

City of Tuscaloosa

Subdivision Regulations Planning and Zoning Commission Work Session Drafts:

August 2026, Article I, II, III, V, VI, VIII, Appendices

****Changes and additions from the previous month are noted in blue text****

****highlighted items will be filled in when updated Articles and dates are available****

Adopted: HOLD

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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 ~~these~~ “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. To the extent allowed by law, the provisions of these Regulations shall apply to development by the County, State, or federal government or its agencies, departments, or corporate services.

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](#), [Section 1-2: 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 calendar day, unless a business 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-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 above mean sea level NGVD1929, provided however where the 232 level is less than 10 feet horizontally from 223.2 feet above mean sea level (shoreline), the acquisition line shall move to achieve a distance of 10 feet horizontally from the shoreline.

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.

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 Consultant. 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 Consultant 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 licensed 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, Comprehensive. A complete, 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 development because it is not required to contain all required elements for property outside of the initial Preliminary Plat 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 Comprehensive 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 Director of Planning 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 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 III: Application Requirements and Procedures

Section 3-1: Standard Requirements and Procedures

Standard Requirements and Procedures apply to all application types under the purview of these Regulations.

Section 3-1.1: Pre-Plat Meeting

Before commencing the design of a subdivision, the developer's ~~consultant engineer or surveyor~~ shall confer with the Planning and Zoning Commission staff through a Pre-Plat meeting in order to determine the existence of any plans, policies, or projects that would affect the design of the subdivision. Unless otherwise noted in the Application-Specific Review Procedures of [Section 3-2](#), a Pre-Plat Meeting is required for all applications.

Representatives of Urban Development, the Office of the City Engineer, County Engineering, Tuscaloosa Fire and Rescue, and other affected departments or agencies shall be invited as may be appropriate.

The Pre-Plat Meeting Request shall contain, at a minimum:

- All affected Parcel ID Numbers
- Site Address (if available) or nearby landmark
- Total Acreage
- Current and Proposed Land Use
- Applicant's Name and Contact Information
- Property Owner's Name and Contact Information
- Conceptual layout
- Additional items as required by professional staff

Pre-Plat Meetings will be scheduled upon request, and Planning and Zoning Commission staff may impose deadlines related to Pre-Plat Meetings and impending Planning and Zoning Commission meetings.

Section 3-1.2: Preliminary Plat Requirements

Each Preliminary Plat presented to the Planning and Zoning Commission for approval shall contain the following information:

In the event the designer of the plat would like to plat at a greater scale, a request for a waiver of this regulation shall be made in writing to the Director of Planning and City Engineer who shall concur with the request or require a waiver request be made of the Planning and Zoning Commission

A. Date, north point, graphic scale, subdivision name (including resurvey information), total acreage to be subdivided and total acreage under control of the developer. The scale shall not be less than one hundred feet to the inch (1" = 100').

. No subdivision may bear a name identical to, or unacceptably similar to, the name of an existing subdivision.

- B. Contours shall be shown at all intervals of not more than five (5) feet). In areas where the existing slope is less than three percent (3%) on one acre or more, the contour interval shall be two (2) feet or less.

- C. Names and addresses of owners of the property and the designer of the plat. The designer of the plat shall be a land surveyor or engineer ~~registered~~ [licensed](#) to practice in the State of Alabama.
- D. Names and addresses of owner of record of all adjoining property owners of parcels of land as they appear on the current tax records.
- E. Name, Plat Book, and Page Number for all adjoining subdivisions.
- F. The location of existing property lines, along with proposed lot lines, lot numbers, and lot dimensions (width, depth, and acreage).
- G. Locations and widths of rights-of-way of proposed and existing streets, alleys, and easements. Proposed locations of “stop,” “yield,” and other traffic control signs. [All intersecting street rights-of-way shall provide an appropriate radius based on street geometry, and the minimum radius shall be 25 feet.](#)
 - 1. If the proposed subdivision abuts an existing street, the location of any intersecting streets on the other side of such abutting street shall be depicted.
 - 2. In the event that a proposed subdivision is not directly served by a publicly maintained street or road with two or more trafficable lanes, the subdivision designer shall identify the Deed Book and Page Number of deeds granting rights-of-way for that portion of rural roads located between the proposed subdivision and the nearest publicly-maintained street or road with two or more trafficable lanes.
- H. Locations of [existing and](#) proposed sidewalks in accordance with these Regulations.
- I. [Existing street cross-sections, and proposed street cross-sections](#) showing proposed construction and statements concerning the type of material to be used in construction.
- J. Building and parking lot outlines, where required pursuant to these Regulations.
- K. The names, locations, widths, and other dimensions of existing or proposed parks, playgrounds, open spaces, or other public property.
- L. The locations of existing buildings, water courses, railroads, bridges, culverts, and drain pipes on the land to be subdivided.
 - 1. The locations of existing buildings, water courses, railroads, bridges, culverts, and drain pipes will be required for an area at least [fifty feet \(50'\)](#) ~~two hundred feet (200')~~ in width around the perimeter of the land to be subdivided for new developments on previously unplatted land.
- M. Location and dimensions of existing sanitary sewer lines, and to the extent known at this stage, of proposed sanitary sewer lines.
 - 1. In the event the subdivision will be served by septic tanks or a developer-installed sewage lift station, the Preliminary Plat should so state and identify the proposed location of such and any associated field lines.

2. In the event that the subdivision contains lots abutting the Lake Tuscaloosa Acquisition Line or lots abutting Lake Nicol, the Preliminary Plat shall depict the on-site disposal setback as defined in these Regulations.
- N. Vicinity map showing the general location of the subdivision in relation to existing and proposed major streets, schools, parks, and/or other subdivisions.
 - O. Number of Section, Township, and Range, with approximate ties to all identifiable section corners within or close to the proposed subdivision.
 - P. Existing zoning classification of the proposed subdivision, if any. If property is outside the Corporate Limits of Tuscaloosa, [state provide a note stating the "Property is located outside the City Limits but within the City's Planning Jurisdiction,"](#) and the purpose for which lots are dedicated or proposed.
 - Q. [Proposed front, rear, and side yard setbacks, either on the lots or in the notes.](#)
 - R. If any portion of the land included in, or immediately adjacent to, the proposed subdivision is located within the Floodway or the 100-year Flood boundary of a stream or river, as depicted on the Flood Boundary and Floodway Map, or is located in a "Special Flood Hazard Area," as depicted on a Flood Hazard Boundary Map, such Floodway, Boundary, or Flood Hazard Area shall be indicated on the Preliminary Plat as accurately as possible. Guidelines for subdivision design in such areas are found in these Regulations.

Section 3-1.3: Waivers

- A. Applicability
A developer requesting a waiver from any requirement specified in [these Regulations Article IV](#) shall submit in writing a letter to the Director of Planning and City Engineer or Planning and Zoning Commission, as applicable. The letter shall state fully the grounds for the request and all of the facts relied upon by the requestor.
- B. Decision Standards Generally
The Planning and Zoning Commission may approve a waiver on the finding the applicant demonstrates the following:
 1. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to other property;
 2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is adhered to;
 4. The waiver will not in any manner vary the provisions of the Zoning Ordinance.
- C. Decision Standards for Sidewalk Waivers
 1. Where the terrain is such that sidewalk grades cannot meet current applicable standards;

2. If the City Engineer recommends the waiver due to a practical difficulty with installing the sidewalks prior to the signing of the final plat and the Director of Planning concurs. In this instance, the City Engineer and/or Director of Planning shall recommend to the Planning and Zoning Commission that sidewalk construction be delayed until Land Development Permit or similar construction commences;
3. If the City Engineer and Director of Planning recommend an alternative street-cross section without sidewalks ~~due to the desirability to encourage sheet drainage. Instead of concrete sidewalks,~~ the Planning and Zoning Commission, in consultation with the City Engineer, may consider alternative systems, including trails, porous materials, or other methods acceptable to the City Engineer;
4. A waiver from sidewalk at the Planning and Zoning Commission does not constitute a waiver from Zoning Ordinance regulations related to sidewalks.

D. Conditions

In approving a waiver, the Planning and Zoning Commission may require such conditions as will secure substantially the purposes of these Regulations.

Section 3-1.4: Master Plan

A. Applicability

A Master Plan shall be required when an applicant submitting a Preliminary Plat owns, leases, or has options to purchase 20 or more acres of additional vacant land contiguous to the land for which the preliminary plat is applied.

The applicant may request in writing, and the Director of Planning may grant at the Director's discretion, a waiver from the Master Plan requirement where the applicant sufficiently demonstrates that the remaining land will not be subdivided or developed for at least 5 years. If the Director concurs, they may issue a written waiver of the Master Plan requirement to the applicant. If the Director does not concur, the applicant may make the request of the Planning and Zoning Commission.

A Master Plan may be one of the below, depending on level of completeness.

B. Types of Master Plans and Minimum Requirements

1. Conceptual Master Plan

At minimum, a Conceptual Master Plan must contain an outline of the contiguous land from deed legal descriptions and must show the following:

- a. Access points
- b. Possible street layouts
- c. Sidewalk connections
- d. Possible density
- e. Possible uses
- f. Future sewer connections and capacity

The Conceptual Master Plan does not constitute Preliminary Plat approval for future phases.

2. Comprehensive Master Plan

If the Comprehensive Master Plan meets all submittal requirements for a Preliminary Plat for the entire development site, including all proposed Phases, then the approval of

the Comprehensive Master Plan constitutes approval of the Preliminary Plat for such phases. Waivers required shall be requested with the Comprehensive Master Plan in accordance with [Section 3-1.3](#).

Section 3-2: Application-Specific Review Procedures

Section 3-2.1: Preliminary Plat

A. Applicability

Prior to the development, sale, lease, or conveyance of land, the landowner shall gain approval of a preliminary plat. An application for preliminary plat shall be reviewed in accordance with this subsection and against these Regulations including Master Plan and Phasing Plan where applicable. No land owner or developer shall proceed with improvements without the written approval of the preliminary plat from the Planning and Zoning Commission. No land owner or developer shall convey property in a subdivision until a final plat has been recorded in the Probate Records of Tuscaloosa County, Alabama.

B. General

Approval of a subdivision in accordance with this section requires first the approval of a preliminary plat, and after the approval of the preliminary plat the approval of a final plat.

C. Submittal and Review

The developer shall submit 1 digital copy of the Preliminary Plat with contours and 1 digital copy without contours, three labels for each adjoining property owner, along with fees as described by Resolution, to the Office of Urban Development, Planning Division, by 12:00 noon not less than 1 calendar month prior to the scheduled meeting of the Planning and Zoning Commission at which the plat is to be considered.

Only a completed application will be advertised and placed on the agenda for the public hearing.

A developer desiring a waiver from any requirement specified in [these Regulations Article IV](#) shall request such waiver through the process in [Section 3-1.3](#) and these Regulations.

The Office of Urban Development, Planning Division, shall forward a copy of the Preliminary Plat to the Office of the City Engineer, the Tuscaloosa County Public Works Division, and such other departments and agencies as shall be appropriate. Such departments and agencies shall submit their written comments, if any, at a Plat Review meeting scheduled by Planning and Zoning Commission staff.

D. Notification

Planning and Zoning Commission staff shall notify the owners of record of property adjoining the proposed subdivision not less than five days before the hearing on the Preliminary Plat, as required by [Section 11-52-32 of the Code of Alabama, 1975](#).

E. Decision

The Planning and Zoning Commission shall approve, conditionally approve, or deny such Preliminary Plat within 30 days after holding a hearing thereon, unless the developer consents to an extension of this period. If the Preliminary Plat is denied or conditionally approved, the

reasons or conditions for such action shall be sated in the minutes/synopsis of the Planning Commission. If any requirements of these Regulations are modified or a waiver is granted, such action shall be noted in the minutes/synopsis.

F. Post-Decision Actions and Limitations

Approval or Conditional Approval of the Preliminary Plat by the Planning Commission is conditioned upon the approval of required plans and profiles by the City Engineer. Preliminary approval of a proposed subdivision shall lapse at the end of one year if construction of the subdivision has not begun.

G. Plans and Profiles of Improvements

Plans and profiles of improvements for the preliminary plat shall be submitted and approved in accordance with [Chapter 21, Article XII, of the Code of Tuscaloosa](#) and [Article V, Permitting, Construction, and Inspection of Improvements](#).

H. Final Plat

The procedures and standards for the review and decision on a final plat are found in [Article VI](#).

Section 3-2.2: Minor Subdivision

A. Applicability

A minor subdivision may administratively be approved by the Director of Planning 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.

The following actions constitute applicability for minor subdivision review in accordance with the procedures and standards of this subsection:

1. 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 cannot request waivers from these regulations and do not require public notification.

2. 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.

3. 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.

B. Submittal, Review, and Final Plat Signing

The developer shall submit 1 digital copy of the Preliminary Plat with contours and 1 digital copy without contours, along with 1 digital copy of the Final Plat to the Office of Urban Development,

Planning Division. The Planning Division shall forward a copy of the Preliminary Plat and Final Plat to the Office of the City Engineer, the Tuscaloosa County Public Works Division, and such other departments and agencies as shall be appropriate. Such departments and agencies shall submit their written comments, if any, via email. These comments shall be sent to the developer for corrections, additions, or deletions prior to the final plat being cleared for signature.

Section 3-2.3: Condominium Subdivision

A. Applicability

New structures may be developed as condominiums, and existing buildings may be converted to condominiums, in accordance with State law. They shall comply with these Regulations and, if located within the Corporate Limits of the City, Chapter 25: Zoning Ordinance.

In an historic district listed on the National Register of Historic Places or in the portion of the City platted and known as the Original City, the Planning and Zoning Commission may authorize the conversion of an existing structure to the condominium form of ownership notwithstanding the fact that the structure fails to conform to the standards and requirements of Chapter 25: Zoning Ordinance, upon a finding that such conversion would serve the goals of historic preservation.

B. Submittal and Review

Unless otherwise determined by the Director of Planning and/or City Engineer, condominium subdivisions do not require a Pre-Plat meeting as described in [Section 3-1.1](#).

Where a condominium subdivision is proposed, the developer shall submit a preliminary plat to the Planning and Zoning Commission which, in addition to the information otherwise required on the preliminary plat as outlined in [Section 3-1.2](#), also depicts proposed parking areas, the size, height (in stories), and layout of buildings, and the boundaries of permanent open space.

For the final plat, the developer shall submit the Declaration of Condominium, as defined in State law, which shall contain the information required for the final plat of a conventional subdivision, as well as building elevations drawn and stamped by a registered Architect in sufficient detail to identify the distinction of common elements from private units on each floor of multi-story structures. The Declaration of Condominium documents will be reviewed by the Office of the City Attorney for completion.

C. Notification

Planning and Zoning Commission staff shall notify the owners of record of property adjoining the proposed subdivision not less than five days before the hearing on the Preliminary Plat, as required by [Section 11-52-32 of the Code of Alabama, 1975](#).

D. Decision

The Planning and Zoning Commission shall approve, conditionally approve, or deny such Condominium Subdivision within 30 days after holding a hearing thereon, unless the developer consents to an extension of this period. If the Condominium Subdivision is denied or conditionally approved, the reasons or conditions for such action shall be stated in the minutes/synopsis of the Planning Commission. If any requirements of these Regulations are modified or a waiver is granted, such action shall be noted in the minutes/synopsis.

E. Post-Decision Actions and Limitations

Approval or Conditional Approval of the Condominium Subdivision by the Planning Commission is conditioned upon the approval and recordation of the Condominium Subdivision with the County Probate office of Tuscaloosa County, Alabama. Preliminary approval shall lapse at the end of one year if construction has not commenced or recordation has not occurred.

Article V: Permitting, Construction, and Inspection of Improvements

Section 5-1: Plans and Profiles of Improvements

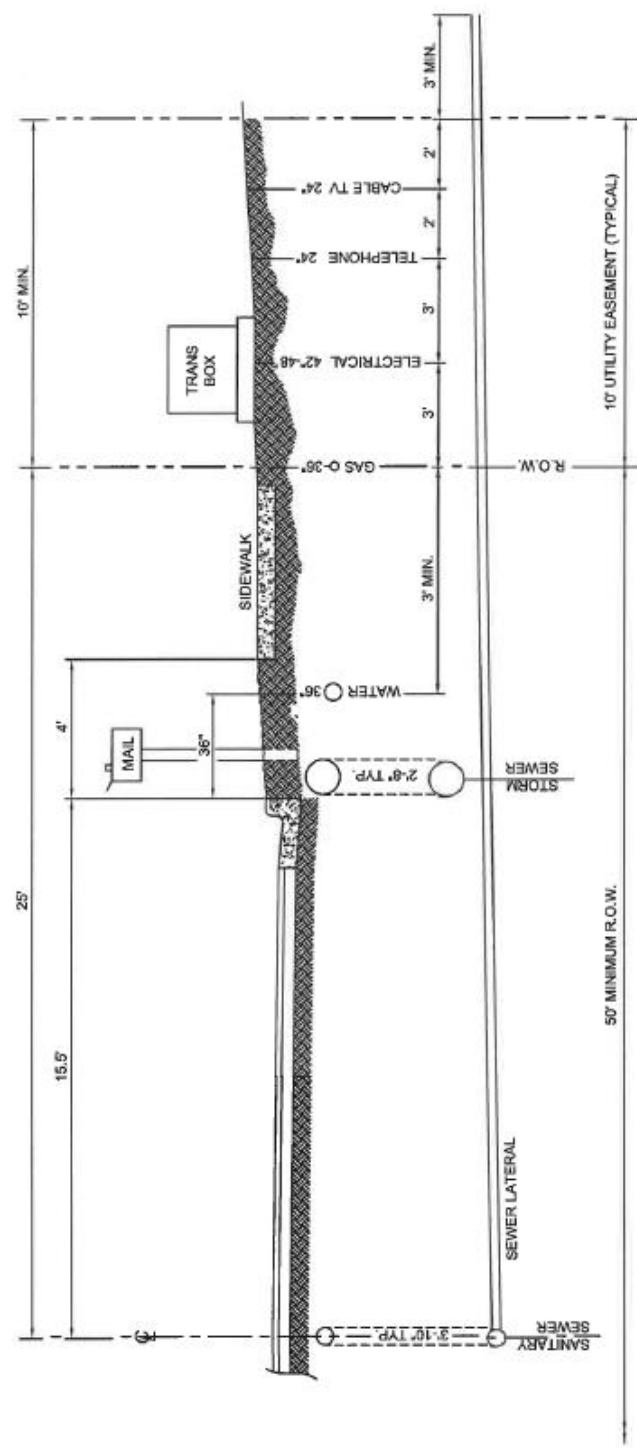
Plans and profiles of improvements shall be submitted and approved in accordance with Article 7, Chapter 21 of the Tuscaloosa Code of Ordinances and Sec. 5-2, below.

The developer shall furnish the City Engineer an electronic copy (PDF) of construction drawings meeting the requirements of the Land Development Permit Manual for review and approval prior to the commencement of construction on the proposed subdivision. Along with plans and profiles, the developer shall furnish the City Engineer and each affected utility a typical street cross-section depicting where each buried system is proposed to be located, terrain and other factors permitting.

Figure V shall be used as a reference in designing such a cross-section. Subject to the approval of the City Engineer and affected utilities, the developer may propose the use of rear lot easements, conduit banks, or other unconventional utility configurations in lieu of the concept shown in **Figure V**. The City Engineer shall verify that the plans conform to all requirements set forth in **Articles IV and V**, except those expressly waived by the Planning Commission. The City Engineer shall approve the plans and profiles within 20 days after receiving them or notify the developer's engineer of discrepancies requiring correction.

Construction plans of proposed improvements shall meet the requirements of the Land Development Permit Manual and include plans and profiles of proposed streets, sanitary sewers, and drainage structures, and shall be prepared by a registered Professional Engineer. Street design shall conform to the provisions of **Section 4-3 and 4-4** of these Regulations and such other specifications as may be promulgated by the Office of the city engineer (OCE). The design of sanitary sewers shall include sufficient data to insure that the sewers have been designed in accordance with **Section 4-13** of these Subdivision Regulations. The plans and profiles of drainage features shall contain sufficient data, including calculations of pipe diameters, velocity in open gutters and channels, to permit the OCE to verify the design's conformity to the provisions of **Section 4-10** of these Regulations. No construction activity may commence prior to the approval of a land development permit.

Figure V



TYPICAL UTILITY CONFIGURATION WITH BURIED CONDUCTORS

Section 5-2: Construction and Inspection

- A. Construction of subdivision improvements may begin only after an approved Land Development Permit is issued and the developer has purchased construction permits (if required) from the Office of the City Engineer.
- B. Subdivision improvements shall be constructed only under the supervision of a civil engineer employed by the developer.
- C. Quality control during construction shall be maintained by the following three (3) means:
 - 1. The developer shall employ a qualified testing laboratory to perform compaction tests on street subbase and base before placement of the first layer of pavement. All trench excavations for the installation of storm sewers and sanitary sewers shall have compaction tests. Tests shall be taken when backfill reaches 2 feet above the pipe, and every 1 foot lift thereafter to subgrade, at 500-foot intervals along the roadway and pipeline. The results of these tests may initially be reported to the Office of the City Engineer by convenient means, but a written report must follow.
 - 2. The developer's engineer shall ensure that a qualified inspector, experienced in street and sewer construction, conducts an inspection not less frequently than once daily during construction of improvements. The inspector shall maintain a logbook of all inspections, which shall be furnished to the Office of the City Engineer for review upon completion of construction, and before the final plat is signed.
 - 3. The developer's engineer shall notify the City Engineer before work begins on each of the following steps using the Construction Notification Form in [Appendix 5](#). Any items marked by an asterisk (*) shall require the attendance of representatives from both the developer's engineer and the City Engineer's office.
 - a. Clearing and grubbing
 - b. Grading
 - c. Laying of sanitary and storm sewer pipe
 - d. Backfilling and compacting trenches *
 - e. Trench compaction testing *
 - f. Roadbed processing
 - g. Under-curb compaction testing *
 - h. Pouring curb and gutter
 - i. Sub-grade compaction testing *
 - j. Placing base material
 - k. Base compaction testing *
 - l. Placing the first layer of asphalt
 - m. Placing the final layer of asphalt
 - n. Air and mandrel testing on sanitary sewer lines *
 - o. Vacuum testing of sanitary sewer manholes
 - p. Video inspection of sanitary sewer lines
 - 4. Upon completion of the sanitary sewer construction, the developer's engineer shall furnish record drawings depicting the locations of sanitary sewer stub outs (lateral lines) to all utilities which intend to install buried lines in the subdivision. The engineer will

also mark the alignment of each stub out with paint on the curb or pavement. When the developer's engineer deems appropriate, normally upon completion of curb and gutter, he shall convene in the field a conference of utility company representatives to coordinate the installation of underground lines. Ordinarily, he will ask the Water and Sewer Department (or other water utility) to install water mains before installation of gas, telephone, electric and cable.

Upon completion of all developer installed improvements, a set of "RECORD DRAWINGS" shall be delivered to the City Engineer's office. These plans shall show all improvements as constructed, including the correct locations and profiles of all sanitary and storm sewer lines and appurtenances thereto, including locations and depth of all sanitary sewer stubs. The developer's engineer shall ensure that the developer furnishes and places Electronic Locator Markers of a type approved by the City Engineer's office over all sanitary sewer stubs.

Article VI: Final Plats

Section 6-1: Final Plat Procedure

A. Applicability

After approval of a preliminary plat for subdivision, the final plat shall be submitted, processed, reviewed, and decided on in accordance with these Regulations.

B. Submittal, Review, and Decision Standards

1. The Director of Planning and City Engineer shall review the final plat for compliance with the approved preliminary plat and these Regulations.
2. A final plat shall be approved by the City Engineer and Director of Planning only upon a finding that the final plat is in substantial compliance with the approved preliminary plat and only after all conditions in [Sec. 6-4, Bonding and Acceptance of Improvements](#), have been met.
3. The City Engineer shall not approve the Final Plat until the following has been provided to the Office of the City Engineer:

One (1) CAD record drawing, giving details of construction, location, and size of sanitary sewer, storm sewer, and water lines and their above ground components as a digital file. The digital file(s) shall be accompanied by a transmittal letter which lists the files submitted, a description of the data in each file, a level/layer schematic of each design file, and a statement conveying rights to the City of Tuscaloosa for the data to be used for GIS purposes. Text, parcels, and roads must be grouped together on separate layers. A separate miscellaneous layer may be used for other information. All data submitted shall use NAD 1983 Alabama West Zone Coordinates in US Survey Feet (except in resubdivision or subdivision with no public improvements). Digital files must display by text, said state plan coordinates for all points as specified in [Section 6-2.N](#).

4. In addition, a final plat shall be approved by the City Engineer only after the following conditions have been met:
 - a. All required improvements, including sidewalks or an approved sidewalk alternative system, have been installed and completed by the developer and maintenance bonds have been approved by the City Engineer for improvements to be accepted by the City or the County Engineer, as applicable. If, in the opinion of the City Engineer and the Director of Planning, special circumstances necessitate the delay of the installation of the sidewalk until after the final plat is signed, a performance bond shall be required.
 - b. All test reports, observation reports and as-constructed plans are delivered to the office of the City Engineer.
 - c. A final inspection is performed and all punch list items are addressed/corrected.
 - d. Developer-installed lift stations must be included in Phase I of the subdivision.
 - e. A final plat containing any lot abutting the Lake Tuscaloosa Acquisition Line:

- i. Accurately depicts the Lake Tuscaloosa Acquisition Line with sufficient dimensions to represent the true and actual Acquisition Line.
- ii. Accurately depicts a line 300 feet from the edge of Lake Tuscaloosa at normal pool elevation and labels the line "ON-SITE DISPOSAL SETBACK."
- iii. Contains the following notes:

NOTE: PRIOR TO THE DEVELOPMENT OF ANY LOT IN THIS SUBDIVISION THAT ABUTS THE LAKE TUSCALOOSA ACQUISITION LINE, THE DEVELOPER, OR PERSON IN CHARGE OR CONTROL THEREOF, SHALL SUBMIT A PLAN FOR APPROVAL BY THE CITY ENGINEER MEETING ALL PERTINENT LAND DEVELOPMENT PERMIT REQUIREMENTS FOR TREE REMOVAL, NATURAL VEGETATION, STORMWATER RUNOFF CONTROL, AND WATER QUALITY. THIS NOTE SHALL ALSO APPEAR IN THE DEED OF CONVEYANCE FOR ANY LOT IN THIS SUBDIVISION THAT ABUTS THE LAKE TUSCALOOSA ACQUISITION LINE.

NOTE: THE PROPERTY ON THE LAKE SIDE OF THE LAKE TUSCALOOSA ACQUISITION LINE BEING PREVIOUSLY RECORDED AS TRACT # XXX IS PROPERTY OF THE CITY OF TUSCALOOSA, AND MAY NOT BE BUILT UPON, DREDGED, FILLED, OR OTHERWISE ALTERED EXCEPT IN CONFORMITY WITH APPLICABLE ORDINANCES AND REGULATIONS OF THE CITY AND PURSUANT TO ALL REQUIRED PERMITS AND LICENSES.

Section 6-2: Final Plat Requirements

The Final Plat shall be an original drawing on mylar and shall show the following:

- A. Title, graphic scale, north arrow, name and registration number of the subdivision designer, and date.
- B. Quarter section(s) in which the subdivision is located.
- C. Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way and property lines of lots, with accurate dimensions, bearings or deflection angles, radii, arcs, and central angles of all curves.
- D. Right-of-way width of each street or other right-of-way, including portions to be dedicated.
- E. The locations and dimensions of all easements, together with the statement required in **Section 4.xx** of these Regulations.
- F. Number to identify each lot.
- G. If within the Corporate Limits of Tuscaloosa, provide a note stating the existing zoning classification of the subdivision. If outside the Corporate Limits of Tuscaloosa, provide a note stating the "Property is located outside the City Limits but within the City's Planning Jurisdiction."

- H. If within the Corporate Limits of Tuscaloosa, minimum setback lines are not required to be shown or noted unless platted as part of a Planned Development. If outside the Corporate Limits, minimum setback lines (as required by [Section 4.xx](#) of these Regulations) are required on all lots, drawn on the lots or provided in a note.
- I. Reference to recorded subdivision plats of adjoining platted land, by plat book and page number.
- J. Space for the approval of the City Engineer, the Secretary of the Planning and Zoning Commission, and the authorized representative of the Health Department. If the subdivision is located outside the Corporate Limits of Tuscaloosa, space shall be provided for approval of the County Engineer.
- K. Certificates and acknowledgements for the designer and owner, as required in Section 35-2-51 of the Code of Alabama, 1975. The designer shall further execute the current Certificate of Standards of Practice for land surveying in Alabama.
- L. If a plat depicts private streets, there shall be a provision for the dedication of any or all of the private streets to the public in the event that the governing body of the City determines in the future that the same is required for adequate public access to adjacent or other property or required for the public health, safety, and welfare. All such private streets shall be so identified on the final plat drawing.
- M. Final plats shall be drawn to a scale of not less than one inch equals one hundred feet (1" = 100') unless a waiver of the scale has been granted at the Preliminary Plat, as detailed in [Section 3-1.2.A](#) of these Regulations.
- N. Final plats shall document the location of the subdivision according to the West Zone of the Alabama Coordinate System as described in Section 35-2-1 of the Code of Alabama, 1975.
 - 1. All new subdivisions containing 10 or more lots shall be required to place monuments as indicated below. All phases of one development site shall be added together for purposes of determining the applicability of this section. Each phase of a subdivision containing 10 or more lots shall be subject to the placement of monuments as indicated below. All new subdivisions containing less than 10 lots shall provide coordinates for a minimum of 2 lot corners.
 - 2. Implementation of this section requires that at least two monuments be erected in the subdivision, referenced to the subdivision itself, at least 300 feet apart. Easements or other means shall be provided for permanent sight distance between the monuments, and public access to the monuments.
 - 3. The monuments erected under this section shall be permanent concrete monuments or other monuments accepted by the City Engineer, set below the ground in an approved protective box, and identified by a minimum of three (3) permanent reference points.
 - 4. The City Engineer shall keep a book listing all such monuments erected under this section. The location and coordinates of monuments shall be shown on the final plat and prior to recordation of the final plat there must be recorded in the book a location or

site map of each such monument, the coordinates of each, and sufficient field and office records to establish the probable accuracy of the information supplied.

5. Control for monuments established under this section shall meet National Geodetic Survey third-order requirements: one part in 10,000 and an angular closure of not greater than 8 seconds per turn.
- O. Final plats containing any lots abutting the Lake Tuscaloosa Acquisition Line shall depict the On-Site Disposal Setback line as defined in [Section 4.xx](#) of these regulations and contain the marginal notes from [Section 6.1.B.3.e.iii](#) of these Regulations.
- P. Final plats containing any lots abutting Lake Nicol shall depict the On-Site Disposal Setback line as defined in [Section 4.xx](#) of these regulations.

Section 6-3: Monuments and Markers

Each subdivision platted under these Regulations shall have monuments placed at all main control points and lot corners within the subdivision. The monuments shall be a minimum of 1/2 inch diameter pipe or rebar 18 inches long which may not extend over three inches above finished grade. Location of Points of Curvature (P.C.s) and Points of Tangency (P.T.s) for street center lines shall be marked with a monument identical with those used to identify all lot corners in the subdivision. Said P.C. and P.T. markers shall be placed on each boundary of the right-of-way.

Section 6-4: Bonding and Acceptance of Improvements

The City Engineer, and the Director of Planning or Planning and Zoning Commission, as applicable, shall require completion of the public infrastructure improvements, including but not limited to: streets, sanitary sewers, sidewalks, curb and gutter, and/or sewer lift stations, prior to signing the final plat for all residential subdivisions with single family lots. Subdivisions intended for multifamily and nonresidential lots may follow the Land Development Permit regulations in Chapter 21, Article 7, of the Code of Tuscaloosa.

For subdivisions not within the corporate limits of the City, the only public infrastructure improvements that can be accepted by the City are water and sewer facilities that are to be a part of the City's system. No roads, drainage structures, or other improvements may be accepted by the City outside its corporate limits.

Section 6-4.1: Performance Bond

- A. If, in the opinion of the City Engineer and the Director of Planning, special circumstances necessitate the delay of the installation of the final wearing surface layer of a street or the required sidewalks for subdivisions intended for multi-family lots and nonresidential subdivisions in the corporate limits until after the final plat is signed, a performance bond shall be required. The final layer of pavement or sidewalk must be installed no later the two years from the signing of the final plat. An approved performance bond shall be required that extends three months past the completion date prior to the signing of the final plat. The performance bond shall include good and sufficient surety in an amount equal to 1.10 times the amount of the

construction costs of the final wearing surface layer or sidewalk. The surety thereon must be approved by the City Attorney and shall be one of the following:

1. A cash deposit;
 2. An irrevocable letter of credit; or
 3. An insurance company doing business by an agent in the State of Alabama through an attorney-in-fact. The surety companies on bonds shall be rated A- or better by A. M. BEST and listed on the United States Treasury Department 570 list.
- B. In the event the developer fails to perform as required by the bond, the City Attorney or his designee is authorized to make a claim on the maintenance bond or performance bond in the event of a default on a bond or file a lien equal to the amount of the bond against any lot or lots in the subdivision subject to the bond and owned by the developer. This lien shall be a certified copy of a resolution passed by the City Council and shall state the purpose and the amount of the lien and shall be recorded in the Office of Probate for Tuscaloosa County. The liens will not be satisfied until such time as the developer complies with the bond conditions or the surety pays the bond and if the lien remains unsatisfied for 90 days the City may collect on the lien as all debts are collected or liens enforced.
- C. If, in the opinion of the City Engineer and the Director of Planning, special circumstances necessitate the delay of the installation of the final wearing surface layer for *private streets* in the corporate limits until after the final plat is signed, a performance bond shall be required. The performance bond shall not exceed two (2) years in duration, and shall be required prior to the signing of the final plat. The performance bond shall include good and sufficient surety in an amount equal to 1.10 times the cost of the private street improvement. The surety thereon must be approved by the City Attorney and shall be one of the following: a cash deposit, an irrevocable letter of credit, or an insurance company doing business by an agent in the State of Alabama through an attorney-in-fact. The surety companies on bonds shall be rated A- or better by A. M. BEST and listed on the United States Treasury Department 570 list. The final plat shall state the following:

The streets shall be private streets conditioned upon a final wearing surface layer being installed within two years from the recordation of the final plat. In the event the final wearing surface layer is not installed within two years from the recordation of the final plat, the private streets shall become public streets and the bond is forfeited to the City to install the final wearing surface layer.

Section 6-4.2: Maintenance Bond

- A. Before signing the final plat, the City Engineer shall require a maintenance bond on a form provided by the City for public improvements within the corporate limits (*excluding sidewalks within the right-of-way*), plus all sanitary sewers accepted outside of the corporate limits pursuant to Chapter 16 of the Code of Tuscaloosa. Maintenance bonds shall include good and sufficient surety in an amount equal to 10 percent of the construction costs of said public infrastructure.
- B. The surety for the maintenance bond shall be for a period of at least 15 months from the date of acceptance of improvements by the City. The bond shall cover maintenance of the constructed public infrastructure improvements for no less than one year after acceptance by the City of the

public infrastructure improvements. The surety thereon must be approved by the City Attorney for public improvements within the corporate limits plus all sanitary sewers accepted pursuant to Chapter 21 of the Code of Tuscaloosa, and shall be one of the following:

1. An irrevocable letter of credit; or
2. A cash deposit; or
3. An insurance company doing business by an agent in the State of Alabama through an attorney-in-fact.

Section 6-4.3: Lift Stations

- A. Lift Stations present a special consideration in that there are mechanical inspections and routine maintenance that must be conducted during the period after the subdivision plat is approved by the City Engineer for construction and before the final wearing layer is placed on all streets within the subdivision. Since interim maintenance is critical to insuring lift stations accepted by the City are in good working order upon acceptance, the City will modify the above requirement such that any lift station constructed by private entities that is to be connected to the City's sanitary sewer collection system will be accepted by the City for ownership and maintenance immediately upon meeting the following separate requirements:
 1. The lift station shall meet all City standards and construction requirements.
 2. The City lift station maintenance staff has inspected the lift station, provided a punch list of lift station deficiencies to the developer and the developer has satisfactorily completed all tasks required by the punch list.
 3. A recommendation from the City lift station maintenance staff is sent to the City Engineer.
- B. All City requirements for the design and operation of each lift station shall be complied with in full prior to acceptance by the City, including compliance with NFPA Rule 820 and full functioning supervisory control and data acquisition (SCADA) networked into the City's central SCADA system at the Hilliard N. Fletcher Water Resource Recovery Facility. The City Engineer will recommend to the City Council acceptance of the lift station by the City if these criteria are met. A maintenance bond, as outlined in [Sec. 6-4.2](#), shall be provided prior to acceptance.

Section 6-5: Building Permits

No permit for construction of houses or housing units in a subdivision shall be issued until a final plat has been recorded in the Probate Office of Tuscaloosa County, except for condominiums prepared in accordance with [Section 3-2.3, Condominium Subdivision](#), townhomes, and duplex units platted on separate lots.

Section 6-6: Recording Final Plat

The final plat (18"x24") shall be filed for record in the office of the Probate Judge of Tuscaloosa County, along with restrictive covenants, if any. The Director of Planning and the City Engineer shall be furnished with a digital copy of the final plat showing the Probate Judge's recording stamp.

Section 6-7: Final Engineering Inspection Before Expiration of Bond

The City Engineer shall conduct an inspection of the improvements covered by the maintenance bond within 30 days before expiration of the maintenance period. If this inspection reveals deficiencies beyond those caused by normal wear and tear, the City Engineer shall notify the developer or contractor of their findings, and shall afford the developer or contractor reasonable opportunity to correct the deficiencies before taking steps to recover against the maintenance bond.

Section 6-8: Resubdivisions Not Requiring Improvements

When the owner of a subdivision wishes to record a new plat in order to correct surveying errors or improve the utility of poorly shaped lots, the Director of Planning and City Engineer may approve such a re-subdivision for immediate recordation, provided that the following conditions are met:

- A. The lots meet the requirements of all applicable regulations with respect to lot area and width.
- B. All required improvements as required by these Regulations are in place.
- C. The number of lots in the subdivision will not be increased as a result of the resubdivision by more than two lots or five percent of the total number of lots, whichever is greater, and the modification is in compliance with the requirements of the Zoning Ordinance.
- D. No public interest in a street, easement, or the like shall be impaired or placed in doubt as a result of the resurvey.

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.

3. Ineligibility to Proceed

Any person, business or corporation or unincorporated association or individual owner, partner or shareholder who is in violation of the subdivision regulations regarding infrastructure or storm water drainage/retention or open space amenities or who does not possess a required business license from the City or owes past due business license fees for development activity, may not proceed with any matter before the Planning and Zoning Commission as an owner, shareholder, member or partner with an interest of 10% or greater until such violation is resolved to the satisfaction of the Planning Division, Office of the City Engineer, Office of the City Attorney, or other City Department. In addition, the Office of the City Attorney and Planning Division shall maintain a list of

developers in violation of this subsection as the department is made aware of the violation.

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 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.

Appendices

Appendix 1: Typical Roadway Sections

Appendix 2: Downtown Street Cross Sections

Appendix 3: Approved Street Lighting Fixtures

Appendix 4: Sidewalk and Shared Use Path Design

Appendix 5: Construction Notification Form

Appendix 1: Typical Roadway Sections

Appendix 2: Downtown Street Cross Sections

Appendix 3: Approved Street Lighting Fixtures

Appendix 4: Sidewalk and Shared Use Path Design

Appendix 5: Construction Notification Form