

City of Tuscaloosa
Subdivision Regulations Planning and
Zoning Commission Work Session Drafts:
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Article I: General Provisions

Section 1-1: Title, Authority, and Jurisdiction

- A. These shall officially be titled the “Subdivision Regulations of the City of Tuscaloosa, Alabama,” and may be referred to as the “Tuscaloosa Subdivision Regulations,” the “Subdivision Regulations,” these “Subdivision Regulations,” or “these Regulations”.
- B. The Tuscaloosa Planning and Zoning Commission is authorized to adopt these Subdivision Regulations in accordance with the enabling authority contained in the *Code of Alabama, 1975, including Title 11, Chapter 19, Sections 1-24; Title 11, Chapter 45, Sections 1-11; Title 11, Chapter 52, Sections 1-85; Title 41, Chapter 9, Section 166;* and all other relevant laws of the state of Alabama.
- C. These Subdivision Regulations apply to all subdivision of land within:
 - 1. The corporate limits of the City of Tuscaloosa; and
 - 2. The territorial jurisdiction of the Tuscaloosa City Planning and Zoning Commission granted in accordance with the March 1, 2013 Agreement between the City of Tuscaloosa, Tuscaloosa County, and the Tuscaloosa City Planning and Zoning Commission related to Section 11-52-30 et seq.; Provided however, that the more stringent City or County subdivision regulation shall apply within the territorial planning jurisdiction in areas outside of the corporate limits of the City. The territorial jurisdiction may be further expanded or reduced by agreement or law.
- D. Development shall not occur and land shall not be used except in accordance with the requirements of these Regulations and all other applicable City, County, State, and federal laws and regulations.
- E. Applicability to governmental entities:
 - 1. The provisions of these Regulations shall apply to development by the City or its agencies and departments, or development owned or otherwise controlled by the City.
 - 2. Regulations shall apply to development by the City or its agencies and departments, or development owned or otherwise controlled by the City.

Section 1-2: General Purposes

The purpose of these Subdivision Regulations is to protect and provide for the public health, safety, and general welfare of the residents of Tuscaloosa and its environs, and to implement the goals, objectives, and policies of the Comprehensive Plan and other City-adopted plans addressing the City’s growth and development. More specifically, these Regulations are enacted to exercise the full range of authority available to the City in accordance with State law to:

1. Provide for adequate light, air, and open space;
2. Secure safety from fire, flood, and other dangers;
3. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, being cognizant of scenic, historic, or ecologically sensitive areas;
4. Facilitate the harmonious, orderly, and continuing development of land that builds and maintains neighborhoods;
5. Encourage economically sound development and use of land and facilitate, in general, the fiscally-balanced, timely, and orderly development of new areas, and redevelopment of previously developed areas;
6. Ensure the adequate provision of safe, convenient, and diverse transportation infrastructure within and through new developments, so that development patterns are well-connected and meaningfully support multiple modes of travel;
7. Ensure the provision of high-quality public space through the dedication or reservation of land for recreation, education, habitat protection, transportation, and other public purposes;
8. Prevent the pollution of air, streams, and water bodies, to assure the adequacy of drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the community in order to preserve the integrity, stability, and beauty of the community and the value of the land;
9. Preserve the natural beauty and topography of the Tuscaloosa area and to ensure appropriate development with regard to these natural features;
10. Provide for open spaces through the most efficient design and layout of the land, provide for minimum width and area of lots, and preserve the density of land as established in Chapter 25: Zoning Ordinance; and
11. Carry out such other purposes in the public interest as may be specifically cited in these Regulations.

Section 1-3: Effective Date

These Regulations shall become effective on *insert effective date of these Regulations*. It repeals “The Subdivision Regulations of Tuscaloosa” as originally adopted on September 22, 1980, and subsequently amended.

Article II: Definitions and Rules for Measurement

Section 2-1: General Rules for Interpretation

Section 2-1.1: Meanings and Intent

All provisions, terms, phrases, and expressions contained in these Regulations shall be interpreted in accordance with the general purposes set forth in Sec. 26-1.3, General Purposes, and the specific purpose statements set forth throughout these Regulations. When a specific section of these Regulations gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

Section 2-1.2: Headings, Illustration, and Text

In the event of a conflict or inconsistency between the text of these Regulations and any heading, caption, figure, illustration, table, or map, the final determination shall be provided by the Director of Planning and/or the City Engineer. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

Section 2-1.3: Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

Section 2-1.4: Computation of Time

- A. In computing any period of time prescribed or allowed, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday of the City, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday of the City. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.
- B. The term "day" means a business day, unless a calendar day is indicated.
- C. The term "month" means a calendar month.
- D. The term "year" means a calendar year unless otherwise indicated.

Section 2-1.5: Delegation of Authority

Any act authorized by these Regulations to be carried out by the Director of Planning or the City Engineer may be delegated by the Director of Planning or the City Engineer to a professional-level City employee under the authority or control of the Director of Planning or City Engineer.

Section 2-1.6: Terms, Conjunctions, and Terms not Defined

- A. The words “shall,” “must,” and “will” are mandatory, establishing an obligation or duty to comply with the particular provision. The word “may” is permissive.
- B. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words referring to a specific gender may be extended to any other gender.
- C. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows: “And” indicates that all connected items, conditions, provisions, or events apply; and “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.
- D. If a term used in these Regulations is not defined in these Regulations, the Director of Planning or City Engineer is authorized to interpret its meaning. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, *Tuscaloosa City Code*, *A Planners Dictionary* or any other publication published by the American Planning Association), ALDOT Standard Specifications, or general dictionaries such as *Merriam-Webster*, *American Heritage*, *Webster’s New World*, and *New Oxford American* dictionaries.

Section 2-2: Rules of Measurement

Section 2-2.1: Lot Measurements

Ground Coverage Ratio. The percentage of the lot area covered by impervious surfaces.

Lake Frontage Width. The straight-line length (chord distance) of the portion of a lot bordering Lake Tuscaloosa along the Acquisition Line.

Lot Area. The area included within the rear, side, and front lot lines, not including existing or proposed right-of-way, whether dedicated or not dedicated to public use.

Lot Line. A boundary dividing a lot from another lot or from a right-of-way.

1. *Lot Line, Front*: A lot line forming a boundary between the lot and right right-of-way of a street other than an alley.
2. *Lot Line, Side*: A lot line that is not a front lot line and that intersects with a front lot line.
3. *Lot Line, Rear*: A lot line that is not a front lot line or a side lot line.

Lot Width. The distance between the side lot lines (generally running perpendicular to a street) measured at the front setback line along a straight line or along the chord of the front setback line.

Public Street Frontage. The length of the portion of a lot nearest a street. A lot adjacent to multiple streets is considered to have multiple frontages.

Setback. A required distance, specified in the standards of a zoning district or these Regulations, between a lot line and the closest projection of a building or structure, extending along the entire length of the lot line. Where a minimum setback is specified, it shall be the required minimum distance which

shall be unoccupied and unobstructed by any structure except as provided in Sec. 25-30, Allowable Encroachments or elsewhere in the Zoning Ordinance for property located within the Corporate Limits. Outside of the Corporate Limits, County Subdivision regulations shall determine any allowable encroachments. Setbacks are measured as follows:

1. **Front Setbacks/Primary and Side Street Setbacks:** Measured from the edge of each right-of-way.
2. **Side Interior Setbacks:** Measured from the side lot line
3. **Rear Setbacks:** Measured from the rear lot line or, where there is an alley, from the edge of the right-of-way. In the case of through lots and corner lots, there may be no rear setback, but only front and side setbacks.

Section 2-3: Definitions

Acquisition Line. The line which marks the limits of the City's ownership of Lake Tuscaloosa, at approximately the 230-foot level.

Adjoining Property Owner. The person owning property adjoining the tract of land proposed for subdivision. If the owner of such adjoining property is a corporation, the term shall apply to the officers and agents of the corporation who shall be identified on preliminary plats as adjoining property owners. Owners of property located across streets, alleys, water courses less than 500' wide, drainage easements, and other rights-of-way adjoining the proposed subdivision are, for the purpose of these Regulations, adjoining property owners, and shall be identified as such on all preliminary plats.

Alley. A public right-of-way designed to provide secondary access to the side or rear of properties whose principal frontage is on some other street.

Building. A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure.

Building Line. A line on a lot parallel to the street line representing the forward limit for the construction of the front wall of a building.

City. The City of Tuscaloosa, Alabama.

City Council. The City Council of Tuscaloosa, Alabama.

City Engineer. The City Engineer of Tuscaloosa Alabama.

County. Tuscaloosa County, Alabama.

Developer. The person, firm, or corporation who owns or controls a tract of land proposed for subdivision, and at whose direction plans and surveys for such subdivision are prepared.

Developer's Engineer. The design professional, who shall be a land surveyor and when required, a civil engineer, licensed and in good standing with the State Board of Licensure for Professional Engineers and Land Surveyors of Alabama, and permitted to practice in the City and County. The Developer's Engineer is responsible for coordinating and certifying the completeness and correctness of all information collected by his/her efforts or those of his/her agents and/or subcontractors, that is submitted for

approval on behalf of the developer. In the event that the developer changes the engineer/surveyor, then the developer's new engineer/surveyor shall be required to re-certify all previously submitted documents and thereby accept responsibility for the completeness and correctness of same.

Development. Any human alteration to the state of land, including its soil, geology, or hydrology, for any residential, commercial, industrial, utility, or other use, such as but not limited to, grubbing, or grading of land, and structural improvements (e.g., buildings, walls, fences, signs, and vehicular areas).

Director of Planning. The Director of Planning of Tuscaloosa, Alabama.

Engineer. A registered Professional Engineer in good standing with the State Board of Registration in Alabama.

Flood Hazard Boundary Map. An official map of the City of Tuscaloosa, issued by the Federal Insurance Administration (FIA), where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map. An official map of the City of Tuscaloosa on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the City of Tuscaloosa.

Flood, One Hundred Year. The area that will be inundated by a flood event having a one-percent chance of being equaled or exceeded in any given year.

Floodway. The channel of a river or stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

Half-Street Improvement. That improvement to the cross section of an existing street which is required by these Regulations.

Health Department. The Health Department of Tuscaloosa County.

Landowner. Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and agent or personal representative of the owner.

Land Development Permit. See Chapter 21 of the Code of Tuscaloosa.

Lot Consolidation. The process of combining multiple lots into a single lot or fewer lots.

Lot of Record. A parcel of land that is part of a subdivision, the map of which has been recorded by the County Office of Probate or a parcel of land described by metes and bounds the description of which has been recorded by the County Office of Probate.

Master Plan. A comprehensive, one-time development plan for private development that contains all required elements of a Preliminary Plat for the entire development site. Once approved by the Planning and Zoning Commission, it authorizes the applicant to proceed with subdivision in accordance with the approved layout and phasing plan without requiring further Master Plan review by the Planning and

Zoning Commission, unless substantial changes are proposed. The Master Plan establishes the full development framework—including lots, streets, open space, utilities, and supporting infrastructure—ensuring that subsequent Preliminary Plats conform to the approved overall plan.

Master Plan, Conceptual. An initial, large-scale plan prepared by an applicant and presented to the Planning and Zoning Commission outlining a coordinated approach to a private development. The Conceptual Master Plan shows access points, possible street layouts and sidewalk connections, and may include an initial phase for Preliminary Plat approval. The Conceptual Master Plan considers density, use, and the sewer connections and capacity for the property as a whole, but does not constitute Preliminary Plat approval for future phases because it is not required to contain all required elements for property outside of the initial Phase.

Nonconforming Lot of Record. A lot of record, of which the area or dimension was lawful at the time of its creation but which fails to conform to the lot area standards of these regulations or the zoning district in which it is located.

Nonconformity. A nonconforming lot of record or site feature.

Person. An individual person, corporation, a partnership, any other legal business entity, or an incorporated association of persons such as a club, or any other legal entity.

Phasing Plan. In conjunction with a Master Plan, a Phasing Plan is a sequential development schedule that defines how a subdivision will be constructed in distinct phases. It identifies the boundaries of each phase, the number of lots and associated infrastructure improvements to be completed within each phase, and the order in which phases will proceed.

Planning and Zoning Commission. The City of Tuscaloosa Planning and Zoning Commission established in Chapter 20, Article 1, Division 1 of the Code of Tuscaloosa.

Plat, Approved. A plat conforming to the requirements of these Regulations which has received the approval of the Planning and Zoning Commission.

Plat, Final. A finished drawing compiled in accordance with all of the requirements of these Regulations and has the signature of those officials authorized to sign the plat in accordance with these Regulations.

Plat, Preliminary. A drawing of the proposed design of a subdivision compiled in accordance with all of the requirements of these Regulations and subject to alteration by the Planning and Zoning Commission.

Professional-level City Employee. A person employed by the City of Tuscaloosa with expertise in a specific field (either by training or education).

Street. A public right-of-way, as defined in Section 21-1 of the Code of Tuscaloosa, but not including alleys.

Subdivision. The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or in the future, of sale, of lease, or of building development. The term includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

Subdivision, Minor. Generally: Lakefront lots on Lake Tuscaloosa, and property within the D, DP, DHE, R, MRU, and MFRU zoning districts shall not be eligible for a minor subdivision. A minor subdivision shall not require any public improvements, the dedication of public way, or the expenditure of any funds. In addition, the plan for a minor subdivision shall not conflict with an approved Master Plan, the Official Zoning District Map, or any requirements of the Zoning Ordinance or the Subdivision Regulations. A minor subdivision may administratively be approved by the Planning Director and City Engineer or their designees without public hearing before the Planning Commission; provided, however, that staff shall have the authority to choose to send an item to the Planning Commission for approval regardless of it meeting the definition of minor subdivision. **Within the corporate limits:** In an existing subdivision, the subdivision of land into not more than three lots or a reduction of the number of lots. **Outside the corporate limits:** In an existing subdivision, the subdivision of land into not more than six lots, or a reduction of the number of lots.

Surveyor. A Land Surveyor registered and licensed to practice in the State of Alabama.

Waiver. A mechanism to allow deviations from specific standards in these Regulations when the strict application of the standards would result in extraordinary hardship or practical difficulty.

Zoning District. An area delineated on the City of Tuscaloosa Zoning District Map within which a prescribed set of use and development standards are applied by Chapter 25: Zoning Ordinance, to development.

Zoning District, Base. A zoning district in Chapter 25: Zoning Ordinance, within which a single set of uses, density and intensity, dimensional, and development standards are applied.

Zoning District, Overlay. A zoning district superimposed over one or more underlying base zoning districts in Chapter 25: Zoning Ordinance, that establishes standards and requirements in addition to those required by the underlying base zoning district.

Zoning Map. The City of Tuscaloosa Zoning District Map, established in Chapter 25: Zoning Ordinance, on which the boundaries of the various zoning districts are established.

Article VIII: Administration, Amendments, and Legal Considerations

Section 8-1: Transitional Provisions

Section 8-1.1: Violations Continue

Any violation of any provision repealed and replaced by these Regulations shall continue to be a violation under these Regulations unless the development complies with the express terms of these Regulations.

Section 8-1.2: Completed Applications Upon Which No Final Action Taken

Any subdivision application submitted and accepted as complete before *insert the effective date of these Regulations*, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted as complete. Complete applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the application fails to comply with the required time frames, the application shall expire, and future development shall be subject to the requirements and standards of these Regulations.

To the extent an application reviewed and approved in accordance with the above, proposes a subdivision that does not comply with the standards of these Regulations, lot area, other dimensional, or the use or site feature standards of Chapter 25: Zoning Ordinance, the subsequent subdivision, although permitted, shall be nonconforming and subject to the provisions of these Regulations and/or Article 25-7, Nonconformities, of the Zoning Ordinance if located within the Corporate Limits.

An applicant with a pending application accepted as complete before *insert the effective date of these Regulations* may opt to have the proposed subdivision reviewed and decided under the standards of these Regulations by withdrawing the pending application and submitting a new application in accordance with the requirements of these Regulations.

Section 8-1.3: Approved Applications

Any subdivision approvals granted before *insert effective date of these Regulations* shall remain valid until their expiration date. Subdivisions with valid approvals may be carried out in accordance with the terms and conditions of their approval and the subdivision standards in effect at the time of approval, provided the approval is valid and has not expired. If the prior approval expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), any subsequent development of the site shall be applied for in accordance with the procedures and standards of these Regulations.

To the extent the prior-approved application within the Corporate Limits proposes development that does not comply with the use, lot area, other dimensional, or site feature standards of Chapter 25: Zoning Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 25-7, Nonconformities, of the Zoning Ordinance.

Section 8-1.4: New Applications

Any application that is submitted or accepted as complete after *insert the effective date of these Regulations* is subject to the requirements and standards in these Regulations.

Section 8-2: Enforcement, Violations, and Penalties

This section establishes procedures and standards to ensure compliance with the provisions of these Regulations and obtain corrections for violations of these Regulations. It also sets forth the remedies and penalties that apply to violations of these Regulations. The provisions of this section are intended to encourage the voluntary correction of violations, where possible.

Section 8-2.1: Compliance Required

A. General.

Compliance with all the procedures, standards, and other provisions of these Regulations is required by all persons owning, developing, managing, using, or occupying land or structures in the City and Planning Jurisdiction.

B. Development Approvals and Permits.

All persons shall obtain all approvals required by these Regulations prior to development. An approval issued by the Planning and Zoning Commission, Director of Planning, or City Engineer, as appropriate, authorizes only the arrangement, location, design, and development set forth in the approval.

Section 8-2.2: Violations

A. General Violations

1. Failure to Comply.

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by these Regulations, or the terms or conditions of any approval granted in accordance with these Regulations constitutes a violation of these Regulations punishable as provided in this section.

2. Development Orders Authorize Development Approved

An approval issued by the Planning and Zoning Commission, Director of Planning, or City Engineer, as appropriate, authorizes only the arrangement, location, design, and development set forth in the approval.

B. Specific Violations.

It shall be a violation of these Regulations to undertake any activity contrary to the provisions of these Regulations, including but not limited to any of the following:

1. Develop land or a structure without first obtaining all appropriate approvals required by these Regulations;
2. Fail to provide any notice that the applicant is required to provide under these regulations;
3. Develop land without complying with the terms or conditions of all applicable approvals;
4. Sell, convey, occupy, or use land without first obtaining all applicable approvals required by these Regulations;
5. Fail to comply with all procedures and standards of these Regulations;

6. Through any act of omission, fail to comply with any other provisions, procedures, or standards as required by these Regulations;
7. Through any act of omission, violate any term, condition of approval, or qualification placed by the Planning and Zoning Commission, Director of Planning, or City Engineer, as appropriate, on an approval;
8. Violate any lawful approval issued by the Planning and Zoning Commission, Director of Planning, or City Engineer, as appropriate, in accordance with these Regulations; or
9. Obtain an approval through false or misleading information.

Section 8-2.3: Responsible Persons

Any person who violates these Regulations shall be subject to the remedies and penalties set forth in this section. For purposes of this section, a “person” subject to the remedies and penalties established in this section may include the owner, shareholder, partner with an interest of 10 percent or greater, tenant, or occupant of the land that is in violation of these Regulations, and any engineer, architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation.

Section 8-2.4: Enforcement Generally

A. Responsibility for Enforcement.

The Director of Planning shall be responsible for enforcing the provisions of these Regulations in accordance with State law.

B. Complaints Regarding Violations.

Whenever a violation of these Regulations occurs, or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the cause and basis of the alleged violation, shall be filed with the Director of Planning or City Engineer, who shall properly record such complaint, investigate the complaint, and take appropriate action as provided by these Regulations.

C. Enforcement Procedure.

Upon becoming aware of any violation of the provisions of these Regulations, the Director of Planning or City Engineer shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of a bond, if one has been posted, or otherwise until 60 days after notification of violation(s).

1. Investigation of Complaint.

On receiving a written complaint, the Director of Planning or City Engineer shall investigate the complaint and determine whether a violation of these Regulations exists.

2. Notice of Violation.

- a. On finding that a violation of these Regulations exists, whether from an investigation of a written complaint or otherwise, the Director of Planning or City Engineer 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 certified or Certified/registered mail. Such notification shall at a minimum:

- Describe the location of the violation;
 - Describe the nature of the violation;
 - State the actions necessary to abate the violation;
 - Order that the violation be corrected within a specified reasonable time period stated in the notice of violation; and
 - Advise the violator(s) of their right to appeal the notice of violation to the Planning and Zoning Commission.
- b. If the owner of the property cannot be located or determined, or if service of the notice is refused, the Director of Planning shall post a copy of the notice on the site that is the subject of the violation.
- c. On receiving a written 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 may grant a single extension of the time period for correction stated on the notice of violation.
3. 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, the Director of Planning shall ensure that appropriate action is taken, as provided in Remedies and Penalties, to correct and abate the violation and to ensure compliance with these Regulations.

Section 8-2.5: Remedies and Penalties

A. Available Remedies.

The Director of Planning or City Engineer, in conjunction with the City Attorney, may use any combination of the following enforcement actions or remedies to correct, stop, abate, and enjoin a violation of these Regulations:

1. Suspend inspections at the site of construction;
2. Revoke any approval required under these Regulations if it is determined that:
 - a. There is a failure to comply with the approval, plans, specifications, or terms or conditions required under the approval;
 - b. The approval was procured by false representation; or
 - c. The approval was issued in error.
3. Deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land or improvements is corrected and any associated civil penalty is paid.

4. If a violation is one that presents a serious threat to the public health, safety, or welfare, or is irreparable or irreversible, ensure that all reasonable repairs necessary to bring the land into compliance are made and charge the violator with the reasonable cost of the repairs, in accordance with State law.
 5. Bring an action for injunction or mandamus to abate a violation; or
 6. Take any other action at law or in equity to prevent or remedy any violation, or otherwise enforce the provisions of these Regulations.
- B. Available Penalties.
Any person who violates these Regulations shall be subject to the penalties set forth in Section 1-8 of the Code of Tuscaloosa.
- C. Remedies are Cumulative.
1. The remedies and penalties provided for violations of these Regulations, whether civil, equitable, or criminal, shall be cumulative and may be exercised in any order.
 2. Each day of continued violation of these Regulations shall be considered a separate violation for purposes of computing cumulative penalties.

Section 8-2: Conformity With Adopted Plans

These Regulations are intended to ensure that land within the City's jurisdiction is subdivided and developed in accordance with the goals, objectives, policies, strategies, and actions of plans adopted by the City that address growth and development. The Comprehensive Plan for the City serves as the principal policy guide for the standards and regulations established in these Regulations.

Section 8-3: Conflict with City Specifications

Section 8-3.1: Conflicts with Provisions of Adopted Codes or Ordinances

- A. If a provision of these Regulations is inconsistent or conflicts with another provision of these Regulations or with a provision found in other adopted ordinances or codes of the City, the more restrictive provision shall govern unless it is stated otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.
- B. When it is possible to implement, administer, or construe a particular provision of these Regulations in more than one way, it shall be implemented, administered, or construed in a way that eliminates or minimizes conflicts with other provisions of these Regulations.

Section 8-3.2: Conflicts with County, State, or Federal Law

If the provisions of these Regulations are inconsistent or conflict with the laws or regulations of the County, State, or federal government, the more restrictive provision shall control, to the extent

permitted by law. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

Section 8-3.3: Relationship to Restrictive Covenants and Deed Restrictions

The City shall not be responsible for monitoring or enforcing easements, covenants, deed restrictions, or other agreements between private parties. Private easements, covenants, and restrictions notwithstanding, all development, unless expressly exempted by these Regulations, shall comply with the minimum requirements of these Regulations.

Section 8-4: Amendments

The Planning and Zoning Commission may amend these Subdivision Regulations from time to time after publication and hearing, as prescribed by law.

Section 8-5: Interpretation, Conflict, and Separability

A. Interpretation

In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict

These Subdivision Regulations are not intended to interfere with, abrogate, or annul any other ordinance, law, rule, or regulation. Where any provision of these Regulations imposes restrictions different from those imposed by any other ordinance, law, rule, or regulation, whichever provisions are more restrictive or impose higher standards shall control. These Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards than such easement, covenant, or other private agreement or restriction, the provisions of these Regulations shall govern. Where provisions of the easement, covenant, or other private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these Regulations, then such private provisions shall be operative and supplemental to these Regulations, provided however that such private provisions do not conflict with public policy or the Constitution of the United States.

C. Separability

If any part or provision of these Regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgement shall have been rendered, and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Planning and Zoning Commission hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

D. Saving Provision

These Subdivision Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the City, except as shall be expressly provided for in these Regulations.

E. Repealer

Upon the adoption of these Regulations according to law, the Subdivision Regulations adopted by the Tuscaloosa Planning and Zoning Commission on September 22, 1980, as amended, are hereby repealed.