed, and the connection to the land use policies of the Comprehensive Plan should be evident in the both the text and the zoning map.

Consistency with the Comprehensive Plan:

- Provide for systematic neighborhood, citizen, and property owner input into proposed zoning changes.
- Draft districts and regulations to provide the Planning Commission and City staff with land use tools to implement the Comprehensive Plan Vision and Goals.
- Connect zoning to the Comprehensive Plan by basing the zoning map on the Future Land Use Map and associated text.

Usability, Streamlining, and Administration:

- Eliminate obstacles to development by deregulating routine matters, minimizing nonconformities, and eliminating unnecessary and redundant regulations.
- Whenever possible and without loss of desired development outcomes, replace discretion and administrative interpretation with urban design and other standards to make the zoning ordinance consistent and predictable for development decision-making.
- Make administrative provisions and processes a consistent, predictable and understandable process for anyone using the zoning ordinance—resident, property owner, developer, or staff person.
- Make the ordinance easier to understand by modernizing terms and using appropriate illustrations, tables, matrices and charts.

Rural Enterprise Area principles:

As of 2012, there are many different kinds of land uses in the Rural Enterprise areas, a condition made more complicated by the fact that the city’s border is very

complex and sometimes incorporates small fragments of development or parcels that are mostly within another jurisdiction. There is a certain amount of leapfrog and sprawl development within these peripheral areas, but many of the greenfield parcels are being landbanked as the owners wait for development opportunities. When property owners in these districts want to pursue development opportunities, they will need to request changes in zoning, allowing the City to shape development.

- Planned development that connects with existing development is preferable to isolated, pod-like development.
- Because the city's best interests would be served by attracting new residents to downtown, existing neighborhoods, or new development that is well-connected to existing neighborhoods, residential development in greenfield sites at the edges of the city should not be a high priority, except where there are existing amenities and services, such as Oxmoor.
- Provide zoning and consider incentives for conservation/open space subdivisions that cluster housing while keeping part of the property as usable open space for nature or agricultural uses.

Residential Neighborhood Principles:

- Residential low: single-family residential
 - > Review residential zoning districts to ensure that they reflect existing or desired character and consolidate residential zoning districts that do not result in significant variations in development.
 - > Integrate development standards into residential district regulations where there is a desire to maintain existing residential character.
 - > Ensure that new infill or redevelopment housing built in the older parts of the city is compatible with the patterns established by the historic street grid, traditional orientation of front doors to the street, average setbacks, and parking strategies (parking on street, in alleys or at rear where driveways are not part of the traditional streetscape).
 - > Ensure that new infill in suburban-style developments is compatible with established patterns.

- Residential Medium: two-family, multifamily (including townhouse)
 - > Connect multifamily housing to its surrounding neighborhood by integrating it into the street system and providing regulations that ensure proper transitions from lower to higher density development.
 - > Ensure that multifamily housing is sensitive to its context by creating design and development standards that are compatible with the broader residential neighborhoods in relation to location and orientation on the site, parking, pedestrian-friendly character and similar issues.
 - > Design parking to be as unobtrusive as possible.
- Residential high: adaptive reuse and high-density mid-rise/high-rise:
 - > Establish a height limit for buildings.
 - > Establish transition standards such as upper story setback planes between higher and lower buildings.
 - > Ensure that any parking structures are required to be wrapped with building program.
 - > Promote designs that incorporate townhouse-style units with separate street entrances to enhance pedestrian-friendly character.

Commercial district principles:

- Create standards for compact, neighborhood-oriented commercial districts that provide pedestrian-friendly conditions, relegate parking to the side or rear, and mitigate impacts on residential areas.
- Create standards for commercial districts where shoppers arrive primarily by auto to be pedestrian-friendly and functional, but where parking is not the most visually prominent land use.
- Revise the current commercial district standards to ensure a high quality of design and integration with other uses, as well as safety and comfort for pedestrians.
- Include design standards for each scale of commercial development, coordinating with design review standards.

Districts with Mixed-Use Principles:

Mixed-use areas combine diverse uses, mixed horizontally and vertically, each of which must be individually successful while contributing to a larger experience and identity. This does not mean that every property within a mixed-use center must contain more than one land use. It does mean that mixed-use properties and buildings will be permitted; that single-use sites will be designed to be compatible with other desired uses in the mixed-use center; and that the public and semi-public realm (streets, sidewalks, parking lots, building setbacks, building facades, landscaping) will be designed to work together and create human-scaled, walkable environments while still accommodating cars, loading and similar necessities. Because mixed-use development is more complex, it will require more design and standards review than development in other zoning districts.

- Locate mixed-use development on the Zoning Map within or near commercial areas. Mixed-use development can also function as a buffer between large-scale commercial development and adjacent neighborhoods.
- Provide regulations to insure proper transitions from lower to higher density development.
- Create districts for mixed-use development of various scales. This includes vertical mixed-use (within one building) and mixed-use on the broader neighborhood level.
- Establish urban design goals and standards for mixed-use districts that emphasize pedestrian-oriented ground floors, sidewalks and streets.
- Manage the amount, location and design of parking to support urban design goals in mixed-use districts, and require, where appropriate, contributions to a network of open spaces through the development approval process.
- Establish zoning for downtown that reflects the mix of places identified in the Comprehensive Plan, transforming it from a series of individual destinations into a cohesive, interconnected, and well managed center.

- > Continue to allow higher heights and densities in downtown than elsewhere, particularly in the Central Business District, but establish a height limit.
- > Establish a system of primary streets with design standards that are characterized by continuous zero-lot-line street wall, active ground-floor uses, transparency (percentage of the building frontage with windows) and permeability (building frontage with doors opening on to the street).
- > Support historic-building investments by removing unnecessary obstacles to the rehabilitation of existing buildings such as parking requirements and expansion of nonconforming uses.

Industrial Uses:

- Reduce conflicts both within industrial districts and between industrial districts and adjacent non-industrial districts.
- Consider design standards for both buildings and the larger design of the site for industrial, business, and research parks. Design standards will help to mitigate impacts and assure a desired aesthetic image.
- Review industrial performance standards and measures for noise, dust, light, truck traffic and similar impacts in establishing uses and evaluating impacts near residential areas.
- Attract new employers by creating a positive image through appropriate development standards.
- Include new landscaping standards to buffer incompatible uses, screen parking lots and outdoor storage areas, and improve the appearance of the site and street frontage. Tailor sign standards to the nature of the district, in terms of both the types of signs allowed and the size of signs. Regulations should work to achieve a coordinated appearance within a commercial area or along commercial corridors.
- Incorporate a design review process that informs both the developer and the neighborhood about community design standards and operational concerns.

Institutional Uses:

- Allow mixed-use development in institutional districts.
- Establish appropriate boundary transitions and connectivity between major institutional uses and the surrounding neighborhood to ensure good neighbor compatibility.
- Continue to require institutional master plans to guide development.

Sustainability and Environmental Standards:

Zoning for sustainability helps shape development that is energy and resource-efficient, minimizes the impact of human land uses, and promotes compatibility with local climate and environmental systems.

Zoning can support and encourage sustainable development by eliminating or revising existing rules that unnecessarily hinder sustainable development; providing incentives for using sustainable design techniques; considering incentives for incorporating basic sustainable development standards that address landscape, building materials, building and siting; and relating the location of use types and densities to properly scaled transit access.

- Consider incentives for the use of water conservation and innovative stormwater management techniques in site planning and new construction, including the use of semi-pervious paving materials, where conditions are suitable.
- Consider incentives for the use of sustainable stormwater management practices, scaled to the size and character of the site, such as bioswales, rain gardens, green roofs, and parking lot landscaped islands that are designed to absorb stormwater.
- Allow parking alternatives, such as shared parking lots and parking space maximums, to reduce the amount of paved surfaces in new development.
- Allow for land banking of parking facilities—where a portion of a parking area is kept in green space until the paving of additional parking areas is necessary—to reduce impervious surfaces.

- Allow and encourage urban agriculture in appropriate locations.
- Allow small-scale food processing in certain residential or commercial districts, for example home-based commercial kitchens or shared-use commercial kitchens for specialty foods production.
- Permit solar collectors as an accessory use but with the proper zoning standards in place to minimize negative aesthetic impact.
- Consider building siting guidelines for larger developments to allow for passive solar systems.
- Consider incentives for bicycle parking facilities for certain types of new development, as well as bicycle storage facilities in larger residential developments.
- Consider incentives for setback maximums or build-to standards to establish the desired scale of development within areas where a pedestrian-orientation is desired.
- Consider incentives for pedestrian cross-access connections between sites and to adjacent developments, to create a larger, walkable environment.
- Include provisions to encourage vehicle cross-access easements between adjacent parking areas for different businesses, which can encourage shared parking areas and reduce curb cuts.
- Regulate the spacing of curb cuts to preserve sidewalk continuity for pedestrians and preserve on-street parking spaces in districts where high pedestrian friendly conditions are needed and desired.

2. Use form-based zoning or place-based zoning for mixed-use districts or subdistricts, working with property owners and others to find appropriate standards.

Form-based zoning, which focuses on the physical characteristics of buildings and development rather than the uses, is most suitable for defined districts where a variety and mixture of land uses is desired and detailed physical planning can be accomplished. Birmingham's

Highland Park Neighborhood District has a form-based zoning overlay. The planning process that involves community stakeholders, business and property owners first establishes goals for the district, then creates a physical plan called a “regulating plan,” and finally transforms that plan into regulations accompanied by illustrations of desired development. Completely form-based codes, with no use regulations, are rare in existing cities, because most residents still feel more comfortable with some certainty about uses.

“Place-based” or “context-based” zoning establishes design standards within zoning districts that are intended to create developments that are compatible with the existing or desired character of particular areas. This kind of zoning is not as prescriptive as form-based zoning but still provides site and building standards based on design principles for the zoning district.

3. Update the design review system and process in new zoning regulations.

Consider integrating and illustrating as many design standards as possible into by-right zoning. Additionally, review, rewrite, consolidate and illustrate as much as possible the current urban design standards and guidelines used by the Design Review Committee. The combination of some development regulations in zoning and architectural control in the design guidelines could help provide guidance for a desired urban design character, especially the impact of buildings on the public realm.

Examples of actions that could be taken (and suggested review authority) to update the zoning regulations and the design review guideline could include:

> Building Design

- Build to the street line or prevailing setback on the block. (Zoning)
- Clearly define the building entrances. (Zoning)
- Maximize ground-floor transparency. (Design guidelines)
- Incorporate windows and architectural details to create an interesting pedestrian experience at the street level. (Design guidelines)

- Encourage more active uses at street level. (Design guidelines)
- Encourage building with less bulk. (Design guidelines)
- Encourage non-visible parking under buildings. (Design guidelines)
- Encourage buildings to have a continuous building face at street level. (Design guidelines)

> Parking Design

- Break up surface parking lots into smaller “pods.” (Zoning)
- Encourage the building of multilevel parking structures instead of surface lots. (Design guidelines)
- Encourage the incorporation of commercial uses on the ground floor of parking garages. Screen the upper levels with architectural features or landscaped walls. (Design guidelines)
- Encourage underground parking where feasible. (Design guidelines)

> Public Open Space

- Public open space should be visible from the street. (Design guidelines)
- Include multiple, direct access points from adjacent streets. (Design guidelines)
- Incorporate amenities such as benches, seats, tables, and water features. (Design guidelines)

> Sustainable Design

- Reuse existing building stock when possible. (Design guidelines)
- Incorporate existing on-site natural habitats and landscape elements. (Zoning)
- Incorporate stormwater-control features, such as green roofs, rain gardens, and swales. (Zoning)
- Maximize daylight for exterior spaces and minimize shading of adjacent sites. (Design guidelines)
- Encourage sun shade devices to reduce heat gain. (Design guidelines)
- Encourage building orientation and massing to reduce heat gain. (Design guidelines)

> Signs

- Sign: size, location. (Zoning)
- Sign: color, materials, lighting and content. (Design guidelines)
- Review the locations where design review is currently required, including downtown and commercial revitalization districts. With the incorporation of design standards into new zoning, the goal would be to allow some projects to proceed without the need for design review, as long as they incorporate the design standards in zoning, while focusing design review on projects within Urban Renewal Areas.
- Review and revise design review guidelines. Currently, individual design review districts have their own guidelines, some of which were established decades ago, with varying degrees of specificity. As noted earlier, many of guidelines are heavily influenced by historic preservation, which may or may not be appropriate today. The guidelines should be reviewed in the context of the Comprehensive Plan, new zoning, and development history.

B. Ensure that subdivision regulations allow for alternatives to standard subdivision designs

Actions

1. *Incorporate conservation/open space subdivisions options into the subdivision regulations.*

As noted elsewhere in this plan, conservation subdivisions provide for preservation of open space by clustering housing, often while keeping overall density at the same level as a conventional subdivision (see footnote 2 on p. 14.25).

C. Develop integrated plans for Urban Villages and Strategic Opportunity Areas that create environments where the whole becomes more than the sum of the parts.

Conceptual examples for Woodlawn, Five Points West, and Parkway East appear in Figures 14.6–14.8. These three examples represent areas with different contexts and different land use character.

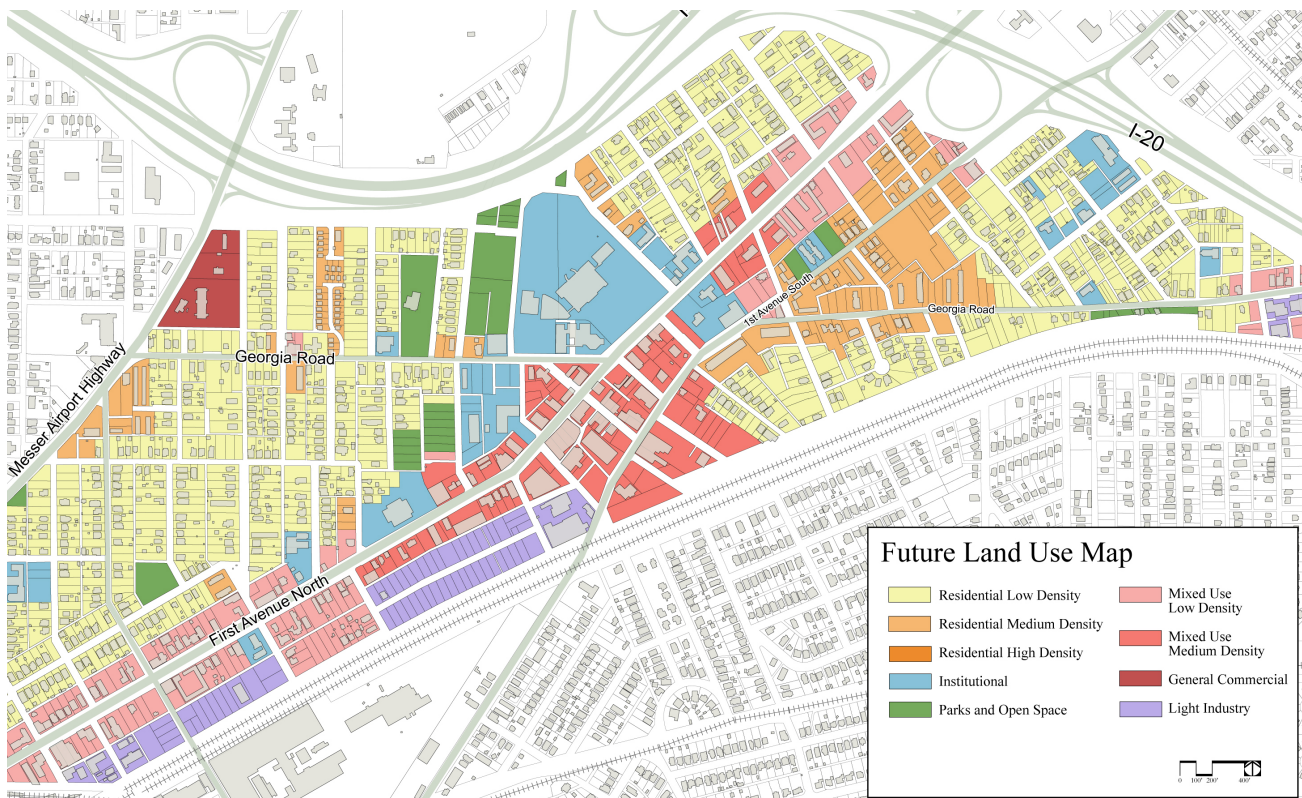
- Woodlawn is one of the former town centers that were absorbed into the City of Birmingham and exhibits traditional, walkable, urban form.
- Five Points West is a commercial center at an intersection of regional importance that is already slated to become a bus SuperStop. With public investment in CrossPlex and available public land, it offers the opportunity to create a new center of critical mass that can also help improve the attractiveness of the traditional neighborhoods that surround it.
- Parkway East is characterized by big box and strip commercial development along a regional arterial that serves suburban-style neighborhoods and commuters. The large land parcels and regional connections make this a potential location for mixed-use development of the “lifestyle center” type that could provide the density needed to support new transit options over the long term.

FIGURE 14.6: CONCEPTUAL PLAN: WOODLAWN URBAN VILLAGE AND STRATEGIC OPPORTUNITY AREA

Concept Plan: Woodlawn Urban Village and Strategic Opportunity Area

Woodlawn United, the Woodlawn Foundation, Birmingham Main Streets, and the Woodlawn Neighborhood Associations and Community have been working for several years to revitalize the historic town center of Woodlawn and surrounding neighborhood. KPS Group, a member of the Comprehensive Plan team, has also worked with the Woodlawn partners to create a physical plan for the area. These images and concepts appear here courtesy of KPS and the Woodlawn Foundation.

PROPOSED LAND USE PLAN



LAND USE, DESIGN, AND PROGRAMMATIC STRATEGIES

These strategies are consistent with the recommendations of the Comprehensive Plan:

- A mixed-use core with ground-floor retail and services, upper-story dwellings and offices, and civic open spaces, where the highest mix and intensity of uses are concentrated.
- Consolidation of single-family residential areas through a neighborhood conservation district and no more multifamily buildings in single-family areas.
- Designated areas east of the core for higher-density residential development.
- Stronger connections among the areas but with appropriate transitions at the edges.
- New zoning to reflect the desired mix and intensity of uses.
- Complete streets design to provide safe and attractive access for all users.
- Design to provide “eyes on the street” and discourage locations that shield criminal behavior.
- Investment in enhanced education for both public and private schools.
- Provision of social service supports.

This map shows the proposed priority street designations for the Woodlawn Strategic Opportunity Area as mapped by Comprehensive Plan team member Kittelson & Associates.

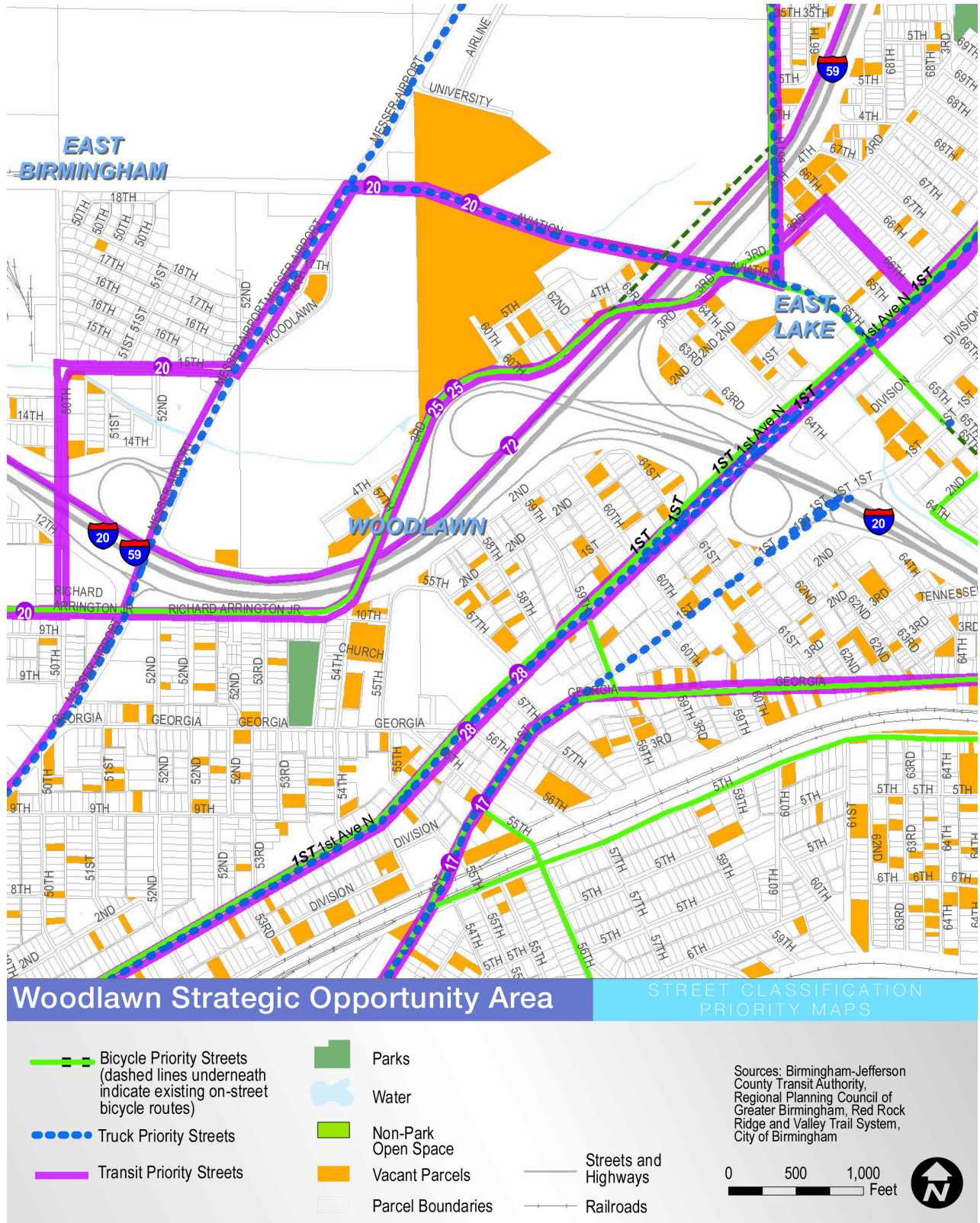


FIGURE 14.7: CONCEPT PLAN: INTEGRATING HOUSING AND SERVICES TO CREATE A FIVE POINTS WEST URBAN VILLAGE AND STRATEGIC OPPORTUNITY AREA

Concept Plan: Integrating Housing and Services to create a Five Points West Urban Village and Strategic Opportunity Area

The City's Office of Economic Development asked BlocGlobal, one of the Comprehensive Plan team members, to prepare a master plan for the CrossPlex area focused on nonresidential uses. The plan calls for improvements of the interstate gateway from I-20/59 on Ensley Avenue, improvements in existing strip commercial areas, and commercial development on the CrossPlex site, as well as a Boys and Girls Club. The City's approach is to focus on commercial uses that can produce sales tax or other revenue.



Encourage mixed-income housing on land east of the Crossplex; invest in pedestrian-friendly urban design, streetscape and circulation improvements.

Five Points West has received significant public investment in recent years: CrossPlex, a new police station, and a library. The new police station offers the opportunity to intensify community-based policing. BJCTA and MPO planning has targeted Five Points for a bus SuperStop transfer hub and in the long term, a major Bus Rapid Transit stop. The stops are likely to be close to the intersection of US-11 and Ensley Avenue. Within a short distance sits one of the city's most important employment centers, Princeton Baptist Hospital. The City owns the Fairgrounds site, which gives it the opportunity to use land costs as an incentive for desired development. Segments of the Red Rock Trail System are nearby.

This Comprehensive Plan recommends investing in making Five Points West a major mixed-use urban village with pedestrian-friendly urban design, streetscape and circulation improvements, and new housing on the Fairgrounds site. The success of new development would require a highly coordinated and organized program of physical and transportation improvements;

optimal housing and landscape design; creative financing; and targeted social service and workforce development programs in the surrounding single-family neighborhoods. Improvements to the streetscape and surrounding areas would need to be made in advance or simultaneously with any housing development. A well-designed, mixed-income and possible mixed-use development along US-11 near the Lomb Avenue intersection would increase household density and give Five Points West a new identity. Prospective residents could be recruited among hospital employees as well as others who could potentially benefit from better bus service. The City could elect to keep ownership of the land or create a community land trust as one way to help attract a housing developer. Because the housing would be on the Fairgrounds land, it might be perceived as safer than a development elsewhere in the area. A study of the options and market possibilities that looks at all the details of a coordinated development program for Five Points West would be important as exploration of this approach was proceeding.

This map shows the proposed priority street designations for the Five Points West Strategic Opportunity Area as mapped by Comprehensive Plan team member Kittelson & Associates. The MPO is in the planning process for a potential Bus Rapid Transit route on US-11. In addition, the BJCTA is expected to designate Five Points West to be a bus SuperStop for transfers.

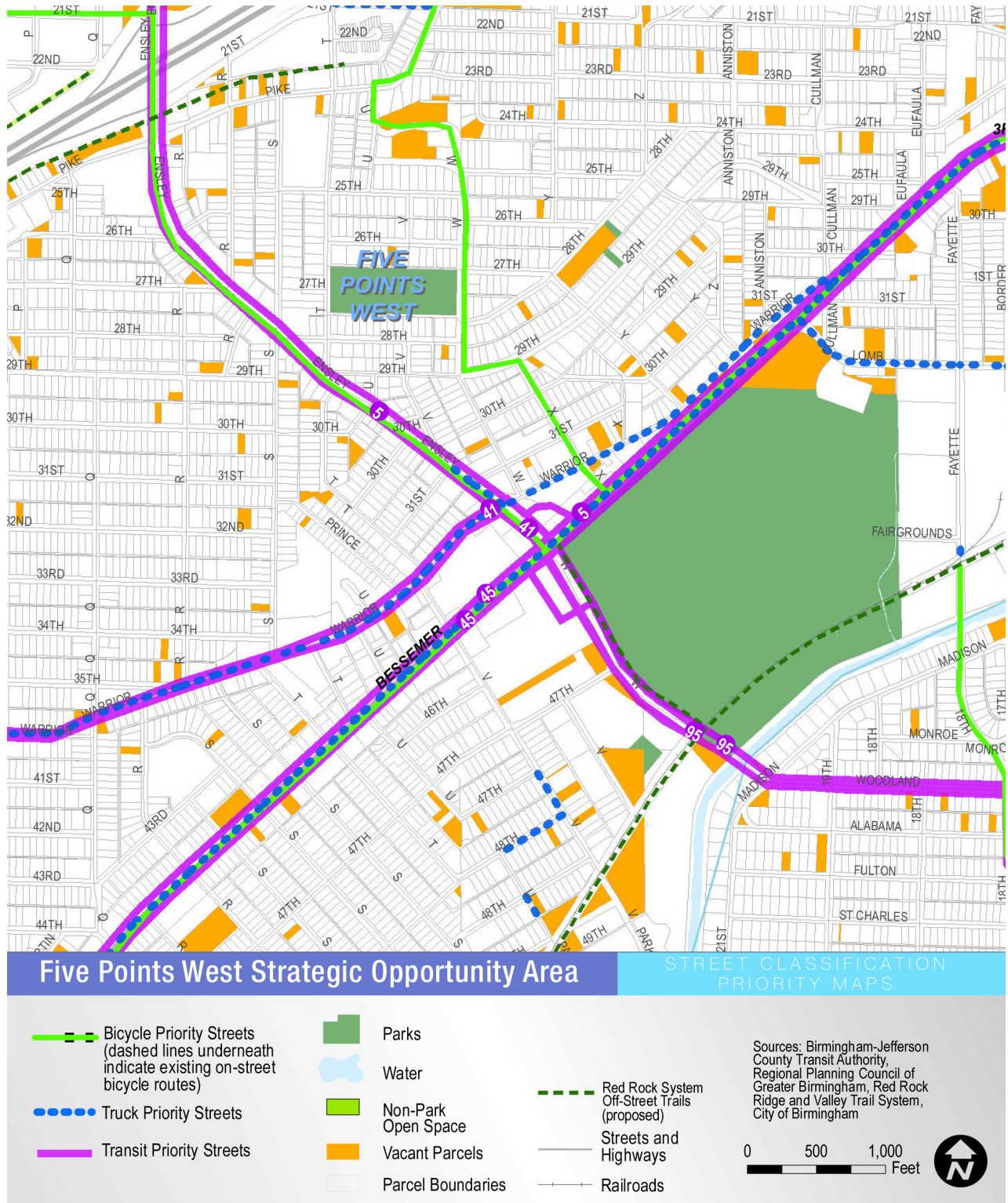


FIGURE 14.8: DESIGN CONCEPTS: A MIXED-USE LIFESTYLE CENTER PRIMED FOR BUS RAPID TRANSIT AT PARKWAY EAST

Design Concepts: A Mixed-Use Lifestyle Center Primed for Bus Rapid Transit at Parkway East—A Long-Term Vision

Parkway East today is a suburban retail strip with some large parcels and big box retail. In the future, it could become a mixed-use center combining 3- to 5-story multifamily development, retail, and a major transit stop—in the long term, Bus Rapid Transit. This kind of transformation has already occurred in other regions.

3- TO 5-STORY MIXED-USE RESIDENTIAL CORRIDOR



Encourage locally produced public art in sidewalk and plaza spaces to revitalize the public realm.



Activate and strengthen the pedestrian realm with cafes, outdoor dining and other community-oriented amenities.

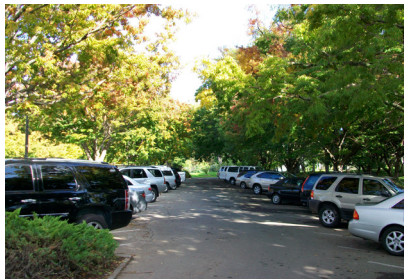


Screen the expansive surface parking lot with multifamily residential corridor and live-work lofts along the traffic arterial.



Screen above-grade structured parking from the sidewalk with wrapped residential and retail uses.

PARKING “GREEN”



Explore means for generating alternative energy from the vast expanses of paved surface parking lots.



Employ landscape and public art to enhance the pedestrian experience of customers who use public transit and have to walk across expansive parking lots to access the big-box retail store.

Use permeable pavers, rain gardens, street edge landscaping and increased planting to manage stormwater.

BUS RAPID TRANSIT FACILITIES



Bus-only lanes with permitted access to bikes and taxis



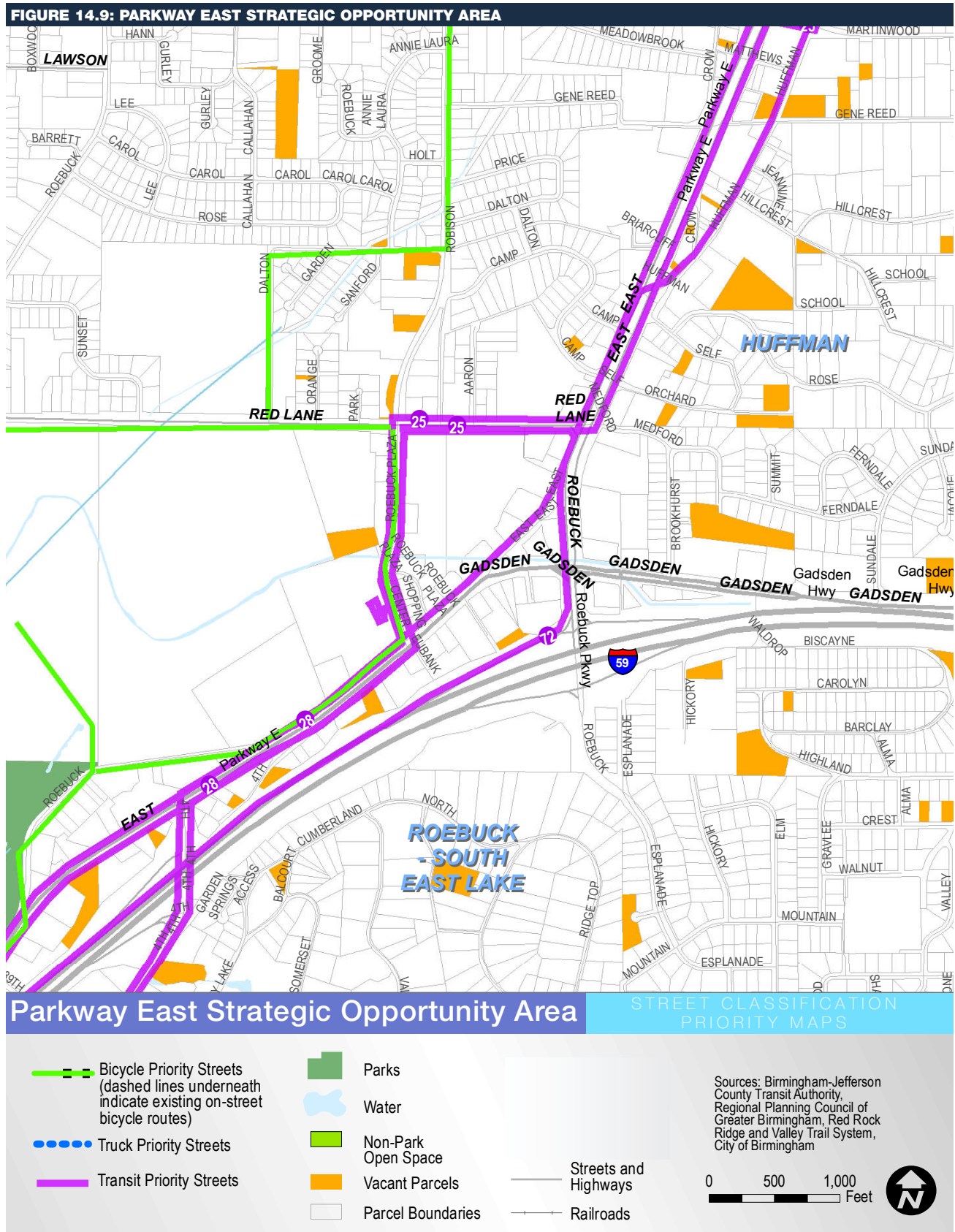
Integration of real-time transit signage within the design on transit shelters.



Traffic calming with textured pavement surfaces

Center bus lanes and transit shelter carved out from existing arterial





goal 3

Excellent urban design quality to enhance city livability and competitiveness.

POLICIES

- Strengthen the city's public realm and urban design character.
- Support high-quality design through incentives in regulations and in land use decisions.

What is “urban design”? In the broadest terms, urban design is the process that shapes physical environments at a variety of scales, from regions and cities as a whole, to city districts or neighborhoods, down to individual lots. Urban design is concerned with the physical character of spaces in three dimensions. It is not, as sometimes thought, simply about visual appearance or style. Urban design affects many aspects of how we experience places, including how the different elements of spaces, such as buildings, sidewalks, roads, parking lots, and parks, relate to one another; how spaces function in facilitating, directing or obstructing people's activities; and how spaces express aesthetic values. Although urban design can be practiced both in publicly-owned and privately-owned places, the focus here will be on the public realm and on private places that are commonly open to the public, such as retail developments.

Many aspects of the Birmingham vision and principles focus on issues that are the province of urban design: a reinvigorated downtown and inner city neighborhoods; preservation of historic resources; development and change that reflect sense of place and community; connected networks of parks and trees; improvements in transportation; a more pedestrian- and bicycle-friendly community; and creation of beautiful public places.

The older parts of the City of Birmingham were created at a human scale—laid out in a connected grid of streets with small blocks, sidewalks and tree-lined streets, parks and schools as the center of neighborhoods, shops clustered together and built to the sidewalk, and streets that accommodate cars without being dominated by cars.

STRATEGIES

A. Continue to promote urban design guidelines and standards that emphasize human scaled, walkable environments.

Actions

1. *Adhere to a few basic interrelated urban design principles and add design standards to zoning districts.*

Although many parts of Birmingham were developed before widespread suburbanization, many business and retail areas even in these older areas have been affected by suburban-style design approaches that tend to focus on accommodating vehicles. The standards below that apply to private development can be incorporated into the zoning ordinance, with illustrations or photos to demonstrate preferred and unacceptable solutions.

• **Focus on creating human-scaled environments.**

Places should be designed primarily at a scale that is comfortable for people, rather than at a scale primarily focused on vehicles. That does not mean that all developments need to be small or low-rise, but that design should take into account the way that we experience environments at the ground floor, as we navigate parking lots, and so on.

• **Focus on streets as three-dimensional shared spaces.**

Streets are the most important public spaces in any city and are made up of the travel right-of-way (including sidewalks) and the land, landscaping and buildings that line the travel way. Context-sensitive and Complete Streets policies should be used when designing and redesigning streets and roads. The vertical elements at the edge of the street—buildings and street trees—should create a sense of enclosure. Some researchers say that the optimum relationship of the vertical (height of buildings) to horizontal (width of street) dimensions in a street corridor should be no more than 1:4 (e.g., a street that is 80 feet wide should be lined with buildings at least 20 feet high). Street trees spaced no more than 35 feet can also create this sense of enclosure, even if the height to width ratio cannot. Among other things, a lack of enclosure encourages higher vehicle speeds.

- **Create walkable environments.** Everyone is a pedestrian at some point during every day, at a minimum at the beginning and end of every vehicle trip. Walkable environments—connected, safe, comfortable, appealing—are important in both the public and semi-public realms and have been emphasized throughout this plan. In the public participation process, Birmingham residents were clear about their desire for more walking opportunities. Walkability depends on a variety of other design choices as well, such as block size. Smaller blocks provide more intersections and more opportunities for direct routes to destinations. In commercial areas, visual interest, safe crossings, shelter from sun and rain (trees, canopies, colonnades, and galleries), human-scaled lighting, and other amenities can keep people walking. Re-knit the urban fabric through safe and comfortable pedestrian and bicycle routes, improved lighting, landscaping, and public art to reduce barriers caused by highways and arterial roads.
- **Plant trees.** Planting trees along streets and roads and in parking lots is one of the easiest ways to enhance the public realm, create comfortable environments, and reduce heat and stormwater impacts. Very few parking lots in Birmingham have trees that provide shade, and those that do often have trees only along the periphery of the lot. Trees should be chosen for their suitability to the task. For example, street trees along sidewalks should be chosen to have canopies sufficiently high and broad to provide shade to pedestrians. Parking lots should be broken up into small parking fields shaded by trees. One best practice rule of thumb for hot climates like Birmingham's is to plant enough trees to ensure that fifty percent of the parking lot will be shaded when the trees reach maturity. Ornamental shrub trees like crape myrtles have their place, but they should not be planted instead of shade trees that can make an enormous difference in Birmingham's hot summers.
- **Bring buildings to the street.** In both the older and newer parts of the city, buildings should be located at the sidewalk, behind a small landscaped or hardscape setback, or, in a few cases along major arterials, behind limited, single-loaded parking.

Locate building entries to promote safe pedestrian movement across streets; to relate to crosswalks and pathways that lead to public transportation stops; and to encourage walking, biking and public transit use for employment and other travel around the city.

- **Put parking to the side, to the rear, in structures or underground, with clear signage to direct motorists to parking.** Parking is necessary but should not dominate street frontage. Rear parking should not, however, result in buildings that turn their backs on the street frontage. Parking structures should be wrapped by building program or, at a minimum, have active ground-floor uses on the street frontage, and at least some design elements such as screens and vines on other frontages to give the ground floor more aesthetic appeal.
- **Use more pedestrian-friendly site design within retail centers.** Designated pedestrian pathways along buildings and through parking lots towards building entrances, pedestrian precincts, and pedestrian connections from sidewalks directly to stores can make retail centers more attractive. In large centers, designated pedestrian paths at least every 300 feet to connect with entrances is a common rule of thumb. Pedestrian ways should also provide for shade.
- **Create visual interest in buildings by avoiding blank facades.** Articulated and modulated façades, windows and transparency attract interest by providing a sense of activity within. Screens and vertical plantings, including vines growing up the building, also improve on facades that otherwise have little interest.
- **Design new neighborhoods by integrating them into existing street grids.** Establish connections and transitions in scale and density from surrounding areas; provide usable open space; establish development-specific guidelines about building appearance, streetscape, signage, utilities, parking, landscape, sustainability, and materials.
- **Consider incentives to design compact subdivisions for walkability, diversity, and connectivity.** Smaller block sizes, averaging of lot sizes to allow for different housing types, narrower streets, limits on cul-de-

sacs and dead end streets, provisions for future connectivity and dedication of open space will create subdivisions that, when connected together, create neighborhoods.

- > Smaller block sizes (under 600 feet) improve connectivity.
- > Narrower streets slow traffic and reduce the amount of impervious surface and stormwater runoff. Public safety officials, who sometimes worry about access if streets are narrow, should be included in discussions of alternative design standards which can meet these concerns.
- > Cul-de-sacs and dead end streets reduce connectivity and should be limited.
- > Subdivisions should be designed and built to provide open space and appropriate locations for future connections.

- **Promote sustainability.** Consider building elements that improve energy efficiency, such as white roofs, green roofs, rain gardens, solar panels, wind turbines, and others wherever possible. These elements should be scaled appropriately and incorporated seamlessly into the overall façade. Incorporate passive heating and cooling mechanisms such as operable windows, sun shades, cross-ventilation, and adequate insulation into the design of buildings whenever possible.
- **Provide for urban agriculture at all scales.** Standards for urban agriculture will need to be established depending on scale and purpose. A small community garden or a back-yard chicken coop will require different standards than a for-profit enterprise.

C. Getting Started

ACTIONS	RESPONSIBLE PARTY
Put all development regulations, including design review guidelines, on the City website where they can be easily located.	PEP; City Webmaster
Review the Future Land Use Plan and the Zoning Ordinance for consistency, identify and write high priority zoning amendments.	Planning Division; PEP
Identify design standards to be included in zoning districts.	Planning and Urban Design Divisions; PEP
Review and evaluate design guidelines for consolidation.	Urban Design Division; PEP
Evaluate the costs and benefits of creating a Unified Development Code	PEP