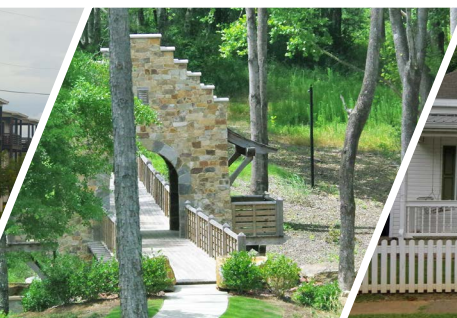
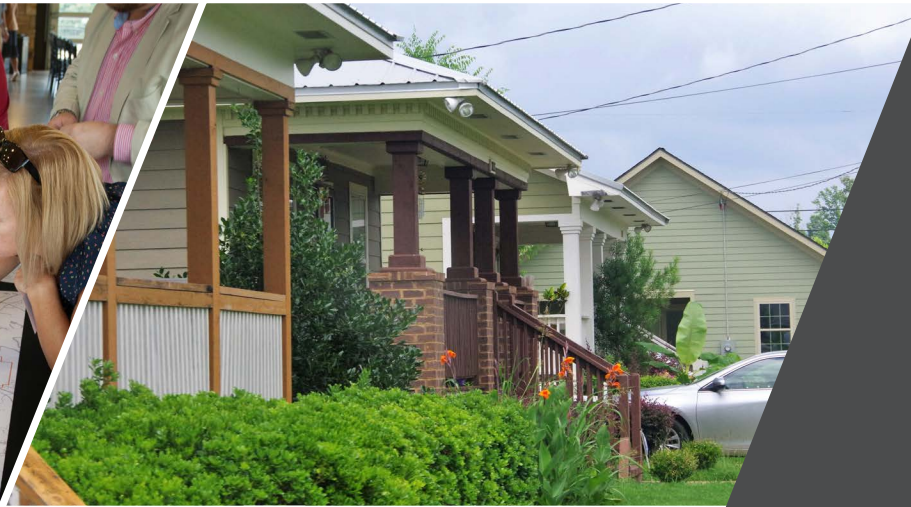




# Tuscaloosa Subdivision Regulations

Special Call Meeting | December 2022



**FRAME**WORK  
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# ARTICLE 26-1. GENERAL PROVISIONS<sup>1</sup>

## Commentary on Draft:

This article contains important provisions that pertain to the subdivision regulations as a whole. It includes nine sections that:

- Establish the title, or official name, of the subdivision regulations;
- Identify the statutory authority for the Planning and Zoning Commission to adopt the regulations;
- State the Planning and Zoning Commission’s purpose and intent in adopting the regulations;
- Clarify that the more restrictive regulation applies in cases where there is a conflict between two regulations or between these regulations and County, State, or federal law;
- Establish enforcement provisions related to subdivision;
- State that the regulations are intended to ensure development is in accordance with the goals, objectives, policies, strategies, and actions of plans adopted by the City, and that the Comprehensive Plan is the principal policy guide for the regulations;
- Address the rules governing subdivisions that have been approved under the previous regulations but not yet started or completed, as well as rules governing development applications for subdivision that have been submitted but not yet approved;
- Provide provisions for amendments and separability in the event a portion of the regulations are determined invalid by a court of law; and
- Establish the effective date of the regulations.

*This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the Subdivision Regulations.*

## SEC. 26-1.1. TITLE<sup>2</sup>

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This Chapter 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”.

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<sup>1</sup> **NOTE TO STAFF:** Footnotes are provided throughout this draft document to explain specific provisions in these Subdivision Regulations. The footnotes will be removed from the adoption draft of the regulations.

<sup>2</sup> This section sets forth the official name by which these Subdivision Regulations may be cited as well as any acceptable shortened references.

## SEC. 26-1.2. AUTHORITY AND JURISDICTION<sup>3</sup>

- a. 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.
- b. These Subdivision Regulations apply to development within:
  1. The corporate limits of the City of Tuscaloosa: and
  2. In accordance with Resolution A-13-0111 and the Agreement between the City of Tuscaloosa, Tuscaloosa County, and the Tuscaloosa City Planning and Zoning Commission, development and enforcement of subdivision development outside of the corporate limits of the City in Tuscaloosa County, but within the territorial planning jurisdiction of the City, 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.<sup>4</sup>
- c. 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.
- d. Unless stated otherwise, the standards and requirements of these Regulations are minimum requirements.
- e. Applicability to governmental entities.<sup>5</sup>
  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.

## SEC. 26-1.3. GENERAL PURPOSES<sup>6</sup>

The purpose of these Subdivision Regulations is to promote the public health, safety, and general welfare of the residents of Tuscaloosa, 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:

- a. Guide the future growth and development of the City in accordance with plans and policies adopted by the City;

<sup>3</sup> This section contains references to the authority by which the City has to adopt the Subdivision Regulations in accordance with state law. It builds on Section 1.1, Enactment and authority, of the current Subdivision Regulations. It also identifies the jurisdiction of the City of Tuscaloosa and Tuscaloosa County within which the subdivision regulations apply.

<sup>4</sup> This provision recognizes, in accordance with Resolution A-13-0111 and the Agreement between the City of Tuscaloosa, Tuscaloosa County, and the Tuscaloosa City Planning and Zoning Commission, the subdivision jurisdiction the Planning and Zoning Commission has in the City's territorial planning jurisdiction in Tuscaloosa County.

<sup>5</sup> These new provisions make it clear that development by the City, as well as other governments and their agencies, must comply with the requirements of these Subdivision Regulations, to the extent allowed by law.

<sup>6</sup> A general purpose section can inform decision-makers and the courts in future years about the purpose and intent of the City in adopting the rewritten Subdivision Regulations. It builds on Section 1.3, Purposes, of the current Subdivision Regulations, and includes general purpose statements, as appropriate, to reflect the goals, objectives, and policies in the City's comprehensive plan.



- b. Provide for adequate light, air, and open space;
- c. Secure safety from fire, flood, and other dangers;
- d. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- e. Facilitate the creation of a sustainable, livable, and inclusive community;
- f. Facilitate the harmonious, orderly, and continuing development of land that builds and maintains complete neighborhoods;
- g. Encourage economically sound development and use of land;
- h. Protect and preserve scenic, historic, or ecologically sensitive areas;
- i. 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;
- j. 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;
- k. 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;
- l. 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 24: Zoning Ordinance;
- m. Facilitate, in general, the fiscally-balanced, timely, and orderly development of new areas, and redevelopment of previously developed areas; and
- n. Carry out such other purposes in the public interest as may be specifically cited in these Regulations.

## SEC. 26-1.4. TRANSITIONAL PROVISIONS<sup>7</sup>

### SEC. 26-1.4.1. VIOLATIONS CONTINUE

Any violation of any provision repealed and replaced by these Regulations (see Sec. 26-1.9, Effective Date) shall continue to be a violation under these Regulations unless the development complies with the express terms of these Regulations.

### SEC. 26-1.4.2. COMPLETED APPLICATIONS UPON WHICH NO FINAL ACTION TAKEN

- a. 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.

<sup>7</sup> This is a new section that establishes rules governing continuing violations of these Regulations, pending applications at the time of adoption, and existing subdivision approvals.

- b. To the extent an application reviewed and approved in accordance with subsection a above, proposes a subdivision that does not comply with the standards of this Chapter, use, lot area, other dimensional, or site feature standards of Chapter 24: Zoning Ordinance, the subsequent subdivision, although permitted, shall be nonconforming and subject to the provisions of Article 24-7, Nonconformities, of the Zoning Ordinance.
- c. 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.

**SEC. 26-1.4.3. 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 proposes development that does not comply with the use, lot area, other dimensional, or site feature standards of Chapter 24: Zoning Ordinance, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 24-7, Nonconformities, of the Zoning Ordinance.

**SEC. 26-1.4.4. 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.

**SEC. 26-1.5. ENFORCEMENT, VIOLATIONS, AND PENALTIES**

**SEC. 26-1.5.1. PURPOSE<sup>8</sup>**

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.

**SEC. 26-1.5.2. COMPLIANCE REQUIRED<sup>9</sup>**

**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.

**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.

<sup>8</sup> This new subsection sets forth the purpose of the enforcement provisions, which establishes a consolidated set of rules for enforcement of the Subdivision Regulations.

<sup>9</sup> This section states that compliance with all provisions of the Subdivision Regulations is required.



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**SEC. 26-1.5.3. VIOLATIONS<sup>10</sup>**

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**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. Sale, 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 or omission, fail to comply with any other provisions, procedures, or standards as required by these Regulations;
7. Through any act or 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.

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**SEC. 26-1.5.4. RESPONSIBLE PERSONS<sup>11</sup>**

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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.

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<sup>10</sup> This section explains that failure to comply with any provision of these Subdivision Regulations, or the terms or conditions of any approval or authorization granted in accordance with these Regulations constitutes a violation. The section also more specifically identifies both general violations as well as specific violations.

<sup>11</sup> This section identifies who is responsible for a violation when it occurs. It builds on current Section 1.5 of the current Subdivision Regulations, and is made as broad as legally possible.

## SEC. 26-1.5.5. ENFORCEMENT GENERALLY<sup>12</sup>

### a. Responsibility for Enforcement<sup>13</sup>

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

### b. Complaints Regarding Violations<sup>14</sup>

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, who shall properly record such complaint, investigate the complaint, and take appropriate action as provided by these Regulations.

### c. Enforcement Procedure<sup>15</sup>

Upon becoming aware of any violation of the provisions of these Regulations, the Director of Planning or Chief Building Official 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

- i. On finding that a violation of these Regulations exists, whether from an investigation of a written complaint or otherwise, the Director of Planning shall provide written notification of the violation to the owner of the property on which the violation exists and the person causing or maintaining the violation, if different from the owner, by personal service or by certified or registered mail. Such notification shall at a minimum:
  - (a) Describe the location of the violation;
  - (b) Describe the nature of the violation;
  - (c) State the actions necessary to abate the violation;
  - (d) Order that the violation be corrected within a specified reasonable time period stated in the notice of violation; and
  - (e) Advise the violator(s) of their right to appeal the notice of violation to the Planning and Zoning Commission.
- ii. 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.
- iii. 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.

<sup>12</sup> This section states who is responsible for enforcing these regulations (the Director of Planning), what procedures citizens should follow to report potential violations, and how inspection of property is to be carried out, when it is required. The heart of the section sets down the current procedure for enforcement of violations to these Regulations.

<sup>13</sup> This section builds on Sec. 1.5.1 of the current Subdivision Regulations.

<sup>14</sup> This is a new section.

<sup>15</sup> This is a new section.

### 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 Sec. 26-1.5.6, Remedies and Penalties, to correct and abate the violation and to ensure compliance with these Regulations.

## SEC. 26-1.5.6. REMEDIES AND PENALTIES<sup>16</sup>

### a. Available Remedies

The Director of Planning, 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:
  - i. There is a failure to comply with the approval, plans, specifications, or terms or conditions required under the approval;
  - ii. The approval was procured by false representation; or
  - iii. 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 civil and criminal 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.

## SEC. 26-1.6. CONFORMITY WITH ADOPTED PLANS<sup>17</sup>

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

<sup>16</sup> This new section recognizes civil, equitable, and criminal penalties, detailing the range of penalties and remedies available. **NOTE TO STAFF:** Is this new section appropriate?

<sup>17</sup> This section states that these Regulations are intended to be in accordance with adopted City plans, and that the Comprehensive Plan is the principal policy guide. It builds on Section 4.1, Conformity to comprehensive plan, in the current Subdivision Regulations.

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.

## **SEC. 26-1.7. CONFLICT WITH CITY SPECIFICATIONS<sup>18</sup>**

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### **SEC. 26-1.7.1. CONFLICTS WITH PROVISIONS OF ADOPTED CODES OR ORDINANCES**

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- 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.

### **SEC. 26-1.7.2. CONFLICTS WITH COUNTY, STATE, OR FEDERAL LAW**

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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.

### **SEC. 26-1.7.3. RELATIONSHIP TO RESTRICTIVE COVENANTS AND DEED RESTRICTIONS**

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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.

## **SEC. 26-1.8. AMENDMENTS AND LEGAL CONSIDERATIONS<sup>19</sup>**

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### **SEC. 26-1.8.1. AMENDMENTS**

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

### **SEC. 26-1.8.2. INTERPRETATION, CONFLICT, AND SEPERABILITY**

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#### **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.

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<sup>18</sup> This new section provides that in case of conflict between these Regulations and other legislative enactments of the federal government, the state, or City, the stricter provision applies, to the extent allowed by law. It also confirms that restrictive covenants and deed restrictions between private parties are not the City's responsibility to enforce.

<sup>19</sup> This section carries forward and refines Article VIII-Amendments and Legal Considerations, of the current Subdivision Regulations.

**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.

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**SEC. 26-1.9. EFFECTIVE DATE**

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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 26-2. DEFINITIONS AND RULES FOR MEASUREMENT

### Commentary on Draft:

Article 26-2: Definitions and Rules for Measurement, builds on, organizes, and consolidates several provisions and defined terms in the current subdivision regulations. It includes three sections:

**Section 26-2.1, General Rules for Interpretation**, addresses the meanings and intent of words and commonly used phrases, clarifies that the text is the controlling factor when a diagram, table, or chart differs from the text, and includes provisions authorizing the delegation of authority.

**Section 24-2.2, Rules of Measurement**, consolidates and establishes the rules of measurement that are relevant to subdivision.

**Section 24-2.3, Definitions**, includes definitions of terms used throughout the Subdivision Regulations.

*This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the Subdivision Regulations.*

## SEC. 26-2.1. GENERAL RULES FOR INTERPRETATION<sup>20</sup>

### SEC. 26-2.1.1. 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.

### SEC. 26-2.1.2. HEADINGS, ILLUSTRATIONS, 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 text shall control. 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.

### SEC. 26-2.1.3. 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.

<sup>20</sup> This section builds on Section 2.1 of the current Subdivision Regulations and addresses general issues related to interpretation of language.

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**SEC. 26-2.1.4. COMPUTATION OF TIME<sup>21</sup>**

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- 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.

---

**SEC. 26-2.1.5. REFERENCES TO OTHER REGULATIONS AND PUBLICATIONS**

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Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

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**SEC. 26-2.1.6. DELEGATION OF AUTHORITY**

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

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**SEC. 26-2.1.7. PUBLIC OFFICIALS AND AGENCIES**

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All public officials, bodies, and agencies to which references are made are those of the City of Tuscaloosa, Alabama, unless otherwise indicated.

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**SEC. 26-2.1.8. MANDATORY AND DISCRETIONARY TERMS**

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The words “shall,” “must,” and “will” are mandatory, establishing an obligation or duty to comply with the particular provision. The word “may” is permissive.

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**SEC. 26-2.1.9. CONJUNCTIONS**

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Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- a. “And” indicates that all connected items, conditions, provisions, or events apply; and
- b. “Or” indicates that one or more of the connected items, conditions, provisions, or events apply.

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**SEC. 26-2.1.10. TENSES AND PLURALS**

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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.

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**SEC. 26-2.1.11. TERM NOT DEFINED**

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If a term used in these Regulations is not defined in these Regulations, the Director of Planning is authorized to interpret its meaning. Such interpreted meaning shall be based upon the definitions used in accepted sources—including, but not limited to, *A Planners Dictionary*, *A Glossary of Zoning*,

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<sup>21</sup> This standardizes computation of time. It is consistent with similar provisions in the draft of the Zoning Ordinance.

*Development, and Planning Terms, and A Survey of Zoning Definitions* (all published by the American Planning Association), as well as general dictionaries such as *Merriam-Webster*, *American Heritage*, *Webster's New World*, and *New Oxford American* dictionaries.

## SEC. 26-2.2. RULES OF MEASUREMENT<sup>22</sup>

[placeholder]

## SEC. 26-2.3. DEFINITIONS<sup>23</sup>

The following terms (shown in bold font), when used in these Regulations, shall have the meaning ascribed to them below.

### A

- Acquisition Line** The line which marks the limits of the City's ownership of Lake Tuscaloosa, at approximately the 230-foot level.<sup>24</sup>
- 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, 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.<sup>25</sup>
- 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.<sup>26</sup>

### B

- Building** A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure.<sup>27</sup>
- 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.<sup>28</sup>

<sup>22</sup> This section consolidates and establishes the rules of measurement that are relevant to subdivisions. This section will be similar to the same provision in the updated Zoning Ordinance.

<sup>23</sup> This section consolidates all definitions of terms used throughout the Subdivision Regulations. It refines and modernizes the definitions, and adds new definitions, as appropriate, so the rewritten Subdivision Regulations have a clear, modern, and workable set of definitions. The section includes definitions found in the current Subdivision Regulations. If appropriate, they are clarified or modernized.

<sup>24</sup> This is a new definition.

<sup>25</sup> This carries forward the definition in the current Subdivision Regulations, with minor changes.

<sup>26</sup> This carries forward the definition in the current Subdivision Regulations, with refinements.

<sup>27</sup> This is a new definition. It mirrors the definition in the draft Zoning Ordinance.

<sup>28</sup> This carries forward the definition in the current Subdivision Regulations.

**C**

- City** The City of Tuscaloosa, Alabama.<sup>29</sup>
- City Council** The City Council of Tuscaloosa, Alabama.<sup>30</sup>
- City Engineer** The City Engineer of Tuscaloosa, Alabama.<sup>31</sup>
- County** Tuscaloosa County, Alabama.<sup>32</sup>

**D**

- Developer** The person who owns or controls a tract of land proposed for subdivision, and at whose direction plans and surveys for such subdivision are prepared.<sup>33</sup>
- 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.<sup>34</sup>
- 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).<sup>35</sup>
- Director of Planning** The Director of Planning of Tuscaloosa, Alabama.<sup>36</sup>

**E**

- Engineer** A registered Professional Engineer in good standing with the State Board of Registration in Alabama.<sup>37</sup>

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<sup>29</sup> This is a new definition.

<sup>30</sup> This is a new definition.

<sup>31</sup> This is a new definition.

<sup>32</sup> This is a new definition.

<sup>33</sup> This carries forward the definition in the current Subdivision Regulations, with minor refinements.

<sup>34</sup> This carries forward the definition in the current Subdivision Regulations, with minor refinements.

<sup>35</sup> This is a new definition. It mirrors the definition in the draft Zoning Ordinance.

<sup>36</sup> This is a new definition.

<sup>37</sup> This carries forward the definition in the current Subdivision Regulations.

## F

- 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.<sup>38</sup>
- 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.<sup>39</sup>
- Floodway** The channel of a river or other watercourse, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.<sup>40</sup>

## H

- Half-Street Improvement** That improvement to the cross section of an existing street which is required by Sec. 26-4.2.1.a, Cross Section, or Sec. 26-4.3.1.a, Cross Section, of these Regulations, as further described in the City of Tuscaloosa Standard Drawings.<sup>41</sup>
- Housing Unit** *[definition will be added]*

## L

- 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.<sup>42</sup>
- Land Development Permit** See Chapter 21 of the Code of Tuscaloosa.
- 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.<sup>43</sup>

## M

- Master Plan** A plan prepared by an applicant and approved by the City to achieve a coordinated private development, such as a business or industrial

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<sup>38</sup> This current definition is updated, consistent with Article VIII of the City Code.

<sup>39</sup> This current definition is updated, consistent with Article VIII of the City Code.

<sup>40</sup> This carries forward the definition in the current Subdivision Regulations, with minor refinements to make it consistent with Article VIII of the City Code.

<sup>41</sup> This carries forward the definition in the current Subdivision Regulations.

<sup>42</sup> This is a new definition.

<sup>43</sup> This is a new definition.

park, on larger sites that comprise more than one lot and building. A Master Plan may include standards that implement a cohesive design on the site.<sup>44</sup>

**N**

**Nonconforming Lot of Record** A lot of record the area or dimension of which was lawful at the time of its creation but which fails to conform to the lot area standards of the zone district in which it is located.<sup>45</sup>

**Nonconformity** A nonconforming use, structure, lot of record, sign, or site feature, as established in Chapter 24: Zoning Ordinance.<sup>46</sup>

**O**

**One Hundred Year Flood** The area that will be inundated by a flood event having a one-percent chance of being equaled or exceeded in any given year.<sup>47</sup>

**P**

**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.<sup>48</sup>

**Planning and Zoning Commission** The City of Tuscaloosa Planning and Zoning Commission established in Chapter 20, Article 1, Division 1 of the City Code.<sup>49</sup>

**Professional-level City employee<sup>50</sup>** A person employed by the City of Tuscaloosa with expertise in a specific field (either by training or education).

**S**

**Street** A public right-of-way, as defined in Section 21-1 of the Code of Tuscaloosa, Alabama, but not including alleys.<sup>51</sup>

**Subdivision** The division of a lot, tract, or parcel of land into 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

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<sup>44</sup> This is a new definition. **NOTE TO STAFF:** The current Subdivision Regulations reference a Master Plan in Section 6.3 but do not provide a definition.

<sup>45</sup> This is a new definition.

<sup>46</sup> This is a new definition.

<sup>47</sup> This is a new definition from FEMA.

<sup>48</sup> This is a new definition. It mirrors the definition in the draft Zoning Ordinance.

<sup>49</sup> This is a new definition.

<sup>50</sup> This is a new definition.

<sup>51</sup> This carries forward the definition in the current Subdivision Regulations.



includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.<sup>52</sup>

**Subdivision, Minor** **Within the corporate limits:** The subdivision of land into not more than three lots or a reduction of the number of lots in an existing subdivision.

**Outside the corporate limits:** The subdivision of land into not more than six lots, with a maximum of 20 acres, or a reduction of the number of lots in an existing subdivision.

**Generally:** Lakefront lots on Lake Tuscaloosa, and property within the D, DR, DP, and R-U zone 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 Zone District Map, or any requirements of the Zoning Ordinance or the Subdivision Regulations.<sup>53</sup>

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

**T**

**Townhouses** A row of three or more dwellings flush against each other at the sides or attached at the sides by party walls, each unit of which is designed as a residence for one family.<sup>54</sup>

**W**

**Waiver** A mechanism to allow deviations from specific standards in these Regulations when the strict application of the standards would result in unnecessary hardship.<sup>55</sup>

**Z**

**Zone District** An area delineated on the City of Tuscaloosa Zone District Map within which a prescribed set of use and development standards are applied by Chapter 24: Zoning Ordinance, to development.<sup>56</sup>

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<sup>52</sup> This carries forward the definition in the current Subdivision Regulations.

<sup>53</sup> This carries forward the current definition of minor subdivision, with refinements. **NOTE TO STAFF:** This definition amends the definition from the current Zoning Ordinance per the “SUBDIVISION REGULATIONS 2020 COVID RESPONSE” document.

<sup>54</sup> This carries forward the definition in the current Subdivision Regulations.

<sup>55</sup> This is a new definition.

<sup>56</sup> This is a new definition.

- Zone District, Base** A zone district in Chapter 24: Zoning Ordinance, within which a single set of uses, density and intensity, dimensional, and development standards are applied.<sup>57</sup>
- Zone District, Overlay** A zone district superimposed over one or more underlying base zone districts in Chapter 24: Zoning Ordinance, that establishes standards and requirements in addition to those required by the underlying base zone district.<sup>58</sup>
- Zoning Map** The City of Tuscaloosa Zone District Map, established in Chapter 24: Zoning Ordinance, on which the boundaries of the various zone districts are established.<sup>59</sup>

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<sup>57</sup> This is a new definition.

<sup>58</sup> This is a new definition.

<sup>59</sup> This is a new definition.

## ARTICLE 26-3. ADMINISTRATION

### Commentary on Draft:

Article 26-3: Administration, consolidates all subdivision review procedures and establishes a Procedures Manual that includes a set of standard procedures that apply to all development applications. It also makes changes to the review procedures (both in this article and the Procedures Manual) as discussed in the Assessment, with modifications based on staff direction, to streamline and simplify the review process. The article is organized into the following sections, which correspond with the Procedures Manual:

**Section 26-3.1, Summary Table of Subdivision Review**, consists of a summary table of the subdivision approvals required under these Regulations, and the responsibilities of the various City bodies and officials for reviewing, making recommendations on, and making decisions on each application.

**Section 26-3.2, Advisory and Decision-Making Bodies**, references the Procedures Manual which identifies the powers and duties of the reviewing bodies and officials under these Regulations, including the responsibilities of each with regard to the various types of applications.

**Section 26-3.3, Standard Application Requirements and Procedures**, references the Procedures Manual which establishes a standard set of review procedures that are generally applicable to the review of all the different types of development approvals authorized by these Regulations.

**Section 26-3.4, Application-Specific Review Procedures and Decision Standards**, supplements the standard review procedures in the Procedures Manual. For each type of subdivision application, it identifies in what situations application approval is necessary (or available), any applicable modifications of or additions to the standard procedures, and the review standards to be applied for making a decision on the application.

*This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the Subdivision Regulations.*

### SEC. 26-3.1. SUMMARY TABLE OF SUBDIVISION REVIEW<sup>60</sup>

Table 26-3.1: Summary Table of Subdivision Review, identifies the types of subdivision approvals authorized by these Regulations. It also summarizes the action required by advisory and decision-making bodies for a decision for each type of application.

<sup>60</sup> This new section includes a summary table that allows users to quickly identify the various types of subdivision approvals in these Regulations, and the review and decision-making bodies involved in reviewing or deciding each application.

**Table 26-3.1. Summary Table of Development Review**

D: DECISION Rv: REVIEW <\_>: PUBLIC HEARING

TYPE OF APPLICATION	PLANNING AND ZONING COMMISSION	DIRECTOR OF PLANNING	CITY ENGINEER
<b>SUBDIVISION</b>			
Master Plan	<D>	Rv	Rv
Subdivision			
Preliminary Plat [1]	<D>	Rv	Rv
Final Plat		D [2]	D
Minor Subdivision		D	D
<b>RELIEF</b>			
Waiver	<D>	Rv	Rv
NOTES:			
[1] Approval of the Preliminary Plat by the Planning and Zoning Commission is conditioned upon the approval of required plans and profiles by the City Engineer. Preliminary approval of a proposed subdivision lapses after one year if construction of the subdivision has not begun.			
[2] The Director of Planning, in the Director's discretion, may forward an application for a final plat to the Planning and Zoning Commission for final approval.			

## SEC. 26-3.2. ADVISORY AND DECISION-MAKING BODIES

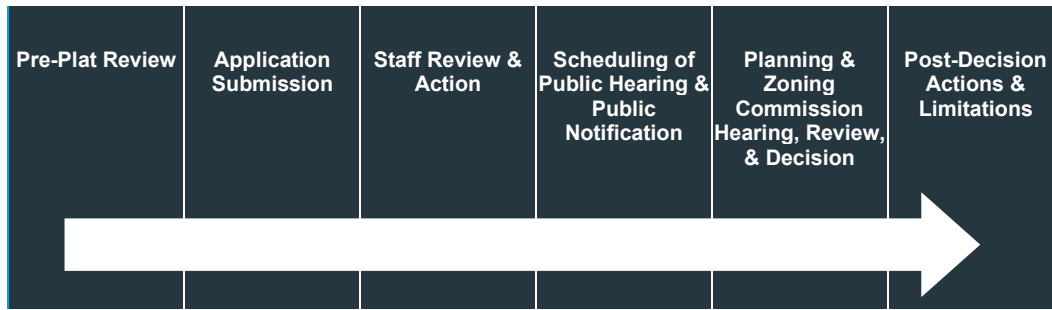
The Tuscaloosa Procedures Manual (hereinafter “Procedures Manual”), which is incorporated by reference, identifies the powers and duties of the reviewing bodies and officials under these Subdivision Regulations, including the responsibilities of each with regard to the various types of applications.

## SEC. 26-3.3. STANDARD APPLICATION REQUIREMENTS AND PROCEDURES<sup>61</sup>

The standard application requirements and procedures for the review of subdivision applications are included in the Procedures Manual. Not all procedures in the Procedures Manual are required for every application. Application-Specific Review Procedures, which can be found in Sec. 26-3.4 and the Procedures Manual, identify for a specific type of application which standard procedures are required, and whether there are additions or modifications to the standard procedure. Figure 26-3.3: Summary of Standard Review Procedures, provides a summary of the standard review procedures. A similar figure with the applicable procedures for the individual application is provided in Sec. 26-3.4, for each application specific procedure.

<sup>61</sup> As discussed on page 17 of the Assessment, this section establishes the requirements and review procedures that apply to all subdivision applications. Generally, the standard procedures, which are found in the Procedures Manual, guide the potential applicant through the rules governing who is authorized to submit applications and what application materials and fees are required, through the actual application submittal and review stage.

Figure 26-3.3: Summary of Standard Review Procedures



## SEC. 26-3.4. APPLICATION-SPECIFIC REVIEW PROCEDURES<sup>62</sup>

### SEC. 26-3.4.1. MASTER PLAN<sup>63</sup>

**a. Purpose**

The purpose of this section is to establish a uniform mechanism for the review and decision on a Master Plan within the Tuscaloosa planning jurisdiction, consistent with the purposes and standards of these Regulations and State law.

**b. Applicability<sup>64</sup>**

1. A Master Plan shall be required in accordance with the procedures and standards of this subsection where 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.
2. The applicant may request in writing, and the Director of Planning may grant at the Director's discretion, an exemption from the Master Plan requirement where the applicant sufficiently demonstrates that the remaining land will not be subdivided or developed for the foreseeable future.<sup>65</sup>

**c. Master Plan Procedure**

An application for a Master Plan shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Standard Application Requirements and Procedures, of the Procedures Manual. Figure 26-3.4.1: Summary of Master Plan Procedure, identifies the standard procedures in the Procedures Manual that apply to Master Plan applications, and those that do not apply. Subsections (1) through (6) below, set out in text the required procedure for Master Plan applications.

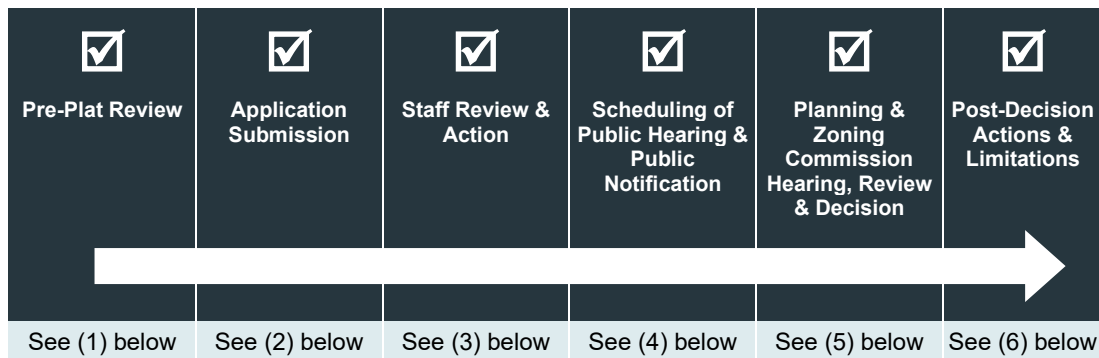
<sup>62</sup> This section includes the review procedures for each individual type of application in these Subdivision Regulations, identifying which of the standard procedures apply. It also includes the review standards that must be met before an application can be approved (failure of the application to comply with the review standards results in it being denied), as well as any special rules or exceptions.

<sup>63</sup> This section builds on Section 6.3 of the current Subdivision Regulations.

<sup>64</sup> This subsection carries forward and refines language from Section 6.3 of the current Subdivision Regulations.

<sup>65</sup> This provision aligns with language from Section 6.3 of the current Subdivision Regulations. **NOTE TO STAFF:** Should this language be changed to make it more specific?

**Figure 26-3.4.1: Summary of Master Plan Procedure**



= Applicable; =Not Applicable

**1. Pre-Plat Review**

A pre-application review is required in accordance with Sec. <>, Pre-Plat Conference, of the Procedures Manual.

**2. Application Submission**

An application shall be submitted in accordance with Sec. <>, Application Submission, of the Procedures Manual.

**3. Staff Review and Action**

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

**4. Scheduling of Public Hearing and Public Notification**

A public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. <>, Scheduling of Public Hearing and Public Notification, of the Procedures Manual.

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

The Planning and Zoning Commission shall conduct a public hearing on the application and make a decision in accordance with Sec. <>, Planning and Zoning Commission Hearing, Review, and Decision, of the Procedures Manual, and Sec. 26-3.4.1.d, Master Plan Decision Standards. The Planning and Zoning Commission’s decision shall be one of the following:

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

**6. Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. <>, Post-Decision Actions and Limitations, of the Procedures Manual.

**d. Master Plan Decision Standards<sup>66</sup>**

The Planning and Zoning Commission shall approve a master plan only on finding the applicant demonstrates all of the following:

- 1. The Master Plan conforms with and is in accordance with the Comprehensive Plan; and

<sup>66</sup> **NOTE TO STAFF:** We need to have a conversation about this subsection.



2. The Master Plan complies with the standards in Article 26-4: Subdivision Standards and Design, all other applicable standards in these Regulations, Chapter 24: Zoning Ordinance, the Code of Tuscaloosa, and all other applicable City ordinances.

**SEC. 26-3.4.2. SUBDIVISION**

**a. Purpose**

The purpose of this section is to establish a uniform mechanism for approval of a subdivision within the Tuscaloosa planning jurisdiction, consistent with the purposes and standards of these Regulations and State law.

**b. Applicability**

Prior to the development, sale, lease, or conveyance of land, the landowner shall gain approval of either a minor subdivision (see Sec. 26-3.4.3, Minor Subdivision), or a Subdivision, as defined in Sec. 26-2.3, Definitions. An application for Subdivision shall be reviewed in accordance with this subsection and the Procedures Manual. An application for minor subdivision shall reviewed in accordance with Sec. Sec. 26-3.4, Minor Subdivision, and the Procedures Manual.

**c. General**

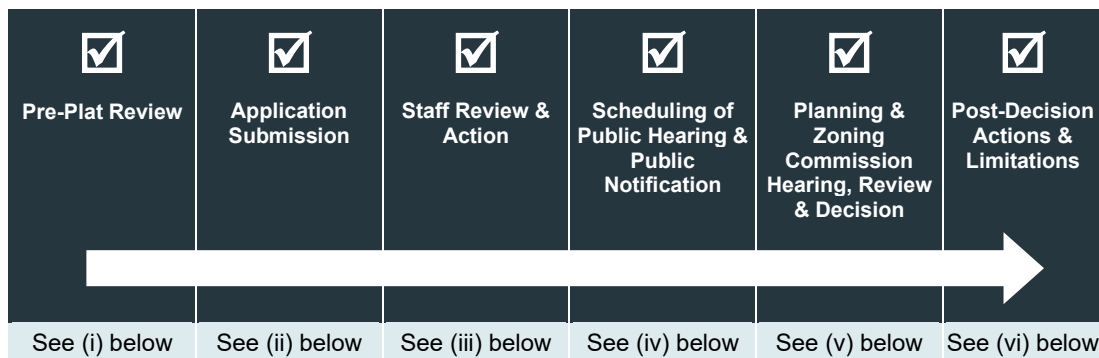
Approval of a subdivision in accordance with this section first requires the approval of a preliminary plat, and after approval of a preliminary plat, the approval of a final plat.

**d. Preliminary Plat<sup>67</sup>**

**1. Procedure for Preliminary Plat**

An application for a preliminary plat shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Standard Application Requirements and Procedures, of the Procedures Manual. Figure 26-3.4.2.a: Summary of Preliminary Plat Procedure, identifies the standard procedures in the Procedures Manual that apply to a preliminary plat application and those that do not apply. Subsections (i) through (vi) below, set out in text the required procedure for preliminary plat applications.

**Figure 26-3.4.2.a: Summary of Preliminary Plat Procedure**



= Applicable; =Not Applicable

**i. Pre-Plat Review**

A pre-application review is required in accordance with Sec. <>, Pre-Plat Conference, of the Procedures Manual.

<sup>67</sup> This subsection carries forward the procedures for preliminary plat approval. The Planning and Zoning Commission reviews and makes a decision.

**ii. Application Submission**

- (a) Applications, including any waiver requests (see Sec. 26-3.4.4, Waiver), shall be submitted in accordance with Sec. <>, Application Submission, of the Procedures Manual
- (b) A developer submitting an application for a preliminary plat who owns, leases, or has options to purchase 20 or more acres of additional vacant land contiguous to the preliminary plat application, shall also submit a Master Plan in accordance with Sec. 26-3.4.1, Master Plan.<sup>68</sup>

**iii. Staff Review and Action**

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

**iv. Scheduling of Public Hearing and Public Notification**

A public hearing shall be scheduled and notification of the hearing provided in accordance with Sec. <>, Scheduling of Public Hearing and Public Notification, of the Procedures Manual.

**v. Decision-Making Body Hearing, Review, and Decision**

The Planning and Zoning Commission shall conduct a public hearing on the application and make a decision within 30 days of the hearing in accordance with Sec. <>, Planning and Zoning Commission Hearing, Review, of the Procedures Manual, and Sec. 26-3.4.2.d.2, Preliminary Plat Decision Standards, unless the developer consents to an extension of this time period (in which case the time for the decision may be extended beyond 30 days). The Planning and Zoning Commission’s decision shall be one of the following:

- (a) Approve the application as submitted;
- (b) Approve the application subject to conditions of approval; or
- (c) Deny the application.

Approval of the preliminary plat shall be conditioned upon the approval of required plans and profiles by the City Engineer.<sup>69</sup> If the preliminary plat is denied or conditionally approved, the reasons or conditions for such action shall be stated in the minutes of the Planning and Zoning Commission.<sup>70</sup> If any requirements of these Regulations are modified or waived, such action shall be noted in the minutes.<sup>71</sup>

**vi. Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. <>, Post-Decision Actions and Limitations, of the Procedures Manual. Preliminary approval of a proposed subdivision shall lapse at the end of one year if construction of the subdivision has not begun.<sup>72</sup>

**2. Preliminary Plat Decision Standards**

An application for a preliminary plat shall be approved or approved subject to conditions only upon a finding that the preliminary plat complies with all the applicable standards in Article 26-4: Subdivision Standards and Design, all other applicable standards in these Regulations, Chapter 24: Zoning Ordinance, any adopted Master Plan, as applicable, the Code of Tuscaloosa, and all other applicable City ordinances.

<sup>68</sup> This provision carries forward Section 6.3 of the current Subdivision Regulations.  
<sup>69</sup> This provision carries forward a provision in Section 6.4 of the current Subdivision Regulations.  
<sup>70</sup> This provision carries forward a provision in Section 6.4 of the current Subdivision Regulations.  
<sup>71</sup> This provision carries forward a provision in Section 6.4 of the current Subdivision Regulations.  
<sup>72</sup> This provision carries forward a provision in Section 6.4 of the current Subdivision Regulations.

**e. Plans and Profiles of Improvements<sup>73</sup>**

Plans and profiles of improvements for the preliminary plat shall be submitted and approved in accordance with Article 7, Section 21, of the Code of Tuscaloosa and Article 26-6, Permitting, Construction, and inspection of Improvements.

**f. Final Plat<sup>74</sup>**

The procedures and standards for the review and decision on a final plat are found in Article 26-7: Final Plats.

**SEC. 26-3.4.3. MINOR SUBDIVISION<sup>75</sup>**

**a. Purpose**

The purpose of this subsection is to establish a uniform mechanism for the review of a minor subdivision of land, consistent with the standards and procedures of this section.

**b. Applicability**

Prior to its development, sale, lease, or conveyance, the following actions shall receive minor subdivision approval in accordance with the procedures and standards of this subsection:

1. In the corporate limits of Tuscaloosa, any division of a tract or parcel of land into not more than three lots, or a reduction of the number of lots in an existing subdivision, if:
  - i. The division of land does not require any public improvements, dedication of public right-of-way, or expenditure of funds; and
  - ii. The division is:
    - (a) Not a lakefront lot on Lake Tuscaloosa; and
    - (b) Located outside the D, DR, DP, and R-U zone districts.
2. In the planning jurisdiction, the subdivision of land into not more than six lots or a reduction of the number of lots in an existing subdivision, if:
  - i. The division of land does not require any public improvements, dedication of public right-of-way, or expenditure of funds; and
  - ii. The division is:
    - (a) Not a lakefront lot on Lake Tuscaloosa; and
    - (b) Located outside the D, DR, DP, and R-U zone districts.

**c. Procedure for Minor Subdivision**

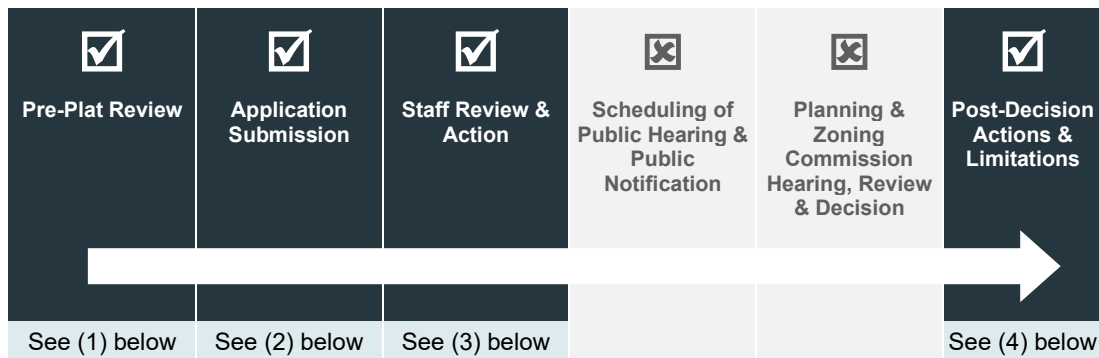
An application for minor subdivision shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Standard Application Requirements and Procedures, of the Procedures Manual. Figure 26-3.4.3: Summary of Minor Subdivision Procedure, identifies the standard procedures in the Procedures Manual that apply to minor subdivision applications and those that do not apply. Subsections (1) through (4) below, set out in text the required procedure for minor subdivision applications.

<sup>73</sup> This subsection carries forward provisions from the current Subdivision Regulations for plans and profiles of improvements. The City Engineer makes a decision on the application (including the construction and inspection of improvements in Section 6.6 of the current Subdivision Regulations).

<sup>74</sup> This subsection carries forward the procedures for a final plat in the current Subdivision Regulations. Both the City Engineer and Director of Planning make a decision on the application. The Director of Planning, at the Director's discretion, may submit the application to the Planning and Zoning Commission for a final decision.

<sup>75</sup> This subsection carries forward the procedures for a minor subdivision in the current Subdivision Regulations. The Director of Planning makes a decision on the application.

**Figure 26-3.4.3: Summary of Minor Subdivision Procedure**



= Applicable; =Not Applicable

**1. Pre-Plat Review**

A pre-plat review is required in accordance with Sec. <>, Pre-Plat Review, of the Procedures Manual.

**2. Application Submission**

An application shall be submitted in accordance with Sec. <>, Application Submission, of the Procedures Manual.

**3. Staff Review and Action**

The Director of Planning shall review the application and make a decision in accordance with Sec. <>, Staff Review and Action, of the Procedures Manual, and Sec. 26-3.4.3.d, Minor Subdivision Decision Standards. The Director of Planning’s decision shall be one of the following:

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

**4. Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. <>, Post-Decision Actions and Limitations, of the Procedures Manual.

**d. Minor Subdivision Decision Standards**

An application for a minor subdivision shall be approved only upon a finding that it complies with the standards in Article 26-4: Subdivision Standards and Design, all other applicable standards in these Regulations, Chapter 24: Zoning Ordinance, any adopted Master Plan, as applicable, the Code of Tuscaloosa, and all other applicable City ordinances.

**SEC. 26-3.4.4. WAIVER<sup>76</sup>**

**a. Purpose**

The purpose of this section is to establish a uniform mechanism to allow waivers from specific standards in these Regulations when the strict application of the standards would result in unnecessary hardship.

<sup>76</sup> This subsection carries forward, renames, and builds on Section 1.4 of the current Subdivision Regulations. The Planning and Zoning Commission reviews and makes a decision on the application.

**b. Applicability**

The procedures and standards of this section apply to the review of and decision on applications for a waiver from numerical standards in Article 26-4: Subdivision Standards and Design, in the review of a preliminary plat for subdivision.

**c. Procedure for Waiver**

An application for a waiver shall be submitted, processed, reviewed, and decided by the Planning and Zoning Commission only as part of their review of a preliminary plat for subdivision. The Planning and Zoning Commission shall base its decision on whether to approve a waiver on the standards in Sec. 26-3.4.4.d, Waiver Decision Standards.

**d. Waiver Decision Standards<sup>77</sup>**

1. The Planning and Zoning Commission shall approve a waiver only on finding the applicant demonstrates all of the following:
  - i. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
  - ii. Those conditions are peculiar to the property and do not generally apply to other property in the vicinity;
  - iii. Those conditions are not the result of the landowner's or applicant's own actions;
  - iv. Because of those conditions, the application of the standards in these Regulations to the particular piece of property would result in unnecessary hardship to the applicant, not mere inconvenience;
  - v. The waiver is the minimum necessary to alleviate that hardship and is consistent with the public interest and with the spirit, purpose, and intent of these Regulations, such that public safety is secured, and substantial justice is achieved; and
  - vi. The waiver will not in any manner vary the provisions of the Zoning Ordinance.
2. In addition, the Planning and Zoning Commission may grant a waiver from the requirement for sidewalks in the following instances:
  - i. Where the terrain is such that sidewalk grades cannot meet current applicable standards.
  - ii. 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.
  - iii. 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.
3. The following factors do not constitute sufficient grounds for approval of a waiver:
  - i. Hardships resulting from factors other than application of the standards in Article 26-4: Subdivision Standards and Design;
  - ii. The fact that land or a structure may be utilized more profitably or be more marketable with a waiver; or
  - iii. Financial hardship.

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<sup>77</sup> This subsection builds on provisions in Section 1.4 of the current Subdivision Regulations.





# ARTICLE 26-4. SUBDIVISION STANDARDS AND DESIGN

## Commentary on Draft:

This article builds on, reorganizes, and refines provisions in the current subdivision regulations (Articles 4 and 5), in order to update and modernize standards and design related to subdivisions. This article is organized into the following sections:

**Section 26-4.1, General**, establishes subdivision standards that apply to all subdivisions.

**Section 26-4.2, Additional Planning Jurisdiction Standards**, establishes additional subdivision standards that apply only to subdivisions within the Tuscaloosa planning jurisdiction.

**Section 26-4.3, Additional City of Tuscaloosa Standards**, establishes additional subdivision standards that apply only to subdivisions within the City of Tuscaloosa.

*This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the Subdivision Regulations.*

## SEC. 26-4.1. GENERAL

### SEC. 26-4.1.1. STREET DESIGN<sup>78</sup>

#### a. Functional Street Classification<sup>79</sup>

1. Subdivision streets shall be designed to the appropriate standards as set forth in the Tuscaloosa Transportation Standards, depending on their functional classification as determined by reference to the Major Street Plan and AASHTO/GreenBook standards.
2. The Planning and Zoning Commission shall have the discretion to authorize narrower rights-of-way widths in areas where existing adjacent development with narrower street rights-of-way makes establishment of the required street rights-of-way in the new subdivision impracticable or undesirable, as long as it does not adversely impact the safety and general circulation of the new subdivision's streets.
3. The exact or approximate alignments of most proposed collector and higher classification streets are specified in the Major Street Plan. The alignments of subcollectors and local service streets are not ordinarily specified in the Major Street Plan and should be laid out by the subdivider's engineer in accordance with this section and Sec. 26-4.2, Additional Planning Jurisdiction Standards, or Sec. 26-4.3, Additional City of Tuscaloosa Standards, as applicable.

#### b. Effect of Street Classification upon Subdivision Layout<sup>80</sup>

Collector and higher classification streets are not primarily intended to afford access to abutting property. To the extent reasonably permitted by the terrain, existing development patterns, existing street layout, and other circumstances, subdivisions shall be laid out to minimize or

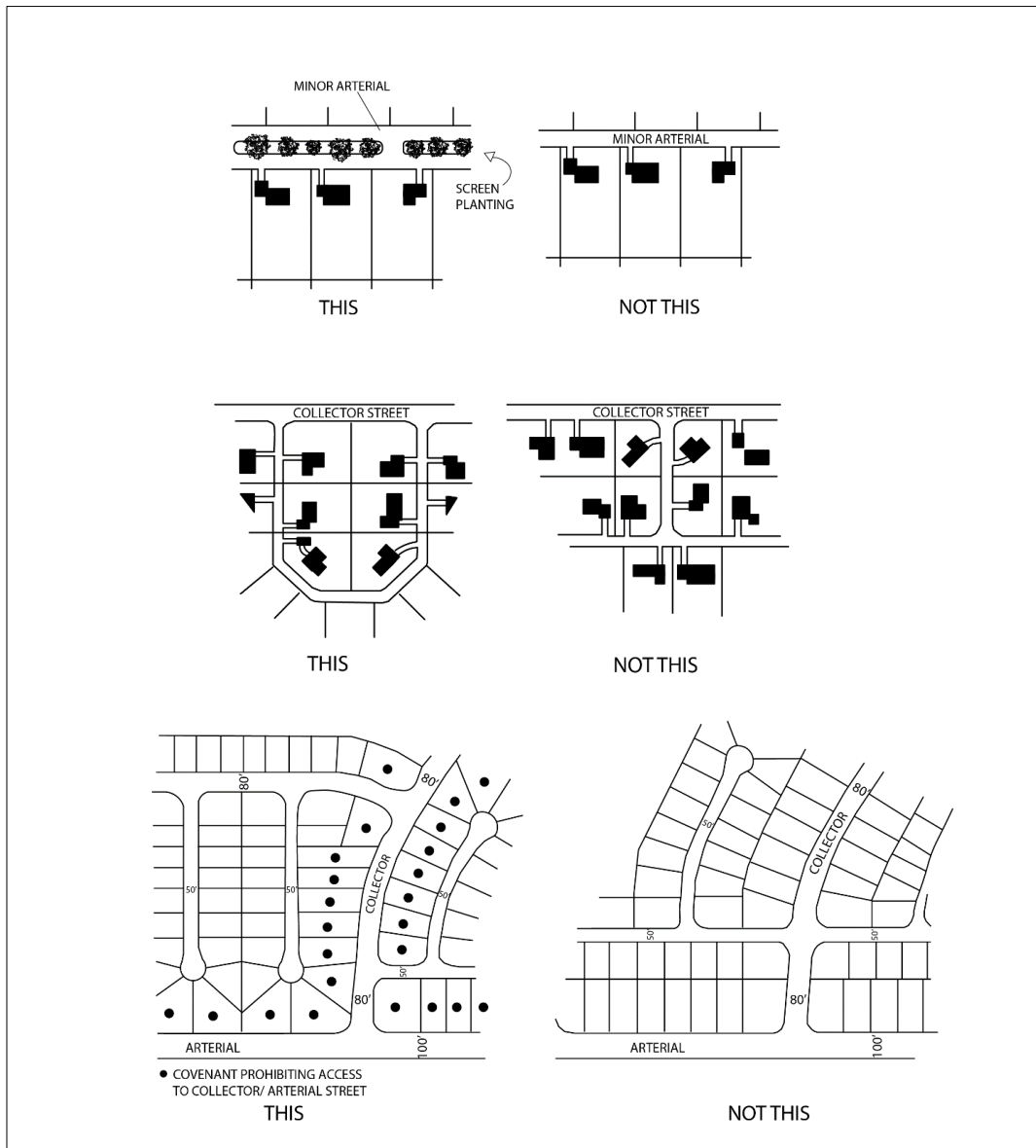
<sup>78</sup> This section carries forward Section 4.3, Street Design, in the current Subdivision Regulations, with refinements to ensure the standards are consistent with the changes proposed for development in the Zoning Ordinance (e.g., the rules for alleys might be modified), the TTS, and other regulations.

<sup>79</sup> This subsection carries forward Section 4.3.1 of the current Subdivision Regulations.

<sup>80</sup> This subsection carries forward Section 4.3.2 of the current Subdivision Regulations.

eliminate the requirement for driveways entering collector or higher classification streets and minimize the frequency of street intersections. The Planning and Zoning Commission may exercise reasonable discretion in determining whether this requirement is satisfied in each proposed subdivision. Where there is no practical alternative to platting lots which must have driveway access to a collector or higher classification street, the use of joint driveway easements is encouraged to permit sharing of driveway entry points by two to three adjoining lots. The illustrative examples presented in Figure 26-4.1.1.b: Driveway Access and Street Layout, should be followed to the extent permitted by the terrain, existing development patterns, existing street layout, and other relevant factors.

**Figure 26-4.1.1.b: Driveway Access and Street Layout**



**c. General Street Design and Conditions**

1. Street design and lay-out shall ensure safe and adequate access into and out of a subdivision. Streets shall be designed to ensure that automobile speeds are safe for the

context of development allowed by the subdivision. Use of traffic calming design methods in street design is encouraged. Streets shall be designed using design speeds that are appropriate for the context of the development; Long straight streets that support high unsafe speeds are prohibited. The amount of external traffic generated by the subdivision shall not create unsafe traffic congestion on the streets outside the subdivision.<sup>81</sup>

2. If a subdivision is expected to generate more than 100 peak hour trips, the subdivider shall demonstrate that the subdivision will not decrease the operating conditions on adjacent and surrounding roads to Level of Service D or below, or that mitigation measures will be implemented that the City Engineer determines will be adequate to ensure that the subdivision will have a de minimis impact on traffic conditions.

**d. Cul-de-Sac Lengths and Turnarounds<sup>82</sup>**

A street with a cul-de-sac shall not be more than 600 feet in length unless the Planning and Zoning Commission approves an extension or specific reasons of topography or other practical difficulties require an extension for safety or other traffic circulation reasons. Each cul-de-sac shall be terminated by a turnaround with a ROW radius not less than 50 feet in width.

**e. Connectivity<sup>83</sup>**

1. Unless exempted by subsection 3 below, the street network for a subdivision shall achieve a connectivity index of not less than 1.6.
2. For the purposes of this section, the phrase “connectivity index” is defined as the number of street links divided by the number of nodes or link ends, including cul-de-sac heads.
  - i. A “link” means and refers to that portion of a street or alley defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links.
  - ii. A “node” refers to the terminus of a street or the intersection of two or more streets.

<sup>81</sup> This is a new subsection that staff suggested be added to the subdivision standards.

<sup>82</sup> This subsection carries forward Section 4.3.3 of the current Subdivision Regulations.

<sup>83</sup> This new subsection proposes to make the Subdivision Regulations consistent with the Tuscaloosa Framework Plan. The Tuscaloosa Framework Plan mentions connectivity 44 times, including Growth Principle 7, which states: “Places will be better connected to improve the function of the street network and create more opportunities to walk, bike, and access public transportation... opportunities will be sought to improve the street pattern and thereby increase travel options, potentially decrease vehicle miles, reduce congestion and improve safety. Where feasible, the preferred network for future development and redevelopment will be a connected grid street pattern, or modified grid system. Well-connected streets will be designed with short blocks and include sidewalks to encourage walking.” Several Future Land Use and Character “Building Blocks” call for a higher degree of street connectivity with short walkable blocks. Under Objective 1. Modernize the city’s development regulations, GR 1.3 calls for adding mobility and connectivity standards.

**Figure 26-4.1.1.e: Example Street Connectivity Index Calculation**



3. The minimum connectivity index score in a proposed subdivision may be reduced in subsection 1 above, if the Director of Planning determines:
  - i. There are no options for providing stub streets due to topographical conditions, natural features, or existing street configurations; or
  - ii. Connectivity within the development cannot be achieved or is unreasonable based on the constraints of the property to be developed.

**f. Horizontal and Vertical Geometry<sup>84</sup>**

The horizontal and vertical geometry of streets shall be in accordance with the Tuscaloosa Transportation Standards.

**g. Stub Streets<sup>85</sup>**

1. Where a proposed subdivision abuts unplatted developable land, in the interests of emergency access, efficient traffic circulation, optimizing the utility of land, and other pertinent considerations, the subdivision shall include streets stubbed out to the adjoining tract at intervals of 1,000 feet or less. The Planning and Zoning Commission may waive or modify the interval requirement for stub streets on determining that such interval is impractical or infeasible due to the presence of topographic or other environmental conditions, or built or natural features.
2. Stub streets shall be paved by the subdivider to the boundary of the unplatted land unless the Planning and Zoning Commission, for reasons of storm drainage, preventing erosion, or other practical considerations, expressly waives this requirement. A stub street which provides the sole access to more than two lots shall be terminated by a temporary cul-de-sac turnaround with a paved radius not less than 20 feet. A subdivider extending an existing stub street shall remove the turnaround and extend the existing street profile, as appropriate.
3. At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign of a durable material, such as wood or metal, shall be installed with the words "FUTURE STREET CONNECTION" to inform land owners.<sup>86</sup>

<sup>84</sup> This subsection carries forward Section 4.3.4 of the current Subdivision Regulations.

<sup>85</sup> This subsection carries forward Section 4.3.5 of the current Subdivision Regulations. It is modified to make stub streets a standard rather than at the discretion of the Planning and Zoning Commission. It also better aligns with the Tuscaloosa Framework Plan by reducing the distance between stub streets from the current recommendation of one per quarter-mile.

<sup>86</sup> This is a new provision.

4. The final plat shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped or underdeveloped lands.<sup>87</sup>
5. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands where the adjoining lands are developed and have right-of-way platted for such connections.<sup>88</sup>

#### **h. Alleys<sup>89</sup>**

Alleys designed in accordance with the Tuscaloosa Transportation Standards may be platted in subdivisions to afford convenient access to vehicles and utilities and enhance the pedestrian environment.

#### **i. Public Street Frontage<sup>90</sup>**

No lot shall be platted that has less than 20 feet of frontage on a dedicated public street, provided however that the Planning and Zoning Commission may waive this requirement where the following conditions apply:

1. The land to be developed is inaccessible except by private property;
2. Terrain or other physical conditions are such that it is not possible or practical to develop a public street to the land to be developed;
3. A private joint access easement is provided to a dedicated public street in a form satisfactory to the Director of Planning and City Engineer, and the easement will be maintained in accordance with a maintenance agreement in a safe condition for access by automobiles by the landowner;
4. No more than three lots, each of which is not less than two acres in size, will share a single private access easement; and
5. Road distance over the access easement from the dedicated public street to the most remote lot shall not exceed 2,000 feet.

### **SEC. 26-4.1.2. LOT CONFIGURATION<sup>91</sup>**

- a. Side lot lines shall be approximately perpendicular to straight street lines or approximately radial to curved street lines unless topography, environmental conditions, natural features, or other special conditions are such that a better lot design can be provided by a different side lot line location. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with applicable codes and regulations, and in providing driveway access to buildings on the lots.
- b. Outside of the corporate limits, the Director of Planning may approve alternate lot configurations in instances where topography or other special conditions are such that a better lot design can be provided by different side lot line configuration, which may avoid potential difficulties in the future. In requesting such an alternate configuration, the developer's engineer shall submit a plat showing contours at intervals meeting the regulations as prescribed herein, and shall provide a written analysis justifying the configuration. The Director of Planning shall confer with the City Engineer and issue an approval in writing to the developer's engineer if the Director of Planning

<sup>87</sup> This is a new provision.

<sup>88</sup> This is a new provision.

<sup>89</sup> This subsection carries forward and modifies Section 4.3.6 of the current Subdivision Regulations to permit alleys in residential subdivisions.

<sup>90</sup> This subsection carries forward Section 4.3.7 in the current Subdivision Regulations.

<sup>91</sup> This section carries forward Section 4.4, Lot Arrangement, in the current Subdivision Regulations, with minor refinements.

concur with the request. If the Director of Planning does not concur with the request, the request may be submitted to the Planning and Zoning Commission as a requested waiver.<sup>92</sup>

### SEC. 26-4.1.3. MINIMUM LOT SIZE<sup>93</sup>

#### a. General Standards

1. Within the City's corporate limits, lot sizes and widths at the building line shall comply with the standards for the zone district in which the subdivision is located.
2. On lands that have no zone district classification, lots shall not contain less than 12,000 square feet in area, or be less than 75 feet wide at the building line. Corner lots shall be wide enough to allow establishment of building lines in accordance with Sec. 26-4.1.4, Building Lines. In areas not served by sanitary sewers, lot sizes shall comply with the requirements of the Health Department.

#### b. Lake Watershed Standards

Lake Tuscaloosa is the City's primary water supply reservoir. Lake Nicol and Harris Lake are backup water supplies. In addition, all three lakes serve as recreational amenities for City and Tuscaloosa County residents as well as residents throughout the region. To protect the water quality in the lakes so they can continue to serve both drinking water and recreational purposes, the following standards apply:

1. Within the watersheds of Lake Tuscaloosa and Lake Nicol, no lot using an on-site sewage disposal system shall be platted measuring less than one acre in area.
2. The minimum lot width on lots abutting any lake shall be 75 feet, and the minimum width of a lot bordering Lake Tuscaloosa along the Acquisition Line shall be 100 feet.
3. A minimum 75-foot vegetative buffer shall be maintained from the Acquisition Line on all property adjoining Lake Tuscaloosa. Permanent structures are prohibited within this vegetated buffer, except water-dependent structures, such as boathouses, piers, and gazebos, are allowed, subject to the standards in Chapter 18 of the City Code that apply to structures built on the lake or upon city property surrounding the lake. Paths for pedestrians (which may include stairs), golf cart paths, and driveways providing access to boat launching facilities are also allowed in the buffer.<sup>94</sup>

### SEC. 26-4.1.4. BUILDING LINES<sup>95</sup>

- a. Lots platted within the City's corporate limits shall have building lines indicated on the final plat which conform to the front yard standards for the zone districts in which they are located.
- b. Lots platted on lands not subject to Chapter 24: Zoning Ordinance, shall comply with the following standards:
  1. Building lines for each lot shall be indicated on the final plat which shall be equal to or greater in depth than the standards for lots in the SFR-2 district in Article 24-4: Zone Districts, of Chapter 24: Zoning Ordinance. Buildings on all of these lots shall also comply with the minimum side setback standards for the SFR-2 district, unless otherwise authorized by the Planning and Zoning Commission.

<sup>92</sup> This is a new provision. **NOTE TO STAFF:** This provision is from the "SUBDIVISION REGULATIONS 2020 COVID RESPONSE" document.

<sup>93</sup> This section carries forward Section 4.5, Minimum Lot Size, in the current Subdivision Regulations, with minor refinements. Minimum lot size has been increased to 12,000 square feet in unzoned areas. In addition, new regulations requiring a minimum lake frontage and a vegetative buffer are added.

<sup>94</sup> The minimum lot width is modified from 100 to 75 feet; the minimum lot width along the Acquisition Line, and the required setback, are new.

<sup>95</sup> This section carries forward Section 4.6, Building Lines, in the current Subdivision Regulations, with minor refinements.

2. A building line of greater depth than stated above may be required by the Planning and Zoning Commission if the character of the surrounding development or the location of a major street<sup>96</sup> may be jeopardized by the use of the minimum setback standards.

### SEC. 26-4.1.5. DESIGN CONSIDERATIONS<sup>97</sup>

#### a. General

The principal factors which shall determine the layout of a subdivision are:

1. Topography and soils.
2. Drainage features.
3. Street design criteria.
4. Efficient provision of utilities.
5. Off-site considerations (e.g. adjoining land uses).
6. Economical use of land.
7. Solar orientation of home sites.
8. Aesthetic considerations.

Subdividers shall adhere to these principles, which are set out in greater detail below, in subdivision layout and design.

#### b. Topography and Soils

Subdivisions shall be laid out in a manner which recognizes the advantages offered and limitations imposed by the soil conditions and terrain of the land area that is to be subdivided. Subdivision schemes requiring excessive gouging of hillsides for streets or homesites shall be avoided. Disturbances to steep slopes, wetlands, and floodplains should be minimized.

#### c. Drainage Features

##### 1. Drainage Study

- i. A subdivider who owns or controls more than ten acres of land in one watershed, and who is subdividing all or part of the land, shall submit with the preliminary plat for the subdivision:
  - (a) A drainage study in accordance with the technical specifications as set out in Chapter 21 of the City Code pertaining to storm drainage and erosion control requirements; and
  - (b) An engineering analysis of the probable erosion-producing effects upon the principal stream or streams receiving storm water runoff from the land being subdivided which would result if and when all of the subdivider's land is fully developed.
- ii. All planned developments, regardless of size, shall submit a drainage study and engineering analysis in accordance with subsection i(a) above, with the preliminary plat for subdivision. The engineering analysis shall include "before" and "after" estimates of peak runoff volumes and velocities resulting from 2-, 10-, 25-, and 100-year frequency storm events, calculated at 500-foot intervals along such stream(s) within the subdivider's land and at a point 300 feet downstream from the lower property line. The analysis shall identify streambed soil types at each of these intervals and cite appropriate authorities concerning the erosion resistance of these soils. Where appropriate, existing riprap or

<sup>96</sup> **NOTE TO STAFF:** Can you provide some direction on what constitutes "major street." It would be better to provide more specificity here.

<sup>97</sup> This section carries forward Section 4.2, Subdivision Scheme, in the current Subdivision Regulations, with minor refinements which identify the principal factors which should determine the layout of a subdivision.

earth-anchoring vegetation shall be described. The analysis shall be sufficient to document one of the following conclusions:

- (a) The existing streambed and bank, within the subdivider's land and for a distance of 300 feet downstream from the subdivider's property line, will suffer no appreciable increase in erosion as a result of the proposed subdivision development; or
- (b) In order to prevent erosion of the streambed, certain engineering measures will be required and provided, either to decrease the rate at which stormwater runoff enters the principal stream(s), to reduce the stream velocity after stormwater enters such stream(s), to increase erosion resistance of the streambed and bank, or some combination of such measures. If such steps are required, the analysis shall present a general description of the measures recommended for employment in the subdivision.

## 2. Streams Depicted on Flood Boundary and Floodway Map

Land located within the subdivision jurisdiction of the City which abuts or is bisected by a stream, or segment of a stream, for which the floodway and the 100-year flood boundary are depicted on the Flood Boundary and Floodway Map shall be subdivided in accordance with the following standards:

- i. Except as provided in Paragraph 3 below, any portion of a proposed subdivision lot which lies within a floodway shall be designated as a drainage easement on the final plat, and shall be further identified by the word "Floodway." The portion of the lot lying outside the floodway shall be of such size and configuration as will permit construction of a residence without encroaching upon the floodway easement. The following note shall be set forth on the margin of the Final Plat in 14 point type or larger:

"NOTE: NO FILLING OR CONSTRUCTION SHALL BE ALLOWED IN THE PORTION OF THIS SUBDIVISION DESIGNATED AS "FLOODWAY" WITHOUT THE WRITTEN PERMISSION OF THE CITY ENGINEER OR COUNTY ENGINEER, AS APPLICABLE."

- ii. Any lot or portion of a lot lying outside the floodway but below the 100-year flood elevation shall contain a note indicating the minimum first-floor elevation for any habitable structure to be built. The minimum first-floor elevation shall be equal to the 100-year flood elevation, plus two feet.<sup>98</sup>
- iii. In the event that a developer wishes to channelize, straighten, or relocate a stream depicted in a flood hazard area on the Flood Boundary and Floodway Map in connection with a proposed subdivision, the developer's engineer shall present engineering plans, profiles, and calculations to the City Engineer drawn in sufficient detail to permit the City Engineer to verify that the proposed channelized, straightened, or relocated floodway will accommodate the 100-year flood runoff without increasing the 100-year flood elevation and without increasing runoff velocities to an unacceptable degree. After verifying the adequacy and accuracy of the plans, profiles, and calculations, the City Engineer shall forward them to the FEMA with a request that the Flood Boundary and Floodway Map be amended if and when the proposed channel improvements are constructed. Approval by the Planning and Zoning Commission of any plat of a subdivision involving the channelizing, straightening, or relocation of such a stream shall not be construed to constitute an amendment of the Flood Insurance Rate Map or the Flood Boundary and Floodway Map.

## 3. Other Flood-Prone Streams

Land located within the subdivision jurisdiction of the City which abuts or is bisected by a stream, or segment of a stream, for which no floodway or 100-year flood elevation is depicted on the Flood Boundary and Floodway Map, but along which a "Special Flood Hazard Area" is depicted on a "Flood Hazard Boundary Map," shall be platted in such a way that any lot

<sup>98</sup> Updated from one foot in current regulations for compliance with FEMA guidelines.



abutting such a stream shall have a minimum dimension of 200 feet measured perpendicular to the axis of the stream. A drainage easement not less than 50 feet in width shall be reserved along the stream. The Planning and Zoning Commission may waive the requirements of this subsection where topographic conditions so indicate, upon submission of a properly documented written request by the developer's engineer.

#### **4. Low Lying or Poorly Drained Areas**

In subdivisions platted on relatively level, poorly-drained terrain which is not located in a designated Flood Hazard Area, the Planning and Zoning Commission may specify a minimum first floor elevation for each lot to prevent flooding caused by poor site drainage. Low lying or marshy land lying within a "Special Flood Hazard Area" as depicted on a "Flood Hazard Boundary Map," but for which 100-year flood elevations have not been established by FEMA, shall be subdivided only in accordance with the following procedure:

- i. The developer's engineer shall investigate all readily available sources of information upon which to base an estimate of the 100-year flood elevation. The engineer shall submit, with the preliminary plat, a report setting forth the elevation citing the evidence upon which the engineer's estimate is based.
- ii. The City Engineer shall report to the Planning and Zoning Commission whether or not the City Engineer concurs with the estimated 100-year flood elevation, or recommends a one-month continuance of the plat to permit further study.
- iii. A minimum first floor elevation shall be specified on the final plat of the subdivision, all or part of which lies below the 100-year flood elevation as finally approved by the City Engineer. The minimum first floor elevation shall be equal to or above the 100-year flood elevation.

#### **5. Minor Drainage Features**

In designing the drainage system for a subdivision, the developer and the developer's engineer are obligated to balance many conflicting design considerations to achieve a responsible compromise. The system should permit stormwater to run off without damage to the subdivision itself, while not contributing to downstream flooding caused by the increased speed of concentration. The system should minimize erosion, minimize maintenance requirements, be safe for children, and be aesthetically acceptable. Where possible, particularly in low density subdivisions, these Regulations encourage maximum use of properly designed swales, detention basins, and other design features which attenuate peak runoff and facilitate aquifer recharge. Subdividers are encouraged to plat lots around functional, erosion-resistant natural channels, to minimize the de-vegetation and channelization of such features. Extensive use of swales and ditches in a subdivision without proper engineering analysis, for the principal purpose of reducing development cost, shall not be approved.

#### **d. Efficient Provision of Utilities**

1. General policies for coordinating the location of utility lines and other facilities in subdivisions shall be developed by the City Engineer in cooperation with the appropriate utility companies.
2. Water lines within subdivisions shall be cross-connected by means of loops or grids in accordance with approved engineering practice.
3. Public water system expansions should be performed in accordance with the City of Tuscaloosa Water Distribution Engineering Standards.
4. Unless waived by the City Engineer, developer-installed sanitary sewer lines shall be designed to operate by gravity, if at all possible. Sanitary sewer laterals shall be designed and installed in each subdivision lot so that they connect with existing, or may be connected with future, collecting or trunk line sewers.

5. Each lot or portion of a lot intended for development of a duplex or townhouse shall be provided with a separate water connection point for each dwelling unit. Separate sewer connection points shall also be provided for individual townhomes.

**e. Off-Site Considerations**

Integrating a proposed subdivision with adjacent development and with the overall development patterns and character of the City or planning jurisdiction, and applicable zone districts should not be an afterthought, but rather a dominant factor considered by the subdivider from the outset of the subdivision design process. The Comprehensive Plan, along with any other relevant adopted plans, shall be consulted and followed, to the maximum extent practicable. The proposed subdivision shall be compatible with the City's Major Street Plan, which is incorporated herein by reference. Additionally, the subdivision shall provide for any rights-of-way depicted in the plan that are within the proposed subdivision. The subdivision layout should provide convenient access to schools, parks, fire stations, and other community facilities. Storm drainage development within a subdivision shall be designed in such a way as to minimize adverse effects upon downstream lands.

### SEC. 26-4.1.6. SITES FOR SCHOOLS, PARKS, OPEN SPACE, AND COMMUNITY FACILITIES<sup>99</sup>

Where a City-adopted plan demonstrates that a proposed subdivision includes part or all of a site proposed for a school, park, open space preserve, or community facility, the subdivider shall be requested to dedicate or attempt to sell such site to the appropriate public agency. Where permitted in Chapter 24: Zoning Ordinance, the Planning and Zoning Commission may allow lot size reductions in a subdivision in exchange for dedications of such sites. Where the subdivider fails to dedicate or sell such a site, the Planning and Zoning Commission shall deny approval of any portion of the subdivision included in such site for a period not exceeding one year, to allow the public agency<sup>100</sup> with the authority to purchase the site, to acquire it.

### SEC. 26-4.1.7. EASEMENTS FOR UTILITIES<sup>101</sup>

- a. Easements shall be provided, as appropriate, for the purpose of providing and maintaining utilities within a subdivision. Such easements shall be provided in accordance with the City of Tuscaloosa Water Distribution System Engineering Standards and Sanitary Sewer Design Manual.
- b. Each final plat shall contain the following marginal note:  
NOTE: ALL EASEMENTS, EXCEPT THOSE IDENTIFIED AS PRIVATE, SHOWN ON THIS PLAT ARE FOR PUBLIC UTILITIES, SANITARY SEWERS, STORM SEWERS, AND STORM DITCHES, AND MAY BE USED FOR SUCH PURPOSES TO SERVE PROPERTY BOTH WITHIN AND WITHOUT THIS SUBDIVISION. NO PRIVATE UTILITY, INCLUDING PRIVATE SANITARY SEWER LINES, THAT RUN ALONG THE PUBLIC UTILITY EASEMENT SHALL BE INSTALLED WITHIN THE PUBLIC UTILITY EASEMENT, BUT MAY BE PERMITTED TO CROSS PERPENDICULAR TO THE EASEMENT. NO PERMANENT STRUCTURE OR OTHER OBSTRUCTION SHALL BE LOCATED WITHIN THE LIMITS OF A DESIGNATED EASEMENT. FENCES OR SHRUBBERY PLACED WITHIN AN EASEMENT ARE SUBJECT TO REMOVAL WITHOUT COMPENSATION AT THE CONVENIENCE OF THE CITY OR COUNTY.
- c. Where it is necessary to construct a pump grinder or other type of private sanitary sewer lines, a private sanitary sewer easement not less than 10 feet in width, adjacent to the street right-of-way or public utility easement, shall be designated on the plat. Where the subdivider owns land

<sup>99</sup> This section carries forward Section 4.9, Sites for Schools, Parks, Open Space, and Community Facilities, in the current Subdivision Regulations, with minor refinements.

<sup>100</sup> **NOTE TO STAFF:** Is it possible for us to identify the specific public agencies referenced?

<sup>101</sup> This section carries forward Section 4.10, Easements for Utilities, in the current Subdivision Regulations, with minor refinements.

adjacent to that shown on the final plat, such easements as may be necessary to serve the proposed subdivision shall be dedicated across the adjacent land.

### SEC. 26-4.1.8. MONUMENTS AND MARKERS<sup>102</sup>

Each subdivision platted under these Regulations shall have monument pipes 1/4 of an inch in diameter and two feet in length placed at all main control points within the subdivision. The monuments shall extend no higher than six inches above finished grade. All corners on platted lots shall be marked by a 1/2 inch diameter pipe two feet 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 pipe 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.

## SEC. 26-4.2. ADDITIONAL PLANNING JURISDICTION STANDARDS<sup>103</sup>

### SEC. 26-4.2.1. STREET CROSS SECTIONS AND CONSTRUCTION STANDARDS<sup>104</sup>

In addition to the standards in Sec. 26-4.1, subdivisions outside the Tuscaloosa corporate limits and in the planning jurisdiction shall comply with the following additional standards.

#### a. Cross Section

All streets that are dedicated to the public shall be paved and improved in accordance with the Tuscaloosa Transportation Standards (TTS), provided, however:

1. A street cross section meeting the requirements of the County Engineering Department but not conforming to the TTS may be approved in subdivisions in which no lot is smaller than four acres in size.
2. Except as provided in subsection 1 above, a street cross section without curb and gutter may be constructed only with the express approval of the Planning and Zoning Commission in subdivisions in which the average lot size exceeds one acre. Curb and gutter may not be waived in accordance with this paragraph on streets or portions of streets with grades exceeding five percent, unless alternative drainage features acceptable to the City Engineer are provided by the subdivider.
3. Rights-of-way shall be graded to their full width, to produce proper drainage, a pleasing appearance, reasonable grades for driveways, and where required, a sidewalk grade substantially on the same elevation as the top of the curb.
4. Where the periphery of a proposed subdivision abuts an existing street which is not improved to substantially comply with the appropriate cross section depicted in the TTS, the subdivider shall install curb and gutter and shall perform all grading and drainage work otherwise required on that half of the street which directly abuts the subdivision. The half-street improvement shall produce a street with a total paving width of not less than 21 feet. The Planning and Zoning Commission may waive this requirement where terrain, environmental

<sup>102</sup> This section carries forward Section 5.10, Monuments and Markers, in the current Subdivision Regulations, with minor refinements.

<sup>103</sup> This section sets out additional standards that only apply to lands outside the Tuscaloosa corporate limits in the planning jurisdiction. It generally carries forward Article IV, Required Improvements, in the current Subdivision Regulations, with revisions to ensure compliance with the TTS, and to ensure the standards apply in the planning jurisdiction only. **NOTE TO STAFF:** We understand the TTS are currently being drafted. We would like to discuss with you how to reference those standards in these Subdivision Regulations.

<sup>104</sup> This section carries forward Section 5.2, Street Cross Sections and Construction Standards, in the current Subdivision Regulations, with minor refinements to ensure the standards apply to the planning jurisdiction only.

conditions, natural features, or other circumstances place limitations on compliance with this requirement.

5. In the case of a re-subdivision of three or fewer lots, no improvements of the existing street abutting the lots shall be required unless the County Engineer advises the Planning and Zoning Commission that the abutting street is so deficient that the re-subdivision should not be approved unless the street is upgraded.

**b. Subbase and Base<sup>105</sup>**

All streets shall be constructed in accordance with the Typical Roadway Sections from the TTS.

## SEC. 26-4.2.2. TRAFFIC AND STREET SIGNS<sup>106</sup>

The preliminary plat shall indicate proposed locations for stop signs, yield signs, and other necessary traffic control signs. Unless the Office of the County Engineer advises the Planning and Zoning Commission of any requested changes prior to approval of the preliminary plat, the proposed layout of traffic control signs shall be approved. Street names will be assigned by the Office of Urban Development.

## SEC. 26-4.2.3. SIDEWALKS<sup>107</sup>

**a. Sidewalks Required**

**1. Residential Streets**

Unless otherwise specified in the zone district in which the subdivision is located, all streets in residential subdivisions are classified into three levels, two of which require the construction of sidewalks:

- i. **Residential Level 1** streets are those streets that serve as entrance streets into a subdivision. A subdivision may have several Residential Level 1 streets that serve as entrance streets. The streets are required to have 27 feet of asphalt, curb and gutter or valley gutter, five-foot sidewalks on both sides with minimum four-foot space with grass, landscaping, and trees between the sidewalk and the curb. The sidewalks shall be constructed before the final plat is signed.
- ii. **Residential Level 2** streets are streets that serve 21 or more lots in the subdivision. Residential Level 2 streets are required to have 25' of asphalt, curb and gutter or valley gutter, five-foot sidewalks on one side with a minimum four-foot space with grass, landscaping, and trees between the sidewalk and the curb. The sidewalks must be constructed before the final plat is signed.
- iii. **Residential Level 3** streets are streets that serve 20 or fewer lots. Residential Level 3 streets are required to have 23 feet of asphalt, curb and gutter or valley gutter, but are not required to have sidewalks.

**2. Sidewalks**

- i. Sidewalks are required on all streets classified as collectors and above on the Major Street Plan or on the Tuscaloosa Area MPO's Long- Range Transportation Plan. Sidewalks built parallel to streets designated as collectors or above shall maintain a minimum six-foot separation from the curb or back of ditch featuring grass or landscaping and trees at 40 foot increments on center.
- ii. All sidewalks shall be a minimum of five feet in width (unless the adjacent sidewalks are a different width, in which case the adjacent sidewalk width shall be met, with a minimum

<sup>105</sup> This subsection is carried forward from the current Subdivision Regulations.

<sup>106</sup> This subsection carries forward Section 5.5, Traffic and Street Signs, in the current Subdivision Regulations, with minor refinements.

<sup>107</sup> This subsection builds off of and updates Section 5.3, Sidewalks, in the current Subdivision Regulations.

width of five feet), at least four inches in thickness, of three thousand pound (3,000 psi) concrete or better, conforming to the concrete specifications for the City. ADA-compliant curb ramps shall be provided at every street intersection and elsewhere as needed in accordance with standard designs and specifications on file in the Office of the City Engineer. Sidewalks shall not have a cross slope greater than two percent.<sup>108</sup>

- iii. Where sidewalks are required to be constructed, the homeowner's association (or a similar entity) shall establish maintenance provisions in its covenants.
- iv. All other provisions of this subsection notwithstanding, sidewalks are required if a subdivision is within a ½-mile linear distance from any school or public park. The linear distance shall be measured from the front edge of the property line of the land being subdivided, along the centerline of the public street, to the school property or the nearest cleared edge of the public park.

#### **b. Sidewalks Not Required**

Sidewalks are not required for the following subdivision development:

1. Along Alabama state roads where the Alabama Department of Transportation has submitted a written statement to the City designating all or a portion of a state road as a road where sidewalks are prohibited.
2. In previously recorded subdivisions where sidewalks were not required.
3. On streets classified as a collector or above by the Major Street Plan or the Tuscaloosa Area MPO's Long-Range Transportation Plan where the County Engineer has advised the City in writing that sidewalks are not desired or required and the Director of Planning and City Engineer concur.
4. Where the County Engineer, City Engineer, and Director of Planning determine that the sidewalk:<sup>109</sup>
  - i. Would be duplicative of an existing greenway or other pedestrianway;
  - ii. Is included in a project for which there is state funding;
  - iii. Is impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made; or
  - iv. Would not be located within 500 feet of an existing sidewalk on the same side of the street, provided a public easement for the future installation of a sidewalk is granted where there is insufficient right-of-way to accommodate a sidewalk.

### **SEC. 26-4.2.4. DRIVEWAYS AND PARKING<sup>110</sup>**

#### **a. Driveways Generally<sup>111</sup>**

Location and construction of all driveway approaches shall conform to the rules and regulations established in Chapter 21 of the Code of Tuscaloosa and the associated standard specifications on file in the Office of the City Engineer.

#### **b. Single Family Lots**

When the locations of proposed driveways intended to serve individual lots are known to the subdivider prior to construction of subdivision streets, the driveway approaches shall be

<sup>108</sup> This provision is carried forward from the current Subdivision Regulations and modified to increase the sidewalk width from four feet to five feet, in accordance with best practices.

<sup>109</sup> These are new provisions. **NOTE TO STAFF:** Appropriate?

<sup>110</sup> This section carries forward Section 5.4, Driveways and Parking, in the current Subdivision Regulations, with minor refinements.

<sup>111</sup> **NOTE TO STAFF:** Should this subsection be carried forward in this section which only applies outside the corporate limits?

constructed at such locations. That portion of the driveway which will be located on the public right-of-way shall conform to the location and geometric standards required by the TTS.

### c. Multi-Family Lots

Each lot in a subdivision intended for construction of two-family (duplex), fourplex, or other multi-unit structures shall be laid out to accommodate the required number of properly designed off-street parking spaces, in addition to the building itself and required yards. The preliminary plat of any such subdivision shall depict the outline of a building of the general size intended to be constructed, the outline of properly arranged off-street parking spaces for such a building, provided that where many lots are identical only one "typical" arrangement is required to be shown. That portion of driveways which will be located within the public right-of-way shall conform to the location and geometric standards required by the TTS. Bay-type off-street parking, if used, shall conform to the location and geometric standards on file in the office of the Department of Transportation and is subject to the rules and regulations established in Chapter 21 of the Code of Tuscaloosa.

## SEC. 26-4.2.5. DRAINAGE AND STORM SEWERS<sup>112</sup>

### a. General Design Criteria<sup>113</sup>

All drainage structures and facilities shall be designed and sized to comply with the required runoff standards of the drainage area to be served, in accordance with the technical specifications as set out in Chapter 21 of the Code of Tuscaloosa pertaining to Storm Drainage and Erosion Control requirements. A runoff coefficient of not less than 0.5 shall be used in all runoff calculations, unless the subdivider's engineer presents data concerning slopes, soils, vegetation, and the like, sufficient to demonstrate to the satisfaction of the City Engineer that a lower coefficient is appropriate. Drainage structures in subdivisions shall be designed to accommodate at a minimum, a 25-year frequency storm event, except where a higher standard is specified elsewhere in the Code of Tuscaloosa.

### b. Gutters and Open Channels<sup>114</sup>

Street gutters and other open channels shall be designed so that the velocity in the deepest part of the gutter or channel does not exceed 10 feet per second. The velocity shall be computed by the manning equation using the depth at a point six inches from the face of the curb as the hydraulic radius. Inlets shall be provided so that surface water is not carried across or around any street intersection, nor for a distance of more than 600 feet in the gutter, unless this requirement is waived for sound engineering reasons by the City Engineer. When calculations indicate that gutter capacity is exceeded or that gutter runoff velocity exceeds 10 feet per second, catch basins shall be used to intercept flow at that point. Cross sections of ditches and flumes and all calculations of runoff velocity and gutter capacity shall be set forth on the plans and profiles submitted to the City Engineer. No ditch or flume section shall be constructed which, in the opinion of the City Engineer, lacks the capacity, structural strength, or erosion resistance to discharge runoff from the design storm without suffering damage or requiring more than routine maintenance.

### c. Culverts

1. All calculations of culvert size shall be set forth on the plans and profiles submitted with the final plat application.
2. The inside diameter or cross sectional area of culverts to be provided shall be determined by Talbot's formula or accepted engineering practice, but no pipe with an inside diameter less

<sup>112</sup> This section carries forward Section 5.7, Drainage and Storm Sewers, in the current Subdivision Regulations, with minor refinements.

<sup>113</sup> **NOTE TO STAFF:** Should this subsection be carried forward in this section which only applies outside the corporate limits?

<sup>114</sup> **NOTE TO STAFF:** Should this subsection be carried forward in this section which only applies outside the corporate limits?



than 15 inches shall be used. Types of culverting to be placed under the roadbed of a public street may include reinforced concrete pipe, and reinforced concrete pipe box culverts designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge Construction of the Alabama Department of Transportation.

3. A ditch, stream, or other drainage channel crossing a public street shall be culverted for a distance not less than 80 feet from the back of the curb, or from the edge of the pavement if no curb is provided, on both upstream and downstream ends or to the subdivider's property line, whichever distance is lesser. The Planning and Zoning Commission may modify or waive this requirement in the case of large streams and in subdivisions located more than three miles outside the corporate limits.
4. Concrete headwalls or special flared end sections shall be provided on the upstream and downstream ends of all culverts, and riprap shall be employed to prevent erosion at the downstream end of all culverts, except where such requirements may be waived by the City Engineer.

### SEC. 26-4.2.6. UNDERGROUND UTILITIES<sup>115</sup>

When installed underground, electrical conductors or fiber-optic cables may be direct-buried or installed in conduit, provided that any such cable placed under the pavement of a public street shall be installed in conduit. Underground electric power lines shall be stubbed out at each street intersection to facilitate provision of streetlights. The subdivider's engineer shall attempt to minimize potential conflicts of buried utilities with each other and with surface features such as sidewalks, fences, and trees by means of careful design.

### SEC. 26-4.2.7. WATER FACILITIES<sup>116</sup>

- a. Water system expansions should be performed in accordance with the City of Tuscaloosa Water Distribution System Engineering Standards and applicable provisions of the Code of Tuscaloosa.
- b. A Water Distribution System Permit (WDSP) should be obtained through the office of the City engineer to expand the public water system.

### SEC. 26-4.2.8. SANITARY SEWERS AND ON-SITE DISPOSAL<sup>117</sup>

#### a. Sanitary Sewers

1. The subdivider of a subdivision shall construct sanitary sewer mains and laterals within the streets of the subdivision or within platted utility easements so that they connect with existing, or may be connected with future collecting or trunk line sewers. It is the intention of this section that such sewers be constructed whether or not they can presently be utilized, in order to prevent future street cuts or expensive yard cuts involved in the construction of the sewer following completion of streets and houses. The City Engineer may waive this requirement in remote areas which, in the City Engineer's written opinion, are unlikely to be served by a trunk or collecting sewer for a ten-year period and cannot economically be connected at the subdivider's expense to an existing sewer. In requesting a waiver, the subdivider's engineer shall submit a preliminary feasibility study, including estimated costs for connecting the proposed subdivision with the nearest existing sanitary sewer, provided that the City Engineer may waive the requirement for such a study if it is deemed unlikely that the area will be served by sanitary sewer systems in the foreseeable future. Before authorizing

<sup>115</sup> This section carries forward Section 5.6, Underground Utilities, in the current Subdivision Regulations, with minor refinements.

<sup>116</sup> This section carries forward Section 5.8, Water Facilities, in the current Subdivision Regulations, with minor refinements. **NOTE TO STAFF:** Should this section be carried forward in this section which only applies outside the corporate limits?

<sup>117</sup> This section carries forward Section 5.9, Sanitary Sewers and On-Site Disposal, in the current Subdivision Regulations, with minor refinements.

commencement of sewer construction, the City Engineer shall approve the design, grade, and drainage characteristics of the proposed sewers. Any applicant who disagrees with the determination of the City Engineer may appeal the decision to the Planning and Zoning Commission, supplying similar documentation as is required for a request to the City Engineer.

2. All such designs, and their construction shall be in accordance with provisions of Chapter 16, Article III of the City Code.<sup>118</sup> Service lines shall be stubbed out to the back of the curb to serve each platted lot. Where the sewer is in an easement not in the street, wyes or sewer stubs shall be provided. Each stub or wye shall be marked with an electronic location marker meeting the specifications of the Office of the City Engineer. The locations and depths of such stubs and wyes shall be indicated on the plans. Plans and profiles, showing the sewer, as built, shall be furnished to the Office of the City Engineer prior to the City's accepting it for maintenance.

**b. Oversized Facilities to Serve Adjoining Land<sup>119</sup>**

When a tract lying downstream from other vacant, developable land is subdivided, the subdivider's engineer shall determine (a) the size and cost of the sewer system required to serve the subdivision only, and (b) the size and cost of the sewer system which would be required within the subdivision if all land lying upstream were developed in accordance with the Comprehensive Plan. Unless upstream property owners privately agree with the subdivider to pay the additional cost of the larger system, the subdivider's engineer shall present calculations to the City Engineer, who shall forward them to the City Council with a request that the City pay the difference in cost between the smaller and larger diameter sewers. If the City Council has not agreed within 30 days to pay the difference in cost, the City Engineer shall authorize the subdivider to commence construction on a sewer system adequate to serve the subdivision only. Whenever the owner or owners of land lying upstream from a subdivision with oversized sewers wish to tap into such sewers, they shall be required to reimburse the City on a pro-rata basis for any payments made in accordance with this section in proportion to their respective shares of the total acreage served by such sewers.

**c. Sewage Pumping Stations<sup>120</sup>**

Before issuing a permit for the construction of a subdivider-installed sewage pumping station, the City Engineer shall determine that the subdivider's plans and specifications conform to all requirements prescribed by the City.

**d. On-Site Disposal**

Septic tanks shall be allowed only with approval of the Alabama Department of Public Health.

**e. On-Site Disposal Setback**

No part of any on-site sewage disposal system, including field lines, shall be installed closer than 300 feet from the edge of Lake Tuscaloosa or Lake Nicol at normal pool elevation. In such instances, the preliminary plat shall depict, as accurately as possible, a line 300 feet from the edge of Lake Tuscaloosa at normal pool elevation and label this line "On-Site Disposal Setback."

<sup>118</sup> **NOTE TO STAFF:** The current provision under Section 5.9.1 of the current Subdivision Regulations references Section 33-36 through Section 33-47 of the City Code. These sections do not currently exist. What are the appropriate sections to cite?

<sup>119</sup> **NOTE TO STAFF:** Should this section be carried forward in this section which only applies outside the corporate limits?

<sup>120</sup> **NOTE TO STAFF:** Should this section be carried forward in this section which only applies outside the corporate limits?



## SEC. 26-4.3. ADDITIONAL CITY OF TUSCALOOSA STANDARDS<sup>121</sup>

### SEC. 26-4.3.1. STREET CROSS SECTIONS AND CONSTRUCTION STANDARDS<sup>122</sup>

In addition to the standards in Sec. 26-4.1, subdivisions within the Tuscaloosa corporate limits shall comply with the following additional standards.

#### a. Cross Section

All streets that are dedicated to the public and any private streets which may be approved in a planned development within the City shall be paved and improved in accordance with the Tuscaloosa Transportation Standards (TTS), provided, however:

1. A street cross section without curb and gutter may be constructed only with the express approval of the Planning and Zoning Commission in subdivisions in which the average lot size exceeds one acre. Curb and gutter may not be waived in accordance with this paragraph on streets or portions of streets with grades exceeding five percent, unless alternative drainage features acceptable to the City Engineer are provided by the subdivider.
2. Rights-of-way shall be graded to their full width, so as to produce proper drainage, a pleasing appearance, reasonable grades for driveways, and where required, a sidewalk grade substantially on the same elevation as the top of the curb.
3. Where the periphery of a proposed subdivision abuts an existing street which is not improved to substantially comply with the appropriate cross section depicted in the TTS, the subdivider shall install curb and gutter and shall perform all grading and drainage work otherwise required on that half of the street which directly abuts the subdivision. The half-street improvement shall produce a street with a total paving width of not less than 21 feet. The Planning and Zoning Commission may waive this requirement where terrain, environmental conditions, natural features, or other circumstances place limitations on compliance with this requirement.
4. In the case of a re-subdivision of three or fewer lots, no improvements of the existing street abutting the lots shall be required unless the City Engineer advises the Planning and Zoning Commission that the abutting street is so deficient that the re-subdivision should not be approved unless the street is upgraded.

#### b. Subbase and Base<sup>123</sup>

All streets shall be constructed in accordance with the Typical Roadway Sections from the TTS.

### SEC. 26-4.3.2. TRAFFIC AND STREET SIGNS<sup>124</sup>

The preliminary plat shall indicate proposed locations for stop signs, yield signs, and other necessary traffic control signs. Unless the Office of the City Engineer advises the Planning and Zoning Commission

<sup>121</sup> This subsection sets out additional standards that only apply to lands within the Tuscaloosa corporate limits. It generally carries forward Article IV, Required Improvements, in the current Subdivision Regulations, with updates that ensure compliance with the Tuscaloosa Transportation Standards (TTS), and updates that ensure compliance with requirements for subdivision within the corporate limits.

<sup>122</sup> This subsection carries forward Section 5.2, Street Cross Sections and Construction Standards, in the current Subdivision Regulations, with minor refinements. **NOTE TO STAFF:** We understand the TTS are currently being drafted. We would like to discuss with you how to reference those standards in these Subdivision Regulations.

<sup>123</sup> This subsection is carried forward. **NOTE TO STAFF:** This subsection either needs more detail or may be removed since it is already included in construction standards elsewhere.

<sup>124</sup> This subsection carries forward Section 5.5, Traffic and Street Signs, in the current Subdivision Regulations, with minor refinements.

of any requested changes prior to approval of the preliminary plat, the proposed layout of traffic control signs shall be approved. Street names will be assigned by the Office of Urban Development.

### SEC. 26-4.3.3. SIDEWALKS<sup>125</sup>

#### a. Sidewalks Required

##### 1. Residential Streets

Unless otherwise specified in the zoning district in which the subdivision is located, all streets in residential subdivisions are classified into three levels, two of which require the construction of sidewalks:

- i. **Residential Level 1** streets are those streets that serve as entrance streets into a subdivision. A subdivision may have several Residential Level 1 streets that serve as entrance streets. The streets are required to have 27 feet of asphalt, curb and gutter or valley gutter, five-foot sidewalks on both sides with minimum four foot space with grass, landscaping, and trees between the sidewalk and the curb.<sup>126</sup> The sidewalks shall be constructed before the final plat is signed.
- ii. **Residential Level 2** streets are streets that serve 21 or more lots in the subdivision. Residential Level 2 streets are required to have 25' of asphalt, curb and gutter or valley gutter, five-foot sidewalks on one side with a minimum four-foot space with grass, landscaping, and trees between the sidewalk and the curb.<sup>127</sup> The sidewalks must be constructed before the final plat is signed.
- iii. **Residential Level 3** streets are streets that serve 20 or fewer lots. Residential Level 3 streets are required to have 23 feet of asphalt, curb and gutter or valley gutter, but are not required to have sidewalks.<sup>128</sup>

##### 2. Sidewalks

- i. Sidewalks are required within the City's corporate limits on all streets classified as collectors and above on the Major Street Plan or on the Tuscaloosa Area MPO's Long-Range Transportation Plan. Sidewalks built parallel to streets designated as collectors or above shall maintain a minimum six-foot separation from the curb or back of ditch featuring grass or landscaping and trees at 40 foot increments on center.
- ii. All sidewalks shall be a minimum of five feet in width (unless the adjacent sidewalks are a different width, in which case the adjacent sidewalk width shall be met, with a minimum width of five feet), at least four inches in thickness, of three thousand pound (3,000 psi) concrete or better, conforming to the concrete specifications for the City. ADA-compliant curb ramps shall be provided at every street intersection and elsewhere as needed in accordance with standard designs and specifications on file in the Office of the City Engineer. Sidewalks shall not have a cross slope greater than two percent.<sup>129</sup>
- iii. Where sidewalks are required to be constructed, the homeowner's association (or a similar entity) shall establish maintenance provisions in its covenants.
- iv. Sidewalks are required if a subdivision is within a ½-mile linear distance from any school or public park. The linear distance shall be measured from the front edge of the property

<sup>125</sup> This subsection builds off of and updates Section 5.3, Sidewalks, in the current Subdivision Regulations. **NOTE TO STAFF:** We would like to discuss with you how to update this section.

<sup>126</sup> **NOTE TO STAFF:** We suggest you consider the sidewalks be five feet in width, and the planting area between the sidewalk and street also be five feet. We also suggest you consider requiring street trees spaced, on average, every 40 feet.

<sup>127</sup> **NOTE TO STAFF:** We suggest the sidewalk and street tree requirements be the same as Level 1 streets.

<sup>128</sup> **NOTE TO STAFF:** We suggest the City consider requiring sidewalks for Level 3 streets.

<sup>129</sup> This provision is carried forward from the current Subdivision Regulations and modified to increase the sidewalk width from four feet to five feet, in accordance with best practices.

line of the land being subdivided, along the centerline of the public street, to the school property or the nearest cleared edge of the public park.

#### **b. Sidewalks Not Required**

Sidewalks are not required for the following subdivision development:

1. Along Alabama state roads where the Alabama Department of Transportation has submitted a written statement to the City designating all or a portion of a state road a road where sidewalks are prohibited.
2. In previously recorded subdivisions where sidewalks were not required.
3. Where the City Engineer and Director of Planning determine that the sidewalk:<sup>130</sup>
  - i. Would be duplicative of an existing greenway or other pedestrianway;
  - ii. Is included in a project for which there is state funding;
  - iii. Is impractical or infeasible due to the presence of topographic conditions or natural features, such as steep grades that do not allow connections to be made; or
  - iv. Would not be located within 500 feet of an existing sidewalk on the same side of the street, provided a public easement for the future installation of a sidewalk is granted where there is insufficient right-of-way to accommodate a sidewalk.

### **SEC. 26-4.3.4. DRIVEWAYS AND PARKING<sup>131</sup>**

#### **a. Driveways Generally**

Location and construction of all driveway approaches shall conform to the rules and regulations established in Chapter 21 of the Code of Tuscaloosa and the associated standard specifications on file in the Office of the City Engineer.

#### **b. Single Family Lots**

When the locations of proposed driveways intended to serve individual lots are known to the subdivider prior to construction of subdivision streets, the driveway approaches shall be constructed at such locations. That portion of the driveway which will be located on the public right-of-way shall conform to the location and geometric standards required by the TTS.

#### **c. Multi-Family Lots**

Each lot in a subdivision intended for construction of two-family (duplex), fourplex, or other multi-unit structures shall be laid out to accommodate the required number of properly designed off-street parking spaces, in addition to the building itself and required yards. The preliminary plat of any such subdivision shall depict the outline of a building of the general size intended to be constructed, the outline of properly arranged off-street parking spaces for such a building, provided that where many lots are identical only one "typical" arrangement is required to be shown. That portion of driveways which will be located within the public right-of-way shall conform to the location and geometric standards required by the TTS. Bay-type off-street parking, if used, shall conform to the location and geometric standards on file in the office of the Department of Transportation and is subject to the rules and regulations established in Chapter 21 of the Code of Tuscaloosa.

<sup>130</sup> These are new provisions. **NOTE TO STAFF:** Appropriate?

<sup>131</sup> This section carries forward Section 5.4, Driveways and Parking, in the current Subdivision Regulations, with minor refinements.

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**SEC. 26-4.3.5. DRAINAGE AND STORM SEWERS<sup>132</sup>**

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**a. General Design Criteria**

All drainage structures and facilities shall be designed and sized to comply with the required runoff standards of the drainage area to be served, in accordance with the technical specifications set out in Chapter 21 of the City Code pertaining to Storm Drainage and Erosion Control requirements. A runoff coefficient of not less than 0.5 shall be used in all runoff calculations, unless the subdivider's engineer presents data concerning slopes, soils, vegetation and the like, sufficient to demonstrate to the satisfaction of the City Engineer that a lower coefficient is appropriate. Drainage structures in subdivisions shall be designed to accommodate at a minimum a 25-year frequency storm event, except where a higher standard is specified elsewhere in the Code of Tuscaloosa.

**b. Gutters and Open Channels**

Street gutters and other open channels shall be designed so that the velocity in the deepest part of the gutter or channel does not exceed 10 feet per second. The velocity shall be computed by the Manning equation using the depth at a point six inches from the face of the curb as the hydraulic radius. Inlets shall be provided so that surface water is not carried across or around any street intersection, nor for a distance of more than 600 feet in the gutter, unless this requirement is waived for sound engineering reasons by the City Engineer. When calculations indicate that gutter capacity is exceeded or that gutter runoff velocity exceeds 10 feet per second, catch basins shall be used to intercept flow at that point. Cross sections of ditches and flumes and all calculations of runoff velocity and gutter capacity shall be set forth on the plans and profiles submitted to the City Engineer. No ditch or flume section shall be constructed which, in the opinion of the City Engineer, lacks the capacity, structural strength, or erosion resistance to discharge runoff from the design storm without suffering damage or requiring more than routine maintenance.

**c. Culverts**

1. All calculations of culvert size shall be set forth on the plans and profiles submitted to the City Engineer.
2. The inside diameter or cross sectional area of culverts to be provided shall be determined by Talbot's formula or accepted engineering practice, but no pipe with an inside diameter less than 15 inches shall be used. Types of culverting to be placed under the roadbed of a public street may include reinforced concrete pipe, and reinforced concrete pipe box culverts designed and constructed according to the latest edition of the Standards and Specifications for Road and Bridge Construction of the Alabama Department of Transportation.
3. A ditch, stream, or other drainage channel crossing a public street shall be culverted for a distance not less than 80 feet from the back of the curb, or from the edge of the pavement if no curb is provided, on both upstream and downstream ends or to the subdivider's property line, whichever distance is lesser. The Planning and Zoning Commission may modify or waive this requirement in the case of large streams.
4. Concrete headwalls or special flared end sections shall be provided on the upstream and downstream ends of all culverts, and riprap shall be employed to prevent erosion at the downstream end of all culverts, except where such requirements may be waived by the City Engineer.

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<sup>132</sup> This section carries forward Section 5.7, Drainage and Storm Sewers, in the current Subdivision Regulations, with minor refinements.

**SEC. 26-4.3.6. UNDERGROUND UTILITIES<sup>133</sup>**

When installed underground, electrical conductors or fiber-optic cables may be direct-buried or installed in conduit, provided that any such cable placed under the pavement of a public street shall be installed in conduit. Underground electric power lines shall be stubbed out at each street intersection to facilitate provision of streetlights. The subdivider's engineer shall attempt to minimize potential conflicts of buried utilities with each other and with surface features such as sidewalks, fences, and trees by means of careful design.

**SEC. 26-4.3.7. WATER FACILITIES<sup>134</sup>**

- a. Water system expansions should be performed in accordance with the City of Tuscaloosa Water Distribution System Engineering Standards and applicable provisions of the Code of Tuscaloosa.
- b. A Water Distribution System Permit (WDSP) shall be obtained through the office of the City Engineer to expand the public water system.

**SEC. 26-4.3.8. SANITARY SEWERS AND ON-SITE DISPOSAL<sup>135</sup>****a. Sanitary Sewers**

1. The subdivider of a subdivision shall construct sanitary sewer mains and laterals within the streets of the subdivision or within platted utility easements so that they connect with existing, or may be connected with future, collecting or trunk line sewers. It is the intention of this section that such sewers be constructed whether or not they can presently be utilized, in order to prevent future street cuts or expensive yard cuts involved in the construction of the sewer following completion of streets and houses. The City Engineer may waive this requirement in remote areas which, in the written opinion of the City Engineer, are unlikely to be served by a trunk or collecting sewer for a ten-year period and cannot economically be connected at the subdivider's expense to an existing sewer.<sup>136</sup> In requesting a waiver, the subdivider's engineer shall submit a preliminary feasibility study, including estimated costs for connecting the proposed subdivision with the nearest existing sanitary sewer, provided that the City Engineer may waive the requirement for such a study if it is deemed unlikely that the area will be served by sanitary sewer systems in the foreseeable future.<sup>137</sup> Before authorizing commencement of sewer construction, the City Engineer shall approve the design, grade, and drainage characteristics of the proposed sewers. Any applicant who disagrees with the determination of the City Engineer may appeal to the Planning and Zoning Commission, supplying similar documentation as is required for a request to the City Engineer.
2. All such designs, and their construction shall be in accordance with provisions of Chapter 16, Article III of the Code of Tuscaloosa.<sup>138</sup> Service lines shall be stubbed out to the back of the curb to serve each platted lot. Where the sewer is in an easement not in the street, wyes or sewer stubs shall be provided. Each stub or wye shall be marked with an electronic location marker meeting the specifications of the Office of the City Engineer. The locations and depths of such stubs and wyes shall be indicated on the plans. Plans and profiles, showing the

<sup>133</sup> This section carries forward Section 5.6, Underground Utilities, in the current Subdivision Regulations, with minor refinements.

<sup>134</sup> This section carries forward Section 5.8, Water Facilities, in the current Subdivision Regulations, with minor refinements.

<sup>135</sup> This section carries forward Section 5.9, Sanitary Sewers and On-Site Disposal, in the current Subdivision Regulations, with minor refinements.

<sup>136</sup> **NOTE TO STAFF:** Should this sentence be deleted from this section on subdivision standards within the corporate limits?

<sup>137</sup> **NOTE TO STAFF:** Should this sentence be deleted from this section on subdivision standards within the corporate limits?

<sup>138</sup> **NOTE TO STAFF:** The current provision under Section 5.9.1 of the current Subdivision Regulations references Section 33-36 through Section 33-47 of the Code of Tuscaloosa. These sections do not currently exist. What are the appropriate sections to cite?

sewer, as built, shall be furnished to the Office of the City Engineer prior to the City's accepting it for maintenance.

**b. Oversized Facilities to Serve Adjoining Land**

When a tract lying downstream from other vacant, developable land is subdivided, the subdivider's engineer shall determine (a) the size and cost of the sewer system required to serve the subdivision only, and (b) the size and cost of the sewer system which would be required within the subdivision if all land lying upstream were developed in accordance with the Comprehensive Plan. Unless upstream property owners privately agree with the subdivider to pay the additional cost of the larger system, the subdivider's engineer shall present calculations to the City Engineer, who shall forward them to the City Council with a request that the City pay the difference in cost between the smaller and larger diameter sewers. If the City Council has not agreed within 30 days to pay the difference in cost, the City Engineer shall authorize the subdivider to commence construction on a sewer system adequate to serve the subdivision only. Whenever the owner or owners of land lying upstream from a subdivision with oversized sewers wish to tap into such sewers, they shall be required to reimburse the City on a pro-rata basis for any payments made in accordance with this section in proportion to their respective shares of the total acreage served by such sewers.

**c. Sewage Pumping Stations**

Before issuing a permit for the construction of a subdivider-installed sewage pumping station, the City Engineer shall determine that the subdivider's plans and specifications conform to all requirements prescribed by the City.

**d. On-Site Disposal**

Septic tanks shall be allowed only with approval of the Alabama Department of Public Health.

**e. On-Site Disposal Setback**

No part of any on-site sewage disposal system, including field lines, shall be installed closer than 300 feet from the edge of Lake Tuscaloosa or Lake Nicol at normal pool elevation. In such instances, the preliminary plat shall depict, as accurately as possible, a line 300 feet from the edge of Lake Tuscaloosa at normal pool elevation and label this line "On-Site Disposal Setback."

# ARTICLE 26-5. CONDOMINIUM SUBDIVISION

## Commentary on Draft:

This section carries forward Section 4.8, Condominiums, in the current subdivision regulations, with minor modifications. This article is organized into the following sections:

**Section 26-5.1, General**, establishes general submittal requirements for a condominium development.

**Section 26-5.2, Areas Where Zoning Districts Apply**, states that condominium development shall comply with all applicable regulations, including these Subdivision Regulations and Chapter 24: Zoning Ordinance.

**Section 26-6.3, Areas Where Zoning Districts Do Not Apply**, limits condominium developments outside of the City's corporate limits.

*This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the Subdivision Regulations.*

## SEC. 26-5.1. GENERAL

- a. Where a condominium development 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, also depicts proposed parking areas, the size, height (in stories), and layout of buildings, and the boundaries of permanent open space set-asides.
- b. In-lieu of a 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 graphics drawn in sufficient detail to identify the distinction of common elements from private units on each floor of multi-story structures.

## SEC. 26-5.2. AREAS WHERE ZONING DISTRICTS APPLY

- a. Within the corporate limits of the City, new multifamily structures may be developed as condominiums, and existing multifamily buildings may be converted to condominiums, in accordance with State law. They shall comply with these Regulations and Chapter 24: Zoning Ordinance.
- b. 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 24: Zoning Ordinance, upon a finding that such conversion would serve the goals of historic preservation.

## SEC. 26-5.3. AREAS WHERE ZONING DISTRICTS DO NOT APPLY

Outside the corporate limits of the City, but within the City's subdivision jurisdiction, condominium developments that do not exceed 12 dwelling units per acre may be approved in accordance with this article.





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# ARTICLE 26-6. PERMITTING, CONSTRUCTION, AND INSPECTION OF IMPROVEMENTS

## Commentary on Draft:

This section carries forward provisions from the current subdivision regulations for plans and profiles of improvements and construction and inspection. The City Engineer makes a decision on the application (including the construction and inspection of improvements in Section 6.6 of the current subdivision regulations. This article is organized into the following sections:

**Section 26-6.1, Plans and Profiles of Improvements**, references Chapter 21 of the Tuscaloosa Code of Ordinances, where regulations of land development activities are located.

**Section 26-6.2, Construction and Inspection**, establishes the requirements for construction and inspection of subdivision improvements.

*This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the Subdivision Regulations.*

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## SEC. 26-6.1. 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. 26-6.2, below.

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## SEC. 26-6.2. CONSTRUCTION AND INSPECTION

- a. Construction of subdivision improvements may begin only after the plans and profiles of improvements are approved 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 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. The results of these tests may initially be reported to the Engineering Division 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.
  3. The developer's engineer shall notify the City Engineer before work begins on each of the following steps:
    - i. Cleaning and grubbing.
    - ii. Grading.

- iii. Laying of sanitary and storm sewer pipe.
- iv. Roadbed processing.
- v. Under curb compaction testing.\*
- vi. Pouring curb and gutter.
- vii. Sub-grade compaction testing.\*
- viii. Placing base material.
- ix. Base compaction testing.\*
- x. Placing the first layer of asphalt.
- xi. Placing the final layer of asphalt.
- xii. Air and mandrel testing on sanitary sewer lines.\*
- xiii. Video inspection of sanitary sewer lines.

\*These items shall require the attendance of representatives from both the developer's engineer and the City Engineer's office.

# ARTICLE 26-7. FINAL PLATS

## Commentary on Draft:

This section carries forward provisions from the current subdivision regulations for final plat procedures. This article is organized into the following sections:

**Section 26-7.1, Final Plat Procedure and Standards**, establishes the procedure and conditions that must be met for the approval of a final plat.

**Section 26-7.2, Acceptance and Bonding of Improvements**, establishes the procedures and requirements for the completion for public infrastructure improvements.

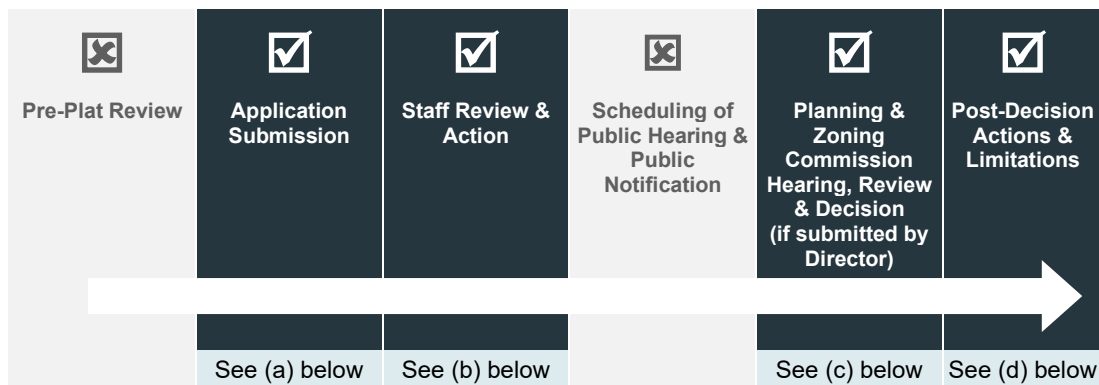
*This comment box and the footnotes included in this draft are provided for reference purposes and will not be included in the Public Hearing Draft of the Subdivision Regulations.*

## SEC. 26-7.1. FINAL PLAT PROCEDURE AND DECISION STANDARDS

### SEC. 26-7.1.1. FINAL PLAT PROCEDURE

After approval of a preliminary plat for subdivision, an application for a final plat shall be submitted, processed, reviewed, and decided on in accordance with Sec. <>, Standard Application Requirements and Procedures, of the Procedures Manual. Figure 26-7.1.1: Summary of Final Plat Procedure, identifies the standard procedures in the Procedures Manual that apply to a final plat application, and those that do not apply. Subsections (a) through (d) below, set out in text the required procedure for a final plat application.

**Figure 26-7.1.1: Summary of Final Plat Procedure**



= Applicable; =Not Applicable

### a. Application Submission

Applications shall be submitted in accordance with Sec. <>, Application Submission, of the Procedures Manual.

**b. Staff Review and Action**

The Director of Planning and City Engineer shall each review the application and make a decision in accordance with Sec. <>, Staff Review and Action, of the Procedures Manual, and Sec. 26-7.1.2, Final Plat Decision Standards. A decision shall be made within 10 business days from the date of a completed submittal. The Director of Planning, in the Director's discretion, may submit the application to the Planning and Zoning Commission for a final decision. Otherwise, the Director shall make the final decision on the application.

**c. Planning and Zoning Commission Hearing and Decision.**

If the Director of Planning submits the application to the Planning and Zoning Commission for a final decision, the Planning and Zoning Commission shall review the application and make a final decision based on the standards in Sec. 26-7.1.2, Final Plat Decision Standards.

**d. Post-Decision Actions and Limitations**

Post decision actions and limitations shall be in accordance with Sec. <>, Post-Decision Actions and Limitations, of the Procedures Manual, and Sec. 26-7.2, Acceptance and Bonding Improvements.

**SEC. 26-7.1.2. FINAL PLAT DECISION STANDARDS**

**a.** A final plat shall be approved by the City Engineer, and Director of Planning or the Planning and Zoning Commission, as applicable, only upon a finding that the final plat is in substantial compliance with the approved preliminary plat and only after all conditions in Sec. 26-7.2, Acceptance and Bonding Improvements, have been met.

**b.** In addition, a final plat shall be approved by the City Engineer only after the following conditions have been met:

**1.** 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.

**2.** Developer-installed lift stations are included in Phase I of the subdivision.

**3.** 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.

## SEC. 26-7.2. ACCEPTANCE AND BONDING IMPROVEMENTS<sup>139</sup>

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.

### SEC. 26-7.2.1. PERFORMANCE BOND<sup>140</sup>

- a. If, in the opinion of the City Engineer and the Director of Planning or Planning and Zoning Commission, as applicable, 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 multifamily lots and nonresidential subdivisions in the corporate limits until after the final plat is signed, a performance bond shall be required. The performance bond shall not exceed two 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 amount of the construction costs of the final wearing surface layer or sidewalk. The surety 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 is authorized to 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 executing the maintenance bond or performance bond in default. 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 Probate Office for Tuscaloosa County. The lien will not be satisfied until such time as the developer complies with the bond conditions or the surety pays the bond. If the lien remains unsatisfied for 90 days, the City may collect on the lien as all debts are collected or liens enforced.

### SEC. 26-7.2.2. MAINTENANCE BOND<sup>141</sup>

- 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, 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

<sup>139</sup> This subsection carries forward the procedures for acceptance and bonding improvements in Section 6.7 of the current Subdivision Regulations.

<sup>140</sup> This provision carries forward Section 6.7.3.a. of the current Subdivision Regulations.

<sup>141</sup> This provision carries forward Section 6.7.3.b. of the current Subdivision Regulations.

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: an irrevocable letter of credit; a cash deposit or an insurance company doing business by an agent in the State of Alabama through an attorney-in-fact.

### **SEC. 26-7.2.3. SUBDIVISIONS OUTSIDE THE CORPORATE LIMITS OF THE CITY OF TUSCALOOSA<sup>142</sup>**

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.

### **SEC. 26-7.2.4. LIFT STATIONS<sup>143</sup>**

- 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. 26-7.2.2, shall be provided prior to acceptance.

### **SEC. 26-7.2.5. BUILDING PERMITS<sup>144</sup>**

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 Article 26-5, Condominium Subdivision, townhomes, and duplexes integrated into single-family residential neighborhoods as part of a planned development.

### **SEC. 26-7.2.6. RECORDING FINAL PLAT<sup>145</sup>**

The final plat 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 shall be furnished three prints and the City Engineer shall be furnished with three prints and one reproducible copy of the final plat showing the Probate Judge's recording stamp.

<sup>142</sup> This provision carries forward Section 6.7.3.c of the current Subdivision Regulations.

<sup>143</sup> These provisions carry forward Section 6.7.3.d. of the current Subdivision Regulations.

<sup>144</sup> This provision carries forward Section 6.7.4. of the current Subdivision Regulations.

<sup>145</sup> This provision carries forward Section 6.7.5. of the current Subdivision Regulations.

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**SEC. 26-7.2.7. FINAL ENGINEERING INSPECTION BEFORE EXPIRATION OF BOND<sup>146</sup>**

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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.

**SEC. 26-7.2.8. RESUBDIVISIONS NOT REQUIRING IMPROVEMENTS<sup>147</sup>**

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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 developer has secured and presented to the Director of Planning a written waiver of legal notice and hearings from all adjoining property owners.
- b. The lots meet the requirements of all applicable regulations with respect to lot area and width.
- c. All required improvements as required by these Regulations are in place.
- d. The number of lots in the subdivision will not be increased as a result of the re-subdivision 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 Chapter 24: Zoning Ordinance.
- e. No public interest in a street, easement, or the like shall be impaired or placed in doubt as a result of the re-survey.

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<sup>146</sup> This provision carries forward Section 6.8 of the current Subdivision Regulations.

<sup>147</sup> This provision carries forward Section 6.10 of the current Subdivision Regulations.