

APPROVED AS TO FORM

GDW  
Office of the City Attorney

Prepared By: SBH/fb  
Requested: Admin. Committee  
Council Presentation: 4-23-19  
Suspension of Rules: NO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF TUSCALOOSA  
AMENDMENT NO. 1411

Amendment to the Text of the Zoning Ordinance that amends  
various sections pertaining to Short Term Rentals  
Sections 24-91 and 24-370 through 24-372  
(A19-0480)

**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 to read as follows:

SECTION ONE. That Section 24-91(35.5) 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 be occupied for a period of less than twenty-four (24) hours.

## DISCRETIONARY

- a. At least one (1) 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.
- b. 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.
- c. 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 30 consecutive nights.
- d. The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).
- e. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding 45 nights that a dwelling may be used as a short-term rental.
- f. In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.”

SECTION TWO. That Section 24-91(35.6) be, and the same is hereby, amended to read as follows:

**Sec. 24-91. – Special exceptions.**

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

## PRIMARY

- a. Property must be part of a locally designated historic district as defined in Sec. 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.**

#### DISCRETIONARY

- a. At least one (1) 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.
- b. 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.
- c. The board may, in its discretion, establish a cap on the number of nights per calendar year exceeding **45 nights** that a dwelling may be used as a short-term rental.
- d. **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 30 consecutive nights.**
- e. **The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).**
- f. **In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.”**

SECTION THREE: That Section 24-91 entitled "Special exceptions" is hereby amended to add the following:

**Sec. 24-91. – Special exceptions.**

***“(35.7) Short-term rental of dwelling, more than 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.**

**DISCRETIONARY**

- a. **At least one (1) 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.**
- b. **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.**
- c. **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 30 consecutive nights.**
- d. **The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).**

- e. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding 45 nights that a dwelling may be used as a short-term rental.
- f. In cases of renewal, the board may consider the number of 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.

**DISCRETIONARY**

- a. At least one (1) 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.
- b. 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.

- c. 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 30 consecutive nights.
- d. The board may consider the physical characteristics of the neighborhood and/or surrounding properties (topography, access, etc.).
- e. The board may, in its discretion, establish a cap on the number of nights per calendar year under or exceeding 45 nights that a dwelling may be used as a short-term rental.
- f. In cases of renewal, the board may consider the number of complaints, violations, and other departures from code that a property has experienced.”

**SECTION FOUR.** That Article XXII.—TOURIST OVERLAY DISTRICT, Sections 24-370 through 24-372 is hereby amended in its entirety to read as follows:

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

**“Sec. 24-370. – Statement of intent.**

The intent of the short-term rental article is to provide a set of use regulations that will allow short-term rental dwellings within the city limits and establish minimum standards for their use while also minimizing incompatibility with surrounding residential areas. These standards provide additional protection for the substantial investment, both private and public, being made while promoting a mix of lodging options that support the City’s tourism base and local economy, upholding the health, safety, and welfare of the public.

**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 28<sup>th</sup> 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 (1) 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 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 150.**
- j. **Before a business license can be renewed for short-term rental, the owner shall submit to an audit 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.**

***B. Conditional Uses:***

- 1. **Within property part of a locally designated historic district as defined in Sec. 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 Sec. 24-91, approve the short-term rental of a dwelling subject to the following:**
  - a. **Approvals will be granted for a period of three (3) years unless otherwise specified by the Zoning Board of Adjustment for a shorter period.**
  - b. **Before a business license can be renewed for short-term rental, the owner shall submit to an audit 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.**
- 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 Sec. 24-91, approve the short-term rental of a dwelling subject to the following:**
  - a. **Approvals will be granted for a period of three (3) years unless otherwise specified by the Zoning Board of Adjustment for a shorter period.**

