



PROCEDURES MANUAL

ARTICLE 1. ADVISORY AND DECISION-MAKING BODIES

SEC. 1.1. CITY COUNCIL

a. Powers and Duties

To exercise its authority in accordance with state law, the City Council shall have the following powers and duties established in the Tuscaloosa Zoning Ordinance:

1. To review and decide the following:
 - i. Text Amendments;
 - ii. Zoning Map Amendments;
 - iii. Planned Developments; and
 - iv. Conditional Use Permits.
2. To hear and decide appeals from final decisions on approval letters for development in historic district buffer zones.
3. To establish fees for permits and development approvals reviewed under the Tuscaloosa Zoning Ordinance; and
4. To take any other action, as prescribed by state law, not assigned or delegated to the Planning and Zoning Commission, Zoning Board of Adjustment, Historic Preservation Committee, Director of Planning, or other decision-making body or staff as the City Council may deem desirable and necessary to implement the provisions of the Tuscaloosa Zoning Ordinance and Tuscaloosa Subdivision Regulations.

SEC. 1.2. PLANNING AND ZONING COMMISSION (PZC)

a. Powers and Duties

The Tuscaloosa Planning and Zoning Commission is established by Chapter 20 of the City Code. The Planning and Zoning Commission shall have the following powers and duties under the Tuscaloosa Zoning Ordinance:

1. To review and decide on the following:
 - i. Developments within a Special District; and
 - ii. Approval letters for development in historic district buffer zones.
2. To review and provide a recommendation on the following:
 - i. Text Amendments;
 - ii. Zoning Map Amendments; and
 - iii. Planned Developments.
3. To undertake any other powers and duties assigned to it by the City Council in accordance with Sec. 11-52-1, Code of Alabama.

b. Appointment of Members, Terms of Office

Appointment of Planning and Zoning Commission members and their terms of office shall be in accordance with Chapter 20 of the City Code and Sec. 11-52-3, Code of Alabama.

c. Officers, Rules of Procedure, Meetings

The Planning and Zoning Commission shall elect officers, adopt bylaws, and conduct meetings in accordance with Chapter 20 of the City Code and Sec. 11-52-4, Code of Alabama.

SEC. 1.3. ZONING BOARD OF ADJUSTMENT (ZBA)

a. Powers and Duties

The Zoning Board of Adjustment shall have the following powers and duties under the Tuscaloosa Zoning Ordinance:

1. To review and decide the following:
 - i. Variances; and
 - ii. Special Exception Use Permits.
2. To review and decide appeals from the following final decisions of administrative officials:
 - i. Administrative Adjustments; and
 - ii. Interpretations.
3. To undertake any other powers and duties assigned to it by the City Council in accordance with Sec. 11-52-79, Code of Alabama.

b. Membership and Terms of Office

The membership of the Zoning Board of Adjustment shall consist of five residents of the city appointed by the City Council. Their terms of office shall be three years. In the absence of regular members, the chair may appoint two supernumerary members. Supernumerary members exercise the power and authority of regular members. Supernumerary members shall be appointed to serve for three-year terms and shall be eligible for reappointment. The board shall promptly notify the City Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the board shall hold no other office in the City, except that not more than one member of the Zoning Board of Adjustment may also be a member of the Planning and Zoning Commission.

c. Bylaws and Rules of Procedure

The Zoning Board of Adjustment shall adopt rules as consistent with Chapter 20 of the City Code and state law. The organization and functioning of the board shall be in accordance with Sec. 11-52-80, Code of Alabama.

SEC. 1.4. HISTORIC PRESERVATION COMMISSION (HPC)

The Historic Preservation Commission is established by Chapter 20 of the City Code. The powers and duties of the HPC in relation to proposed development, including the issuance of certificates of appropriateness and certificates of economic hardship, are set forth in Chapter 20 of the City Code.

SEC. 1.5. DIRECTOR OF PLANNING

a. Powers and Duties

The Director of Planning shall have the following powers and duties under the Tuscaloosa Zoning Ordinance:

1. To review and decide the following:
 - i. Administrative Adjustments;

- ii. Interpretations; and
 - iii. Historic Expedited Review approval, in accordance with Chapter 20 of the City Code.
2. To review and develop staff reports for the following:
 - i. Text Amendments;
 - ii. Zoning Map Amendments;
 - iii. Planned Developments;
 - iv. Conditional Use Permits;
 - v. Special Exception Use Permits;
 - vi. Developments within a Special District;
 - vii. Approval letters for development in historic district buffer zones; and
 - viii. Variances.
 3. To review the following:
 - i. Land Development Permits;
 - ii. Sign Permits;
 - iii. Building Permits; and
 - iv. Certificates of Occupancy.
 4. To serve as Secretary to the Planning and Zoning Commission, Zoning Board of Adjustment, and Historic Preservation Commission.
 5. To perform all duties assigned to the Director of Planning by the City Code.
 6. To establish application content requirements and a submission schedule for the review of applications.
 7. To amend as necessary this Procedures Manual that includes requirements for application contents and forms, submission schedules, a schedule of fees (established by the City Council), and any additional information that the Director of Planning deems appropriate and relevant to the submittal of, review of, and decision on development applications.
 8. To maintain the Official Zoning Map and related materials.
 9. To enforce the Tuscaloosa Zoning Ordinance in accordance with Article VII of the Zoning Ordinance.
 10. To enforce the Tuscaloosa Subdivision Regulations.
 11. To carry out any other activities necessary for the administration of the Tuscaloosa Zoning Ordinance that are not within the powers and duties of other bodies or officials.

b. Delegation

The Director of Planning may delegate any authority under the Tuscaloosa Zoning Ordinance to any professional level subordinate staff under the Director of Planning's authority and control.

ARTICLE 2. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES

SEC. 2.1. GENERAL

This section establishes standard procedures that are generally applicable to the review of development applications under the Tuscaloosa Zoning Ordinance. Not all procedures in this section are required for every development application. Article 3, Application-Specific Review Procedures, identifies for a specific type of application which standard procedures are required, and whether there are additions or modifications to the standard procedure. Figure 2.1: Summary of Standard Review Procedures provides a summary of the standard review procedures. A similar figure with applicable changes is provided for each application specific procedure.

Figure 2.1: Summary of Standard Review Procedures



SEC. 2.2. PRE-APPLICATION CONFERENCE

a. Purpose

The purpose of a pre-application conference is to provide an opportunity for the applicant to review the submission requirements and the procedures and standards applicable to an anticipated application. A pre-application conference is also intended to provide an opportunity for City staff to become familiar with, and offer the applicant preliminary comments about the scope, features, and impacts of proposed development as it relates to the standards in the Tuscaloosa Zoning Ordinance and Tuscaloosa Subdivision Regulations.

b. Applicability

1. A pre-application conference is required before the submission of the following applications, unless this requirement is waived by the Director of Planning:
 - i. Zoning Map Amendments;
 - ii. Planned Developments;
 - iii. Developments within a Special District: and
 - iv. Approval letters for development in historic district buffer zones.

2. A pre-application conference may be requested by an applicant before the submission of any development application not identified in subsection (1) above.
3. The Director of Planning may require a pre-application conference before the submission of any development application not identified in subsection (1) above.

c. Procedure

1. Scheduling

An applicant must request a pre-application conference by phone or email at least one week prior to an application submission deadline. The Director of Planning may waive the one-week timeframe at their discretion.

Upon receipt of the request for a pre-application conference, the Director of Planning or their designee shall schedule the pre-application conference and notify the applicant of the meeting time and location.

2. Submission of Materials Prior to Meeting

Before a pre-application conference is held, the applicant shall submit to the Director of Planning the required documents listed in Article 3, Application-Specific Review Procedures, under Pre-Application Conference, for the application type being requested. The Director of Planning may require additional information as deemed necessary.

3. Conduct of Meeting

The Director of Planning or relevant staff shall review the materials submitted by the applicant prior to the meeting, and at the meeting, seek any needed clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

d. Effect

The pre-application conference is intended to facilitate the application review process. Discussions held in accordance with this section are not binding on the City. Processing times for reviewing development applications do not begin until an application is submitted in accordance with Article 2, Standard Application Requirements and Procedures, under Application Submission. A required pre-application conference must be held within six months of an application being submitted, unless otherwise waived by the Director of Planning.

SEC. 2.3. APPLICATION SUBMISSION

a. Application Submitted to Office of Urban Development

All applications shall be submitted to the Office of Urban Development.

b. Authority to Submit Applications

All applications for development approvals and permits shall be submitted by the owner(s) of the land upon which the development is proposed, or their authorized agent.

c. Required Fees

Required application fees shall be those established for the specific application by the City Council.

d. Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under the Tuscaloosa Zoning Ordinance, the applications for those development approvals or permits may, at the discretion of the Director of Planning, be processed simultaneously, so long as all applicable City and state requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant. Additionally, revisions to one application may necessitate corresponding revisions to related applications that are reviewed simultaneously.

e. Maintenance of Application

The Office of Urban Development shall maintain in its offices complete applications received and all associated materials submitted, including those subsequently submitted by the applicant.

f. Examination and Copying of Application and Associated Materials

Upon reasonable request and during normal business hours, any person may examine a development application, a finalized staff report, and materials submitted in support of or in opposition to an application, as applicable, in the Office of Urban Development in accordance with municipal, state, and federal law.

g. Amendment or Withdrawal of Application

1. Application Amendment

- i. After an application deadline, but at least one week prior to the scheduled public hearing meeting for the application, an applicant may submit a revised application to the Office of Urban Development after receiving initial staff review comments on the application or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application.
- ii. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the Director of Planning or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections, and do not include significant substantive changes, as determined by the Director of Planning, to the plan for development proposed in the application.

2. Application Withdrawal

- i. An applicant may withdraw an application at any time prior to the required notice of the public hearing scheduled for the application by submitting a letter of withdrawal via email to the Office of Urban Development.
- ii. Applications withdrawn after required notice of the public hearing scheduled for the application shall be subject to the requirements for withdrawal in accordance with the decision-making body's bylaws.
- iii. If an application is withdrawn by the applicant, no further review of the application shall take place unless or until a new application (including new application fees) is submitted and determined to be complete. Application fees shall not be refunded for withdrawn applications.

h. Application Completeness Determination

1. General

Upon receipt of an application, the Director of Planning shall determine if the application is complete. A complete application is one that:

- i. Contains all contents required for the particular type of application;
- ii. Is in the form required for the particular type of application;
- iii. Includes information in sufficient detail to allow an evaluation of the application to determine whether it complies with the appropriate review standards of the Tuscaloosa Zoning Ordinance and Tuscaloosa Subdivision Regulations; and
- iv. Is accompanied by the fee established for the particular type of application.

2. Application Incomplete

The Director of Planning has ten business days of receipt of the application to determine if the application is complete. If the Director of Planning determines that the application is incomplete, a notice shall be sent to the applicant of the deficiencies electronically or by mail within the ten business days as specified. An incomplete application will not be processed

further. The failure of the Director of Planning to provide comment within ten business days does not allow an incomplete application to move forward.

3. Application Complete

If the application is determined to be complete, it shall be reviewed in accordance with the applicable procedures and standards in this Procedures Manual, the Tuscaloosa Zoning Ordinance, the Tuscaloosa City Code, and the Tuscaloosa Subdivision Regulations. Any established time frame for review of the application shall start on the date the application is determined to be complete.

SEC. 2.4. STAFF REVIEW AND ACTION

If review or a decision on the application by the Director of Planning is required in accordance with Table III-1: Summary Table of Development Review in Sec. 25-32 of the Tuscaloosa Zoning Ordinance, the review and/or decision shall be in accordance with this section.

a. Review and Opportunity to Revise Application

1. If an application is determined to be complete, the Director of Planning shall distribute the application to all appropriate City staff, departments, and other review agencies for review and comment.
2. The Director of Planning shall review the application, any relevant support material, and any comments or recommendations from the appropriate City staff, departments, and other review agencies. If deficiencies in complying with the applicable standards of the Tuscaloosa Zoning Ordinance are identified, the Director of Planning shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to revise the application to address them.

b. Application Subject to Review by Staff

If an application is subject to review by the Director of Planning, in accordance with Table III-1: Summary Table of Development Review in Sec. 25-32 of the Tuscaloosa Zoning Ordinance, the City official shall, following completion of its review, prepare a written staff report that addresses the application's compliance with applicable review standards and potential conditions of approval. (Such a report is not required if the Director of Planning makes the final decision on the application.) The Director of Planning shall then transmit the application and staff report to the appropriate advisory or decision-making body in accordance with Table III-1: Summary Table of Development Review in Sec. 25-32 of the Tuscaloosa Zoning Ordinance, provide the applicant a copy of the staff report, and make a copy of the staff report available for examination by the public during normal hours of operation.

c. Application Subject to Decision by Staff

If an application is subject to a final decision by the Director of Planning, in accordance with Table III-1: Summary Table of Development Review in Sec. 25-32 of the Tuscaloosa Zoning Ordinance, the Director of Planning shall, after reviewing the application, make a decision authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Article 3, Application-Specific Review Procedures.

SEC. 2.5. SCHEDULING OF PUBLIC HEARING AND PUBLIC NOTIFICATION

If a public hearing is required in accordance with Table III-1: Summary Table of Development Review in Sec. 25-32 of the Tuscaloosa Zoning Ordinance, the public hearing shall be scheduled and public notification of the hearing provided in accordance with City Code, adopted bylaws, and state law.

SEC. 2.6. ADVISORY BODY HEARING, REVIEW, AND RECOMMENDATION

If an application requires review by the Planning and Zoning Commission in accordance with Table III-1: Summary Table of Development Review in Sec. 25-32 of the Tuscaloosa Zoning Ordinance, the Planning

and Zoning Commission shall review and make a recommendation on the application in accordance with City Code, adopted bylaws, and state law.

SEC. 2.7. DECISION-MAKING BODY HEARING, REVIEW, AND DECISION

If an application is subject to a final decision by the City Council, the Planning and Zoning Commission, the Historic Preservation Commission, or the Zoning Board of Adjustment (decision-making bodies) in accordance with Table III-1: Summary Table of Development Review in Sec. 25-32 of the Tuscaloosa Zoning Ordinance, such decision-making body shall review and make a final decision on the application in accordance with City Code, adopted bylaws, and state law.

SEC. 2.8 POST-DECISION ACTIONS AND LIMITATIONS

a. Notification to Applicant of Decision

Within ten business days after a final decision on a development application, or within another period of time as required by state law, the Director of Planning shall notify the applicant of the decision. The notification shall be in writing and shall comply with applicable state law. The Director of Planning shall also make a copy of the decision available to the public at the Office of Urban Development Office during normal business hours.

b. Effect of Approval

Approval of a development application authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. If one development approval or permit is a prerequisite to another development approval or permit, development may not take place until all required development approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

c. Lapse in Approval

1. Development approvals and permits shall expire in accordance with with City Code, adopted bylaws, and state law.

d. Amendment of Development Approval or Permit

Unless otherwise specified in the procedure for the particular type of development application in Article 3, Application-Specific Review Procedures, in the adopted bylaws, in the Tuscaloosa Zoning Ordinance, in the Tuscaloosa City Code, or in the Tuscaloosa Subdivision Regulations, an amendment of a development approval or permit may only be reviewed in accordance with the procedures and standards established for its original approval.

ARTICLE 3. APPLICATION-SPECIFIC REVIEW PROCEDURES

SEC. 3.1. TEXT AMENDMENT

a. Purpose

The purpose of this section is to provide a uniform mechanism for amending the text of the Tuscaloosa Zoning Ordinance whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

b. Applicability

Approval of a text amendment in accordance with this section is required to amend the text of the Tuscaloosa Zoning Ordinance.

c. Procedure for Text Amendment

Text amendments shall be decided on in accordance with this subsection, which includes any modifications to the standard procedures listed in Article 2, Standard Application Requirements and Procedures.

1. Initiation of a Text Amendment

Text amendments may be initiated by the City Council, the Planning and Zoning Commission, or the Director of Planning.

2. Staff Review and Action

The Director of Planning shall draft the text amendment and staff report.

3. Scheduling of Public Hearing and Public Notification

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.5, Scheduling of Public Hearing and Public Notification.

4. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall conduct a public hearing on the text amendment and make a recommendation in accordance with Sec. 2.6, Advisory Body Hearing, Review, and Recommendation, and Sec. 3.1.d. Decision-Making Standards for Text Amendment.

5. Decision-Making Body Hearing, Review, and Decision

The City Council shall conduct a public hearing on the text amendment and make a decision in accordance with Sec. 2.7, Decision-Making Body Hearing, Review, and Decision and Sec. 3.1.d., Decision-Making Standards for Text Amendment.

d. Decision-Making Standards for Text Amendment

Approval of a text amendment shall be made in accordance with Sec. 25-35.d, Decision-Making Standards for Text Amendment, in the Tuscaloosa Zoning Ordinance.

SEC. 3.2. ZONING MAP AMENDMENT (REZONING AND ANNEXATION)

a. Purpose

The purpose of this section is to provide a uniform mechanism for reviewing and deciding proposed amendments to the Official Zoning Map whenever the public necessity, convenience, general welfare, comprehensive plan, or appropriate land use practices justify or require doing so.

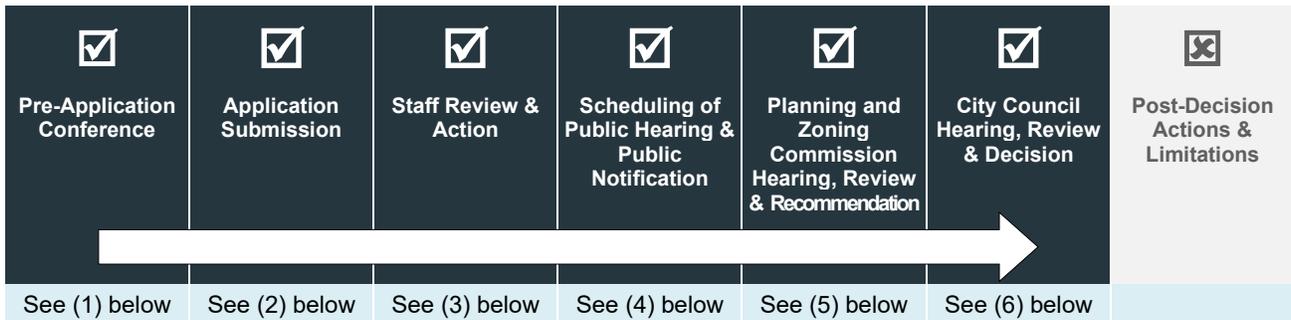
b. Applicability

Approval of a Zoning Map amendment in accordance with this section is required to amend the Official Zoning Map, except where the amendment is sought as part of a planned development (see Sec. 3.3. Planned Development).

c. Procedure for Zoning Map Amendment

An application for a Zoning Map amendment shall be submitted, processed, reviewed, and decided on in accordance with Article 2., Standard Application Requirements and Procedures, as modified in this section. Figure 3.2: Summary of Zoning Map Amendment Procedure identifies the standard procedures in this section that apply to Zoning Map amendment applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for Zoning Map amendment applications, including any modifications to the standard procedures in Article 2, Standard Application Requirements and Procedures.

Figure 3.2: Summary of Zoning Map Amendment Procedure



= Applicable; =Not Applicable

1. Pre-Application Conference

A pre-application conference is required in accordance with Sec. 2.2., Pre-Application Conference. The following items must be included as part of the pre-application conference:

- i. Pre-application conference request form.
- ii. Conceptual site plan or site layout for the proposed use of the site.
- iii. Any additional information deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3., Application Submission, except that Zoning Map amendments may be initiated by the City Council, the Planning and Zoning Commission, or an owner of land upon which the development is proposed, or their authorized agent. The following items must be included as part of the application submission:

- i. Rezoning application and/or Annexation application.
- ii. Conceptual site plan or site layout for the proposed use of the site.
- iii. Legal description in Word format.
- iv. Any additional information deemed necessary by the Director of Planning.

3. Staff Review and Action

The Director of Planning shall review the application and provide a staff report in accordance with Sec. 2.4., Staff Review and Action.

4. Scheduling of Public Hearing and Public Notification

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.5, Scheduling of Public Hearing and Public Notification.

5. Advisory Body Review and Recommendation

The Planning and Zoning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance Sec. 2.6., Planning and Zoning Commission Review and Recommendation, and Sec. 3.2.d, Decision-Making Standards for Zoning Map Amendment.

6. Decision-Making Body Hearing, Review, and Decision

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.7., Decision-Making Body Hearing, Review, and Decision, and Sec. 3.2.d, Decision-Making Standards for Zoning Map Amendment. The City Council’s decision shall be one of the following:

- i. Adopt the zoning map amendment as proposed;

- ii. Deny the zoning map amendment; or
- iii. Remand the zoning map amendment application to the Planning and Zoning Commission for further consideration.

d. Decision-Making Standards for Zoning Map Amendment

The Approval of a text amendment shall be made in accordance with Sec. 25-36.d, Decision-Making Standards for Zoning Map Amendment, in the Tuscaloosa Zoning Ordinance.

SEC. 3.3. PLANNED DEVELOPMENT

a. Purpose

Planned developments are developments that are master planned and developed under unified control. They allow more flexible standards and procedures in order to achieve innovative site design, improved appearance, greater compatibility of uses, increased preservation of natural and scenic features, improved service by community facilities, better functioning of vehicular access and circulation, and otherwise higher-quality development than could be achieved through base zoning district regulations. The purpose of this section is to provide a uniform mechanism for amending the Official Zoning Map to establish any of the planned development districts set forth in the Tuscaloosa Zoning Ordinance.

b. Applicability

Approval of a planned development district in accordance with this section is required to amend the Official Zoning Map to establish a planned development district.

c. Procedure for Planned Development District

An application for a planned development district shall be submitted, processed, reviewed, and decided on in accordance with Article 2., Standard Application Requirements and Procedures, as modified in this section. Figure 3.3: Summary of Planned Development District Procedure identifies the standard procedures in Sec. 3.3 that apply to Planned Development District applications and those that do not apply. Subsections (1) through (7) below set out the required procedure for Planned Development District applications, including any modifications to the standard procedures in Article 2, Standard Application Requirements and Procedures.

Figure 3.3: Summary of Planned Development Procedure



☑= Applicable; ☒=Not Applicable

1. Pre-Application Conference

A pre-application conference is required in accordance with Sec. 2.2., Pre-Application Conference. The following items must be included as part of the pre-application conference:

- i. Pre-application conference request form.
- ii. Conceptual site plan or site layout that includes information such as proposed setbacks, lot widths, open space lots, amenities, streets, sidewalks, and uses.
- iii. Any additional information deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3., Application Submission. The following items must be included as part of the application submission:

- i. Rezoning application.
- ii. Proposed Planned Development (“PD”) Plan and Narrative addressing all requirements and standards set forth in 25-91.c.1, Planned Development Districts.
- iii. Any additional information deemed necessary by the Director of Planning.

3. Staff Review and Action

The Director of Planning shall review the application and provide a staff report in accordance with Sec. 2.4. Staff Review and Action.

4. Scheduling of Public Hearing and Public Notification

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.5., Scheduling of Public Hearing and Public Notification.

5. Advisory Body Review and Recommendation

The Planning and Zoning Commission shall conduct a public hearing on the application and make a recommendation on the application in accordance with Sec. 2.6., Advisory Body Hearing, Review, and Recommendation, and Sec. 3.3.c.8, Decision-Making Standards for Planned Development.

6. Decision-Making Body Hearing, Review, and Decision

The City Council shall conduct a public hearing on the application and make a decision on the application in accordance with Sec. 2.7, Decision-Making Body Hearing, Review, and Decision, and Sec. 3.3.c.8, Decision-Making Standards for Planned Development. The Council’s decision shall be one of the following:

- i. Approve the application as submitted;
- ii. Approve the application subject to conditions of approval; or
- iii. Deny the application.

7. Post-Decision Actions and Limitations

i. Effect of Approval

The approved Planned Development (“PD”) Plan and PD Agreement shall be the zoning regulations for the planned development district, and any subsequent required development approval or permit shall comply with the approved PD Plan and PD Agreement.

ii. Amendments

An approved PD Plan or PD Agreement may be amended only in accordance with the procedure and standards used for its original approval. Minor deviations as set forth in subsection (iii) below, are not considered amendments of the PD Plan or PD Agreement but shall be included as part of the planned development district documents for future reference.

iii. Minor Deviations

Subsequent applications for development approvals and permits within a planned development district that include minor deviations from the approved PD Plan or PD

Agreement that do not materially affect the planned development district's basic concept may be reviewed and decided upon, without the need to amend the planned development district if the Director of Planning determines that such deviations consist of only the following:

- (a) Changes that result in a decrease in the density or intensity of development approved for a specific lot;
- (b) A change in a land use designation from multifamily to single-family or a change from any use to open space/passive recreation;
- (c) A change in street layout or location of utilities to accommodate other allowable deviation, which does not significantly affect the PD master plan
- (d) A modification of design of facilities for amenities such as parks, gardens or open spaces; or
- (e) A deviation specifically listed in the approved PD Agreement as a minor deviation not materially affecting the planned development district's basic concept or the designated general use of lots within the district.

8. Decision-Making Standards for Planned Development

The Approval of a planned development district shall be made in accordance with Sec. 25-37.d, Decision-Making Standards for Text Amendment, in the Tuscaloosa Zoning Ordinance.

SEC. 3.4. CONDITIONAL USE PERMIT

a. Purpose

The purpose of this section is to provide a uniform mechanism to ensure that conditional uses are appropriate for the location and zoning district where they are proposed. A use is designated as a conditional use in a zoning district where the use may or may not be appropriate, because of the intensity of the use and because of its characteristics and potential impacts on uses permitted by right in the district. Consequently, special individual consideration of the proposed location, design, and methods of operation of the conditional use in accordance with the procedure and standards in this section is required before the use can be deemed appropriate in the district and compatible with its surrounding development.

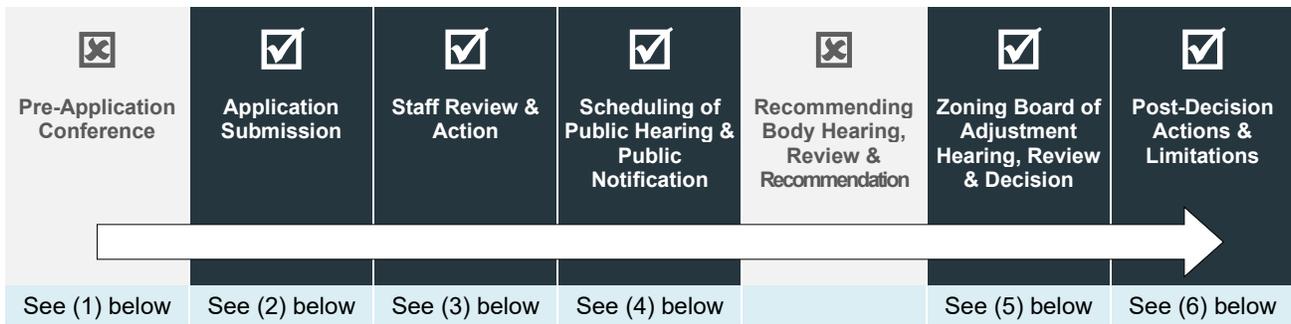
b. Applicability

Approval of a conditional use permit in accordance with the procedure and standards in this section prior to the establishment of any use designated as a conditional use in Article V Division 2, Principal Uses, and where specified by other provisions of the Tuscaloosa Zoning Ordinance.

c. Procedure for Conditional Use

An application for a planned development district shall be submitted, processed, reviewed, and decided on in accordance with Article 2., Standard Application Requirements and Procedures, as modified in this section.

Figure 3.4: Summary of Conditional Use Permit Procedure



= Applicable; =Not Applicable

1. Pre-Application Conference

A pre-application conference is not required in accordance with Sec. 2.2, Pre-Application Conference, unless deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3., Application Submission. The following items must be included as part of the application submission:

- i. Conditional use permit application.
- ii. Any additional information deemed necessary by the Director of Planning.

3. Staff Review and Action

The Director of Planning shall review the application and provide a staff report in accordance with Sec. 2.4., Staff Review and Action.

4. Scheduling of Public Hearing and Public Notification

The public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.5., Scheduling of Public Hearing and Public Notification.

5. Decision-Making Body Hearing, Review, and Decision

The Zoning Board of Adjustment shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.7, Decision-Making Body Hearing, Review, and Decision, and Sec.3.4.d, Decision-Making Standards for Special Exception Permit. The Board’s decision shall be one of the following:

- i. Approve the application as submitted;
- ii. Approve the application subject to conditions of approval; or
- iii. Deny the application.

6. Post-Decision Actions and Limitations

Post decision actions and limitations shall be in accordance with Sec. 2.8 Post-Decision Actions and Limitations.

d. Decision-Making Standards for Conditional Use Permit

The Approval of a conditional use permit shall be made in accordance with Sec. 25-38.d, Decision-Making Standards for Conditional Use Permit, in the Tuscaloosa Zoning Ordinance.

SEC. 3.5. SPECIAL EXCEPTION USE PERMIT

a. Purpose

The purpose of this section is to establish a uniform mechanism to ensure that special exception uses are appropriate for the location and district where they are proposed. A use is designated as

a special exception use in a zoning district where the use may or may not be appropriate, because of its characteristics and potential impacts based on the general development character and uses permitted by right in the district. Consequently, special individual consideration of the proposed location, design, and methods of operation, of the special exception use in accordance with the procedure and standards in this section, is required before the use can be deemed appropriate in the district and compatible with its surrounding development.

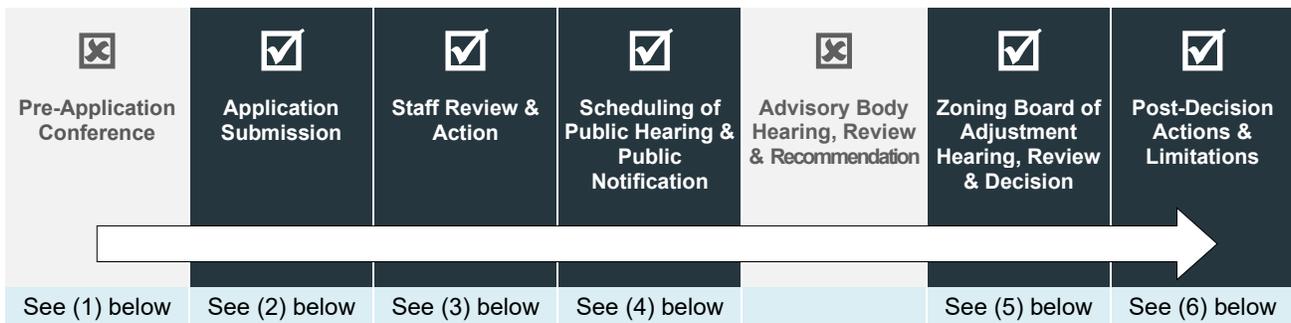
b. Applicability

Approval of a special exception use permit in accordance the procedure and standards in this section is required prior to the establishment of any use designated as a special exception use in Article V , Use Regulations, and where specified by other provisions of the Tuscaloosa Zoning Ordinance.

c. Procedure for Special Exception Use

An application for a special exception use permit shall be submitted, processed, reviewed, and decided on in accordance with Sec. 2, Standard Application Requirements and Procedures, as modified in this section. Figure 3.5: Summary of Special Exception Use Procedure identifies the standard procedures in in accordance with this section that apply to special exception use permit applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for special exception use permit applications, including any modifications to the standard procedures in this section.

Figure 3.5: Summary of Special Exception Procedure



☑= Applicable; ✘=Not Applicable

1. Pre-Application Conference

A pre-application conference is not required in accordance with Sec. 2.2, Pre-Application Conference, unless deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3., Application Submission. The following items must be included as part of the application submission:

- i. Special exception use application.
- ii. Any additional information deemed necessary by the Director of Planning.

3. Staff Review and Action

The Director of Planning shall review the application and provide a staff report in accordance with Sec. 2.4., Staff Review and Action.

4. Scheduling of Public Hearing and Public Notification

The public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.5., Scheduling of Public Hearing and Public Notification.

5. Decision-Making Body Hearing, Review, and Decision

The Zoning Board of Adjustment shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.7, Decision-Making Body Hearing, Review, and Decision, and Sec.3.5.d, Decision-Making Standards for Special Exception Permit. The Board's decision shall be one of the following:

- i. Approve the application as submitted;
- ii. Approve the application subject to conditions of approval; or
- iii. Deny the application.

6. Post-Decision Actions and Limitations

Post decision actions and limitations shall be in accordance with Sec. 2.8 Post-Decision Actions and Limitations.

d. Decision-Making Standards for Special Exception Permit

The Approval of a special exception use permit shall be made in accordance with Sec. 25-39.d, Decision-Making Standards for Special Exception Use Permit, in the Tuscaloosa Zoning Ordinance.

SEC. 3.6. DEVELOPMENT WITHIN A SPECIAL DISTRICT

a. Purpose

The purpose of this section is to establish a uniform mechanism to ensure that new construction in the DP, DHE, D, R, LC, and LMF zoning districts is compatible with adjacent developments and adheres to the zoning requirements of the underlying zoning districts.

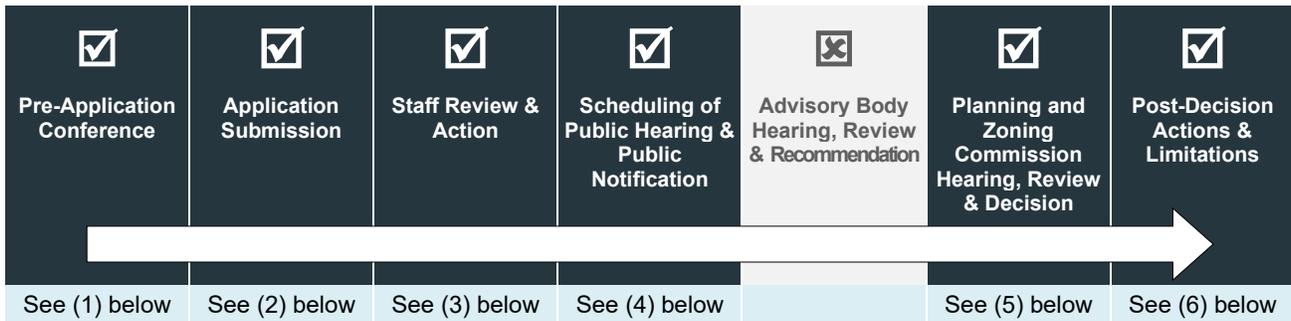
b. Applicability

Approval of a development plan within a Special District is required in accordance with the procedure and standards in this section and in Sec. 25-40.b of the Tuscaloosa Zoning Ordinance.

c. Procedure for Development Within a Special District

An application or permit for any development within a special district shall be submitted, processed, reviewed, and decided on in accordance with Article 2. Standard Application Requirements and Procedures, as modified in this section. Figure 3.6: Summary of Development Within a Special District Procedure identifies the standard procedures in this section that apply to development within a special district and those that do not apply. Subsections (1) through (6) below set out the required procedure for development within a special district, including any modifications to the standard procedures in this section.

Figure 3.6: Summary of Development Within a Special District Procedure



☑= Applicable; ☒=Not Applicable

1. Pre-Application Conference

A pre-application conference is required in accordance with Sec. 2.2., Pre-Application Conference. The following items must be included as part of the pre-application conference:

- i. Pre-application conference request form.
- ii. Conceptual site plan or site layout that includes information such as proposed setbacks, lot widths, open space lots, amenities, streets, sidewalks, and uses.
- iii. Elevation drawings showing the existing and proposed work, including proposed materials.
- iv. Any additional information deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3, Application Submission. The following items must be included as part of the application submission:

- i. Special district development application.
- ii. Conceptual site plan or site layout that includes information such as proposed setbacks, lot widths, open space lots, amenities, streets, sidewalks, and uses.
- iii. Elevation drawings showing the existing and proposed work, including proposed materials.
- iv. Narrative clearly explaining the proposed project.
- v. Any additional information deemed necessary by the Director of Planning.

3. Staff Review and Action

The Director of Planning shall review the application and provide a staff report in accordance with Sec. 2.4, Staff Review and Action.

4. Scheduling of Public Hearing and Public Notification

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.5, Scheduling of Public Hearing and Public Notification.

5. Decision-Making Body Hearing, Review, and Decision

The Planning and Zoning Commission shall conduct a public hearing on the application and make a decision in accordance with Sec.2.7, Decision-Making Body Hearing, Review, and Decision, and Sec. 3.6.d, Decision-Making Standards for Development Within a Special District. The Board’s decision shall be one of the following:

- i. Approve the application as submitted;
- ii. Approve the application subject to conditions of approval; or

iii. Deny the application.

6. Post-Decision Actions and Limitations

- i. Post decision actions and limitations shall be in accordance with Sec. 2.8, Post-Decision Actions and Limitations.
- ii. Any party aggrieved by this decision may appeal the decision to City Council within 15 days.

d. Decision-Making Standards for Development Within a Special District

The Approval of a development within a Special District shall be made in accordance with Sec. 25-40.d, Decision-Making Standards for Development Within a Special District, in the Tuscaloosa Zoning Ordinance.

SEC. 3.7. APPROVAL LETTER FOR DEVELOPMENT IN HISTORIC DISTRICTS BUFFER ZONE

a. Purpose

The purpose of this section is to establish a uniform mechanism to ensure that new construction in areas adjacent to historic districts are compatible with surrounding buildings and structures in the historic districts.

b. Applicability

An approval letter in the historic districts buffer zones shall be approved in accordance with the procedure and standards in this section prior to construction of any building or structure in the historic districts buffer zone.

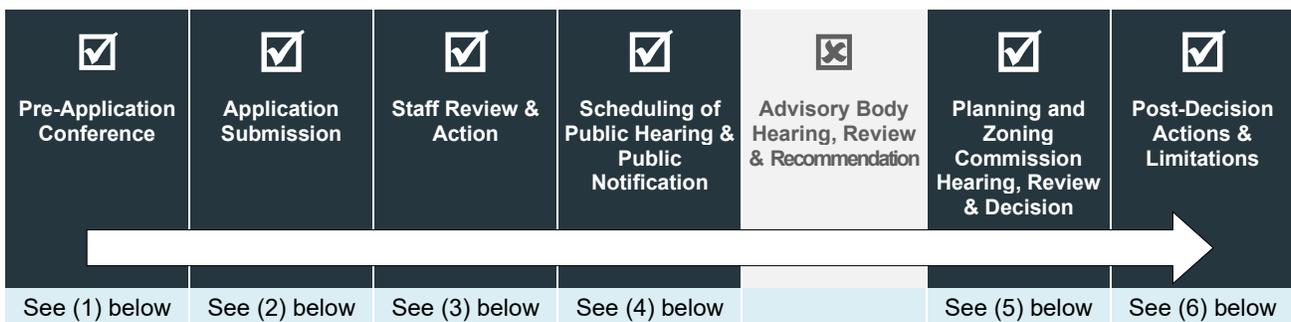
c. Historic Districts Buffer Zone

The historic districts buffer zone is identified on the Official Zoning Map.

d. Procedure for Approval Letter in Historic Districts Buffer Zone

An application for an approval letter in historic districts buffer zone shall be submitted, processed, reviewed, and decided on in accordance with Article 2. Standard Application Requirements and Procedures, as modified in this section. Figure 3.7: Summary of Approval Letter for Development in Historic Districts Buffer Zone Procedure, identifies the standard procedures in this section that apply to approval letter requests and those that do not apply. Subsections (1) through (6) below set out the required procedure for approval letter requests, including any modifications to the standard procedures in this section.

Figure 3.7: Summary of Approval Letter for Development in Historic Districts Buffer Zone Procedure



☑= Applicable; ☒=Not Applicable

1. Pre-Application Conference

A pre-application conference is required in accordance with Sec. 2.2., Pre-Application Conference. The following items must be included as part of the pre-application conference:

- v. Pre-application conference request form.
- vi. Conceptual site plan or site layout that includes information such as proposed setbacks, lot widths, open space lots, amenities, streets, sidewalks, and uses.
- vii. Elevation drawings showing the existing and proposed work, including proposed materials.
- viii. Any additional information deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3, Application Submission. The following items must be included as part of the application submission:

- vi. Historic Buffer Development application.
- vii. Conceptual site plan or site layout that includes information such as proposed setbacks, lot widths, open space lots, amenities, streets, sidewalks, and uses.
- viii. Elevation drawings showing the existing and proposed work, including proposed materials.
- ix. Any additional information deemed necessary by the Director of Planning.

3. Staff Review and Action

The Director of Planning shall review the application and provide a staff report in accordance with Sec. 2.4, Staff Review and Action.

4. Scheduling of Public Hearing and Public Notification

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.5, Scheduling of Public Hearing and Public Notification.

5. Decision-Making Body Hearing, Review, and Decision

The Planning and Zoning Commission shall conduct a public hearing on the application and make a decision in accordance with Sec.2.7, Decision-Making Body Hearing, Review, and Decision, and Sec. 3.7.e, Decision-Making Standards for Approval Letter in Historic District Buffer Zones. The Board's decision shall be one of the following:

- i. Approve the application as submitted;
- ii. Approve the application subject to conditions of approval; or
- iii. Deny the application.

6. Post-Decision Actions and Limitations

- i. Post decision actions and limitations shall be in accordance with Sec. 2.8, Post-Decision Actions and Limitations.
- ii. Any party aggrieved by this decision may appeal the decision to City Council within 15 days.

e. Decision-Making Standards for Approval Letter in Historic Districts Buffer Zone

The Planning and Zoning Commission approval of an Approval Letter in a Historic District Buffer Zone shall be made in accordance with Sec. 25-41.d, Decision-Making Standards for Approval Letter in Historic District Buffer Zone, in the Tuscaloosa Zoning Ordinance.

SEC. 3.8. VARIANCE

a. Purpose

The purpose of this section is to establish a uniform mechanism to allow variances from specific dimensional standards in the Tuscaloosa Zoning Ordinance when the strict application of the standards would result in unnecessary hardship.

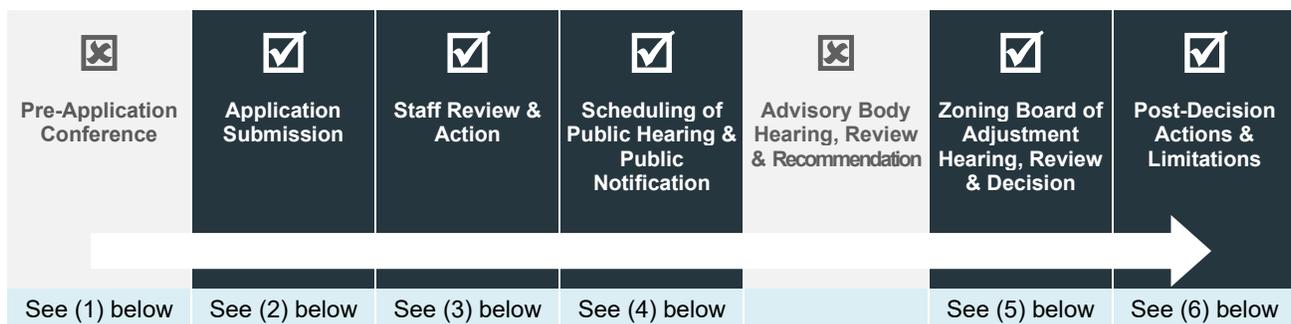
b. Applicability

Approval of a Variance is required in accordance with the procedure and standards in this section and in Sec. 25-43.b of the Tuscaloosa Zoning Ordinance.

c. Procedure for Variance

An application for a variance shall be submitted, processed, reviewed, and decided on in accordance with Article 2, Standard Application Requirements and Procedures, as modified in this section. Figure 3.8: Summary of Variance Procedure identifies the standard procedures in this section that apply to variance applications and those that do not apply. Subsections (1) through (6) below set out the required procedure for variance applications, including any modifications to the standard procedures in this section.

Figure 3.8: Summary of Variance Procedure



✔= Applicable; ✘=Not Applicable

1. Pre-Application Conference

A pre-application conference is not required in accordance with Sec. 2.2, Pre-Application Conference, unless deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3, Application Submission. The following items must be included as part of the application submission:

- i. Variance application.
- ii. Site plan, if applicable.
- iii. Elevation drawings, if applicable.
- iv. Any additional information deemed necessary by the Director of Planning.

3. Staff Review and Action

The Director of Planning shall review the application and provide a staff report in accordance with Sec. 2.4 Staff Review and Action.

4. Scheduling of Public Hearing and Public Notification

The public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. 2.5, Scheduling of Public Hearing and Public Notification.

5. Decision-Making Body Hearing, Review, and Decision

The Zoning Board of Adjustment shall conduct a public hearing on the application and make a decision in accordance with Sec. 2.7, Decision-Making Body Hearing, Review, and Decision, Sec.3.8.d, Decision-Making Standards for Variance. The Zoning Board of Adjustment's decision shall be one of the following:

- i. Approve the application as submitted;
- ii. Approve the application subject to conditions of approval; or
- iii. Deny the application.

6. Post-Decision Actions and Limitations

Post decision actions and limitations shall be in accordance with Sec. 2.7, Post-Decision Actions and Limitations and subsections i. and ii. below.

i. Effect of Approval

Approval of a variance authorizes only the particular relief approved. It does not exempt the applicant from the responsibility to obtain all other approvals required by the Tuscaloosa Zoning Ordinance and any other applicable laws, and does not indicate that the development for which the variance is granted should receive other development approvals or permits under the Tuscaloosa Zoning Ordinance unless the relevant and applicable portions of the Tuscaloosa Zoning Ordinance or any other applicable laws are met. Unless it expires, a variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

ii. Lapse of Approval

As a condition of approval, the Zoning Board of Adjustment may establish a time frame within which the development for which the variance requested shall begin and/or be completed. The variance shall automatically expire and be void upon the lapse of the established time frame if the development for which the variance is granted is not begun and/or completed as required.

d. Decision-Making Standards for Variance

The Zoning Board of Adjustment shall approve a variance in accordance with Sec. 25-43.d, Decision-Making Standards for Variance, in the Tuscaloosa Zoning Ordinance.

SEC. 3.9. ADMINISTRATIVE ADJUSTMENT

a. Purpose

This section establishes a uniform mechanism for the Director of Planning to approve minor adjustments from the dimensional or design standards of the Tuscaloosa Zoning Ordinance to better accomplish the purposes of the Tuscaloosa Zoning Ordinance.

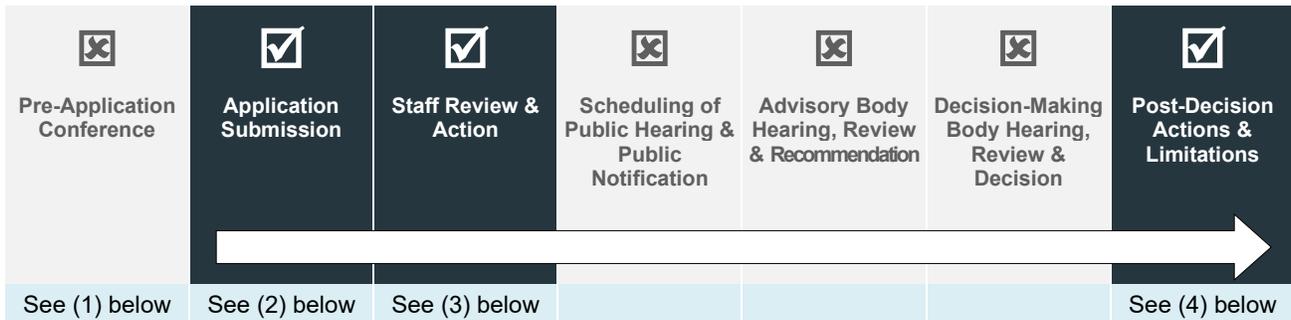
b. Applicability

An administrative adjustment may be requested and granted in accordance with Sec. 25-44.b of the Tuscaloosa Zoning Ordinance.

c. Procedure for Administrative Adjustment

An application for an administrative adjustment shall be submitted, processed, reviewed, and decided on in accordance with Sec. 2, Standard Application Requirements and Procedures, as modified in this section. Figure 3.9: Summary of Administrative Adjustment Procedure identifies the standard procedures that apply to administrative adjustment applications and those that do not apply. Subsections (1) through (4) below, set out the required procedure for administrative adjustments, including any modifications to the standard procedures in this section.

Figure 3.10: Summary of Administrative Adjustment Procedure



= Applicable; =Not Applicable

1. Pre-Application Conference

A pre-application conference is not required in accordance with Sec. 2.2, Pre-Application Conference, unless deemed necessary by the Director of Planning.

2. Application Submission

Applications shall be submitted in accordance with Sec. 2.3, Application Submission. The following items must be included as part of the application submission:

- i. A letter submitted to the Director of Planning that includes the following:
 - (a) The standard and percentage as identified in Table III-2 Allowed Administrative Adjustments, in Sec. 25-44.b of the Tuscaloosa Zoning Ordinance
 - (b) A detailed summary explaining how the request meets the criteria specified in Sec. 25-44.d, Decision-Making Standards for Administrative Adjustment Decision.

3. Staff Review and Action

The Director of Planning shall review the application and make a decision in accordance with Sec. 2.4 Staff Review and Action, and Sec. 25-44.d, Decision-Making Standards for Administrative Adjustment Decision. The Director of Planning’s decision shall be one of the following:

- i. Approve the application as submitted;
- ii. Approve the application, subject to conditions of approval; or
- iii. Deny the application.

4. Post Decision Actions and Limitations

Post decision actions and limitations shall be in accordance with Sec. 2.7, Post-Decision Actions and Limitations and subsections i. and ii. below.

i. Effect of Approval

Approval of an administrative adjustment authorizes only the particular administrative adjustment that is approved. Approval does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by the Tuscaloosa Zoning Ordinance and any other applicable laws, and does not indicate that the development for which the administrative adjustment is granted should receive other development approvals or permits under the Tuscaloosa Zoning Ordinance unless the relevant and applicable portions of the Tuscaloosa Zoning Ordinance and any other applicable laws are met. Approval of an administrative adjustment, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

ii. Lapse of Approval

- (a) If a maximum time frame for development to begin and/or be completed is established as a condition of approval, approval of an administrative adjustment shall expire and be void upon the lapse of the specified time frame if the development has not begun and/or completed as required.
- (b) If a maximum time frame for development to begin and/or be completed is not established as a condition of approval, approval of an administrative adjustment shall automatically expire and be void six months from the date of approval if the corresponding development is not commenced and a building permit, if required, is not issued for the development.
- (c) An applicant may request, and the Director of Planning may grant up to one six-month extension of the period of validity of the administrative adjustment upon a showing of good cause by the applicant. The applicant's request must be in writing and submitted at least 30 days prior to the expiration of approval of the administrative adjustment.

d. Decision-Making Standards for Appeal of Administrative Decision

An administrative adjustment may be requested and granted in accordance with Sec. 25-44.d of the Tuscaloosa Zoning Ordinance.

SEC. 3.10. APPEAL OF ADMINISTRATIVE DECISION

a. Purpose

The purpose of this section is to establish a uniform mechanism for appeals of administrative decisions to the Zoning Board of Adjustment.

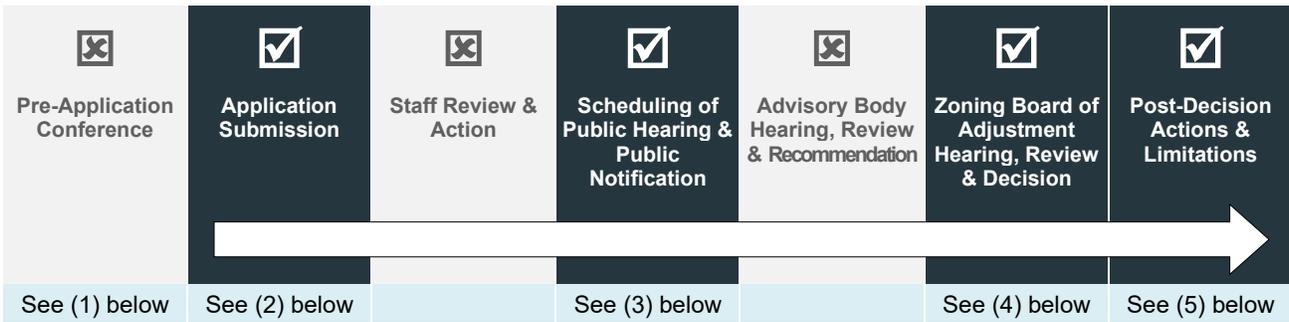
b. Applicability

Any person aggrieved by a final decision of the Director of Planning on a development application or in the enforcement of the Tuscaloosa Zoning Ordinance may appeal the decision to the Zoning Board of Adjustment in accordance with the procedures and standards in this section.

c. Procedure for Appeal of Administrative Decision

An application for an appeal of an administrative decision shall be submitted, processed, reviewed, and decided on in accordance with Article 2, Standard Application Requirements and Procedures, as modified in this section. Figure 3.10: Summary of Appeal of Administrative Decision Procedure identifies the standard procedures in this section that apply to an appeal of an administrative decision application and those that do not apply. Subsections (1) through (5) below set out the required procedure for appeal of administrative decisions, including any modifications to the standard procedures in this section.

Figure 3.10: Summary of Appeal of Administrative Decision Procedure



= Applicable; =Not Applicable

1. Pre-Application Conference

A pre-application conference is not required in accordance with Sec. 2.2, Pre-Application Conference, unless deemed necessary by the Director of Planning.

2. Application Submission

A Notice of Appeal shall be submitted in accordance with Sec. 2.3, Application Submission, as modified by subsections i. through iv. below. For purposes of this section, the Notice of Appeal shall be considered the “application.”

- i. If the Director of Planning’s decision has not been made in writing, the appellant shall request a written decision from the Director of Planning. The Director of Planning shall provide that written decision in a reasonable amount of time, but no longer than 45 days of the request.
- ii. The appellant shall file a Notice of Appeal stating the grounds for the appeal with the Director of Planning and with the Zoning Board of Adjustment.
- iii. Submission of a complete appeal application stays all proceedings in furtherance of the action appealed from, unless the person or body who made the decision that is being appealed certifies to the Zoning Board of Adjustment, that by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property. Where such a certification has been provided, proceedings may be stayed only by a restraining order granted by the Zoning Board of Adjustment, or by a court of competent jurisdiction on due cause shown, and following notice to the person or body providing the certification.
- iv. The Director of Planning shall transmit all documents and other written materials relating to the appealed decision, along with the Notice of Appeal, to the Zoning Board of Adjustment. These materials, plus the Tuscaloosa Zoning Ordinance, the City Code and other City laws and regulations, the comprehensive plan, and other applicable City adopted plans shall constitute the record on the appeal.

3. Scheduling of Public Hearing and Public Notification

Public hearings shall be scheduled and notification of the hearings provided in accordance with Sec. 2.5, Scheduling of Public Hearing and Public Notification.

4. Decision-Making Body Hearing, Review, and Decision

- i. The Zoning Board of Adjustment shall conduct a public hearing on the appeal and make a decision based on the record on the appeal in accordance with Sec. 2.5, Decision-Making Body Hearing, Review, and Decision, and the standards of the Tuscaloosa Zoning Ordinance. The Zoning Board of Adjustment’s decision shall be one of the following:

- (a) Affirm the decision being appealed, wholly or in part;
 - (b) Modify the decision being appealed; or;
 - (c) Reverse the decision being appealed, wholly or in part.
- ii. The concurring vote of at least four members of the Zoning Board of Adjustment shall be necessary to reverse the decision being appealed.
 - iii. In making its decision, the Zoning Board of Adjustment shall have all the powers of the official who made the decision and may make such order, requirement, decision, or determination as ought to be made.

5. Post Decision Actions and Limitations

- i. Post decision actions and limitations shall be in accordance with Sec. 2.8, Post-Decision Actions and Limitations.
- ii. Any appeal of the Zoning Board of Adjustment’s decision shall be to the circuit court in accordance with state law.

d. Decision-Making Standards for Appeal of Administrative Decision

The Zoning Board of Adjustment shall modify or reverse the decision on appeal only if it finds, based upon competent and substantial evidence in the record, that there has been a clear and demonstrable error in the application of the facts or the review standards of the Tuscaloosa Zoning Ordinance.

SEC. 3.11. INTERPRETATION

a. Purpose

The purpose of this section is to establish a uniform mechanism for rendering a formal written interpretation of the Tuscaloosa Zoning Ordinance.

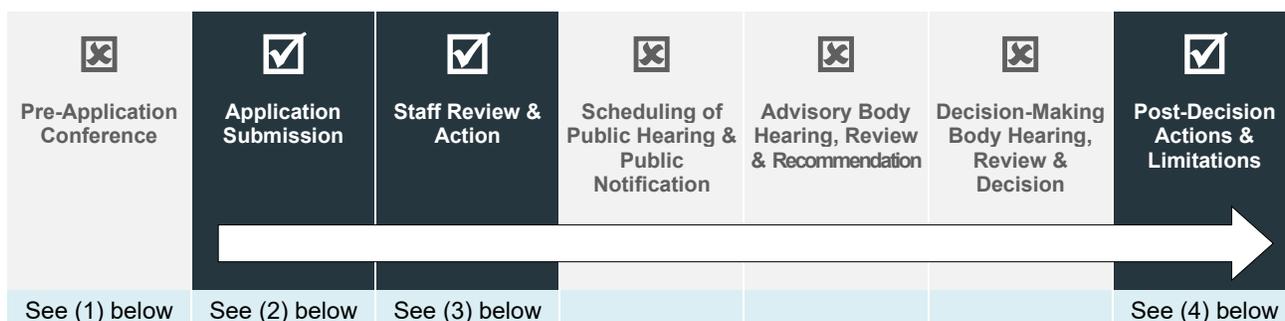
b. Applicability

The Director of Planning is responsible for making formal written interpretations under this section for all provisions of the Tuscaloosa Zoning Ordinance, including interpretations of the text of the Tuscaloosa Zoning Ordinance, interpretations of the zoning district boundaries, and interpretations of whether an unlisted use falls within a use category or use type allowed in a zoning district. In making interpretations, the Director of Planning may seek guidance from the City Attorney, and assistance from other City staff, as appropriate.

c. Procedure for Interpretation

An application for an interpretation shall be submitted, processed, reviewed, and decided on in accordance with Article 2, Standard Application Requirements and Procedures, as modified in this section. Figure 3.11: Summary of Interpretation Procedure identifies the standard procedures in Sec. 3.12 that apply to interpretation applications and those that do not apply. Subsections (1) through (4) below set out the required procedure for interpretations, including any modifications to the standard procedures in this section.

Figure 3.11: Summary of Interpretation Procedure



= Applicable; =Not Applicable

1. Pre-Application Conference

A pre-application conference is not required in accordance with Sec. 2.2, Pre-Application Conference, unless deemed necessary by the Director of Planning.

2. Application Submission

A request may be submitted by City Council, the Planning Commission, any resident or landowner in the City, or any person having a contractual interest in land in the City. For purposes of this section, the request for an interpretation shall be considered the “application.”

3. Staff Review and Action

The Director of Planning shall review the application and render an interpretation in accordance with Sec. 2.4, Staff Review and Action, and Sec. 25-46.d, Interpretation, in the Tuscaloosa Zoning Ordinance. Prior to rendering an interpretation, the Director shall consult with the City Attorney and other affected City officials.

4. Post-Decision Actions and Limitations

- i. Post decision actions and limitations shall be in accordance with Sec. 2.8 Post-Decision Actions and Limitations.
- ii. Any person aggrieved by a final interpretation of the Director of Planning may appeal the decision to the Zoning Board of Adjustment in accordance with the procedures and standards in Sec. 3.10, Appeal of Administrative Decision.
- iii. A written interpretation shall be binding on subsequent decisions by the Director of Planning or other officials in applying the same provision of the Tuscaloosa Zoning Ordinance or the Official Zoning Map in the same circumstance, unless the interpretation is modified in accordance with this section, or the relevant text of the Tuscaloosa Zoning Ordinance or zoning district boundary is modified.
- iv. The Director of Planning shall maintain in the Office of Urban Development a record of formal written interpretations rendered in accordance with this section, which shall be available to the public, upon reasonable request during normal business hours.

d. Decision-Making Standards for Interpretation

The approval of an interpretation shall be made in accordance with Sec. 25-46.d, Decision-Making Standards for Interpretation, in the Tuscaloosa Zoning Ordinance.

SEC. 3.12. ENFORCEMENT PROCEDURE

Upon becoming aware of any violation of the provisions of the Tuscaloosa Zoning Ordinance, the Director of Planning and/or the Director of Codes and Development Services shall serve written notice of such violation upon the person(s) responsible for compliance.

a. Investigation of Complaint

On receiving a written complaint, the Director of Planning and/or the Director of Codes and Development Services shall investigate the complaint and determine whether a violation of the Tuscaloosa Zoning Ordinance exists.

b. Notice of Violation

1. On finding that a violation of the Tuscaloosa Zoning Ordinance exists, whether from an investigation of a written complaint or otherwise, the Director of Planning and/or the Director of Codes and Development Services shall provide written notification of the violation to the owner of the property on which the violation exists and the person causing or maintaining the violation, if different from the owner, by personal service or by certified or registered mail. Such notification shall at a minimum:
 - i. Describe the location of the violation;
 - ii. Describe the nature of the violation;
 - iii. State the actions necessary to abate the violation;
 - iv. Order that the violation be corrected within a specified reasonable time period stated in the notice of violation; and
2. If the owner of the property cannot be located or determined, or if service of the notice is refused, the Director of Planning and/or the Director of Codes and Development Services shall post a copy of the notice on the building, structure, sign, or site that is the subject of the violation.
3. On receiving a request for extension of the time limit for correction specified in the notice of violation, and upon determining the request includes sufficient information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Director of Planning and/or the Director of Codes and Development Services may grant an extension of the time period for correction stated on the notice of violation.

c. Application of Remedies and Penalties

On determining that the violator has failed to correct the violation by the time limit set forth in the notice of violation, or any granted extension, or has failed to timely appeal the notice of violation in accordance with Sec.3.10, Appeal of Administrative Decision, the Director of Planning and/or the Director of Codes and Development Services shall ensure that appropriate action is taken, as provided in Sec. 25-189, Remedies and Penalties, of the Tuscaloosa Zoning Ordinance, to correct and abate the violation and to ensure compliance with the Tuscaloosa Zoning Ordinance.