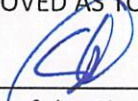


APPROVED AS TO FORM

  
Office of the City Attorney

Prepared By: JPW/rd

Requested: Planning Com/UD Date 1/17/23

Council Presentation: 1/24/2023

Suspension of Rules: No

ORDINANCE NO. 9345

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA  
AMENDMENT NO. 1502

Amendment to Text of the Zoning Ordinance for Chapter 24,  
Sections 24-91, 24-371 and 24-372  
Pertaining to Short-Term Rental Amendments  
(OCA-23-0067)

BE IT ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA, that the text of the Zoning Ordinance of Tuscaloosa, adopted by Ordinance No. 1754 on October 3, 1972 be, and the same is hereby amended as follows:

**SECTION ONE.** That Section 24-91 – Special exceptions, items (35.5) through (35.8) be and the same is hereby amended to read as follows:

**“Sec. 24-91. – Special exceptions.**

*(35.5) Short-term rental of dwelling*

PRIMARY

- a. Property must be within the city limits.
- b. A dwelling must be located on the site, able to be occupied.
- c. All building and fire codes must be met.
- d. No commercial events, such as concerts, weddings, or other large events are permitted.
- e. No on-site signage shall be permitted promoting or identifying the short-term rental.
- f. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.
- g. **The standards of Section 10.8-13, Noise in residential districts, shall be adhered to.**

DISCRETIONARY

- a. **The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.**

- b. **The board may consider whether or not short-term rental is the primary or accessory use of the dwelling.**
- c. **The board may consider the characteristics of the neighborhood and/or surrounding properties (underlying zoning district, surrounding land uses, the number of nearby short-term rental licenses, topography, access, etc.).**
- d. **At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.**
- e. **The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.**
- f. **The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.**
- g. **In cases of renewal, the board may consider the number of verified complaints, violations, and other departures from code that a property has experienced.**

*(35.6) Short-term rental of dwelling, historic district*

**PRIMARY**

- a. **Property must be part of a locally designated historic district as defined in Section 24-221 and Chapter 20, Article II, Division 1.**
- b. **A dwelling must be located on the site, able to be occupied.**
- c. **All building and fire codes must be met.**
- d. **No commercial events, such as concerts, weddings, or other large events are permitted.**
- e. **No on-site signage shall be permitted promoting or identifying the short-term rental.**
- f. **A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.**
- g. **The standards of Section 10.8-13, Noise in residential districts, shall be adhered to.**

**DISCRETIONARY**

- a. **The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.**

- b. **The board may consider whether or not short-term rental is the primary or accessory use of the dwelling**
- c. **The board may consider the characteristics of the neighborhood and/or surrounding properties (underlying zoning district, surrounding land uses, the number of nearby short-term rental licenses, topography, access, etc.).**
- d. **At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.**
- e. **The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.**
- f. **The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.**
- g. **In cases of renewal, the board may consider the number of verified complaints, violations, and other departures from code that a property has experienced.**

*(35.7) Short-term rental of dwelling, more than forty-five (45) nights per calendar year*

**PRIMARY**

- a. **Property must be within the city limits of Tuscaloosa.**
- b. **A dwelling must be located on the site, able to be occupied.**
- c. **All building and fire codes must be met.**
- d. **No commercial events, such as concerts, weddings, or other large events are permitted.**
- e. **No on-site signage shall be permitted promoting or identifying the short-term rental.**
- f. **A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.**
- g. **The standards of Section 10.8-13, Noise in residential districts, shall be adhered to.**

**DISCRETIONARY**

- a. **The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.**

- b. **The board may consider whether or not short-term rental is the primary or accessory use of the dwelling.**
- c. **The board may consider the characteristics of the neighborhood and/or surrounding properties (underlying zoning district, surrounding land uses, the number of nearby short-term rental licenses, topography, access, etc.).**
- d. **At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.**
- e. **The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.**
- f. **The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.**
- g. **In cases of renewal, the board may consider the number of verified complaints, violations, and other departures from code that a property has experienced.**

*(35.8) Short-term rental of dwelling, condominium, or multifamily exceeding license cap*

**PRIMARY**

- a. **Property must be within the city limits of Tuscaloosa.**
- b. **A dwelling must be located on the site, able to be occupied.**
- c. **All building and fire codes must be met.**
- d. **No commercial events, such as concerts, weddings, or other large events are permitted.**
- e. **No on-site signage shall be permitted promoting or identifying the short-term rental.**
- f. **A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.**
- g. **The standards of Section 10.8-13, Noise in residential districts, shall be adhered to.**

**DISCRETIONARY**

- a. **The board may consider whether or not the property is permanently occupied and leased in its entirety to one party for periods of not less than thirty (30) consecutive nights.**

- b. The board may consider whether or not short-term rental is the primary or accessory use of the dwelling.
- c. The board may consider the characteristics of the neighborhood and/or surrounding properties (underlying zoning district, surrounding land uses, the number of nearby short-term rental licenses, topography, access, etc.).
- d. At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property.
- e. The board should determine to its satisfaction that the short-term rental of the dwelling will not be detrimental to the neighborhood or surrounding properties, taking into account the physical relationship of the proposed use to the surrounding structures.
- f. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding forty-five (45) nights that a dwelling may be used as a short-term rental.
- g. In cases of renewal, the board may consider the number of verified complaints, violations, and other departures from code that a property has experienced.

**SECTION TWO.** That Article XXII. – SHORT TERM RENTALS, Sections 24-371 through 24-372, be and the same is hereby amended to read as follows:

**“ARTICLE XXII. – SHORT TERM RENTALS**

**Sec. 24-371. Applicability.**

- A. Property affected by this article.
  - 1. All property located within the corporate limits of the city.
- B. Additional Tourist Overlay (TO) District established:
  - 1. TO Downtown-Campus District.
    - a. Generally, its boundaries are described as: south of the centerline of the Black Warrior River, west of the centerline of McFarland Boulevard East, the northern right-of-way line of 15<sup>th</sup> Street, east of the centerline of TY Rogers Jr. Avenue, thence northward from this point to the centerline of **Nicks Kids Avenue**, north of the centerline of Stillman Boulevard, east of the centerline of 29<sup>th</sup> Avenue, thence northward from this point to the centerline of the Black Warrior River.

**Sec. 24-372. Permitted and conditional uses.**

**A. Permitted uses:**

1. Within the TO Downtown-Campus District, short-term rental of dwellings is permitted by right, subject to the following provisions:
  - a. A dwelling must be located on the site, able to be occupied.
  - b. All building and fire codes must be met.
  - c. No commercial events, such as concerts, weddings, or other large events are permitted.
  - d. Occupancy is limited to the number of available parking spaces. At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property and shall be counted based on the required number of spaces per applicable codes at the time of the construction or substantial reconstruction of the dwelling.
  - e. The short-term rental shall adhere to all parking regulations as outlined in Article IX of the Zoning Ordinance.
  - f. The short-term rental shall comply with all applicable sign regulations as outlined in Article X of the Zoning Ordinance.
  - g. A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.
  - h. No dwelling unit shall be used as a short-term rental in excess of forty-five (45) nights per calendar year.
  - i. Condominiums and apartment buildings will be limited to a license cap of one hundred fifty (150), and documentation from the condominium association or property manager will be required to issue a license.
  - j. Before a business license can be renewed for short-term rental, the owner shall submit to an audit by City staff to determine the number of nights which the owner as rented the premises. In the event that the owner has not rented the premises within the keeping of the spirit of the ordinance, the business license shall not be renewed for a period of not less than one (1) year from the date of expiration.
  - h. The short-term rental shall comply with the provisions of Section 10.8-13, Noise in residential districts.
2. Outside of the TO Downtown-Campus District, short-term rental of condominium and apartment buildings is permitted by right, subject to the following provisions:

- a. **A dwelling must be located on the site, able to be occupied.**
- b. **All building and fire codes must be met.**
- c. **No commercial events, such as concerts, weddings, or other large events are permitted.**
- d. **Occupancy is limited to the number of available parking spaces. At least one off-street parking space should be provided for every two (2) adults counting towards the occupancy limit. Parking spaces may be provided on driveways or within a parking area on the property and shall be counted based on the required number of spaces per applicable codes at the time of the construction or substantial reconstruction of the dwelling.**
- e. **The short-term rental shall adhere to all parking regulations as outlined in Article IX of the Zoning Ordinance.**
- f. **The short-term rental shall comply with all applicable sign regulations as outlined in Article X of the Zoning Ordinance.**
- g. **The short-term rental shall comply with the provisions of Section 10.8-13, Noise in residential districts.**
- h. **A short-term rental property shall not be occupied for a period of less than twenty-four (24) hours.**
- i. **No dwelling unit shall be used as a short-term rental in excess of forty-five (45) nights per calendar year.**
- j. **Condominiums and apartment buildings will be limited to a license cap of one hundred (100).**
- k. **Documentation from the condominium association or property manager will be required to issue a license.**
- l. **Before a business license can be renewed for short-term rental, the owner shall submit to an audit by City staff to determine the number of nights which the owner has rented the premises. In the event that the owner has not rented the premises within the keeping of the spirit of the ordinance, the business license shall not be renewed for a period of not less than one (1) year from the date of expiration.**

**B. *Conditional uses:***

1. **Within property part of a locally designated historic district as defined in Section 24-221 and Chapter 20, Article II, Division 1, the zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlined in Section 24-91, approve the short-term rental of a dwelling subject to the following:**
  - a. **Approvals will be granted on a probationary status for one (1) year, not to exceed thirty (30) nights in the year unless otherwise**

**specified by the Zoning Board of Adjustment. After an initial approval by the Zoning Board of Adjustment, the owner shall submit to an audit by Urban Development Staff of any verified complaints and violations. If there have been no verified complaints and violations, the business license can be administratively renewed for short-term rental without any changes to the limits placed on the number of adults and vehicles assigned to the approval, though the nights per year may be increased to the maximum allowed by code. If there have been verified complaints and violations, the owner shall re-apply to the Zoning Board of Adjustment for a special exception prior to the license being renewed.**

- b. Before a business license can be renewed for short-term rental, the owner shall submit to an audit **by City staff** to determine the number of nights which the owner has rented the premises. In the event that the owner has not rented the premises within the keeping of the spirit of the ordinance, the business license shall not be renewed **for a period of not less than one (1) year from the date of expiration.**

- 2. Outside of the TO Downtown-Campus District and for property inside the city limits, the zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlined in Section 24-91, approve the short-term rental of a dwelling subject to the following:

- a. **Approvals will be granted on a probationary status for one (1) year, not to exceed thirty (30) nights in the year unless otherwise specified by the Zoning Board of Adjustment. After an initial approval by the Zoning Board of Adjustment, the owner shall submit to an audit by Urban Development Staff of any verified complaints and violations. If there have been no verified complaints and violations, the business license can be administratively renewed for short-term rental without any changes to the limits placed on the number of adults and vehicles assigned to the approval, though the nights per year may be increased to the maximum allowed by code. If there have been verified complaints and violations, the owner shall re-apply to the Zoning Board of Adjustment for a special exception prior to the license being renewed.**
- b. Before a business license can be renewed for short-term rental, the owner shall submit to an audit **by City staff** to determine the number of nights which the owner has rented the premises. In the event that the owner has not rented the premises within the keeping of the spirit of the ordinance, the business license shall not



be renewed for a period of not less than one (1) year from the date of expiration.

3. Condominiums and apartments will be limited to a license cap of one hundred fifty (150) inside the TO Downtown Campus District **and one hundred (100) outside the TO Downtown-Campus District**. The zoning board of adjustment may, as a special exception subject to the primary and discretionary warrants for the use as outlined in Section 24-91, approve the short-term rental of a dwelling within an apartment or condominium that would exceed the license cap subject to the following:
  - a. **Approvals will be granted on a probationary status for one (1) year, not to exceed thirty (30) nights in the year unless otherwise specified by the Zoning Board of Adjustment. After an initial approval by the Zoning Board of Adjustment, the owner shall submit to an audit by Urban Development Staff of any verified complaints and violations. If there have been no verified complaints and violations, the business license can be administratively renewed for short-term rental without any changes to the limits placed on the number of adults and vehicles assigned to the approval, though the nights per year may be increased to the maximum allowed by code. If there have been verified complaints and violations, the owner shall re-apply to the Zoning Board of Adjustment for a special exception prior to the license being renewed.**
  - b. Before a business license can be renewed for short-term rental, the owner shall submit to an audit **by City staff** to determine the number of nights which the owner has rented the premises. In the event that the owner has not rented the premises within the keeping of the spirit of the ordinance, the business license shall not be renewed for a period of not less than one (1) year from the date of expiration.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF TUSCALOOSA that the provisions of this ordinance shall become effective immediately upon the approval and publication as provided by law.

APPROVED:

*Jack Ponds*

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OFFICE OF URBAN DEVELOPMENT

FUNDING REQUIRED:  Yes  No

COUNCIL ACTION

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By: \_\_\_\_\_  
Chief Financial Officer

Resolution \_\_\_\_\_  
Ordinance  \_\_\_\_\_  
Introduced 1-24-23 \_\_\_\_\_  
Passed 2-28-23 \_\_\_\_\_  
2<sup>nd</sup> Reading 2-28-23 \_\_\_\_\_  
Unanimous \_\_\_\_\_  
Failed \_\_\_\_\_  
Tabled \_\_\_\_\_  
Amended \_\_\_\_\_  
Comments: \_\_\_\_\_

*Adopted 2-28-23*