

State of Alabama)
City of Tuscaloosa)

EXECUTIVE ORDER OF THE MAYOR

Executive Order Number: 2012- 001

To: City Engineer
 The Director of Planning and Development Services
 The Building Official
 All Applicable Departments

Date: January 11, 2012.

Regarding: CONDITIONAL LAND DEVELOPMENT PERMITS AUTHORIZED
 DURING ZONING TRANSITIONAL PERIOD
 (A12-0016)

Authority:

By the authority vested in me by the applicable provisions of the laws of the State of Alabama, including but not limited to Ala. Code §11-44B-7 (1975), pursuant to which the Mayor of the City as the Chief Executive Officer has the general supervision and control of all other officers and the affairs of the City, and pursuant to the emergency powers vested in me as Mayor by Alabama State Law and the ordinances and resolutions of the City of Tuscaloosa, and including without limitation ALA. CODE §11-45-1, ALA. CODE §31-9-10, and §§9-3 and 21-220 of the Code of Tuscaloosa, the Proclamation of Existence of a Local Disaster And Emergency issued by me on April 27, 2011, and the resolution of the Tuscaloosa City Council adopted on April 27, 2011, and as otherwise provided by law, I, Walter Maddox, as Mayor do hereby order and direct as follows:

In those areas included in the proposed MX-3, MX-5, and MX-8 zones as defined in the ordinance introduced in the City Council meeting of December 20, 2011, for activities regulated by §21-210 *et seq.* of the Code of Tuscaloosa, the City Engineer is authorized to issue Land Development Permits conditioned on the Permittee obtaining future approval for zoning (whether through variance, special exception, ordinance amending the zoning code, or otherwise), and/or for subdivision. In the same manner, the Zoning Officer is authorized to issue conditional zoning approval for such conditional Land Development Permits if the ordinance introduced in the City Council meeting of December 20, 2011, would, if adopted, meet the conditions in the Land Development Permit. If any such future additional approval is made a condition of the Land Development Permit, then the City Engineer may provide that any activity dependent on the additional approval shall not commence unless and until the relevant zoning approval is granted, and may place other reasonable conditions on the Permit, and/or provide that a certificate of occupancy ultimately will be withheld in the event such future

approval is not obtained. **The risk of occurrence of any actions needed to implement such future zoning approvals or subdivision shall be for the Permittee to bear. There is no assurance that any needed variance or special exception will be granted and no assurance that any needed ordinance will be adopted. The Mayor, City Engineer, and Zoning Officer do not have the authority to grant variances, special exceptions, or adopt ordinances.**

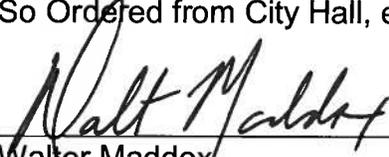
This conditional approval process is intended to accommodate those who need to proceed with obtaining Land Development Permits at a time when substantial changes to zoning codes are being considered for adoption. All previously issued Land Development Permits with any such conditions, whether or not for property located in the proposed MX-3, MX-5, and MX-8 zones, are ratified as properly issued.

This Executive Order shall expire at the earlier of (1) February 28, 2012, or (2) if the zoning ordinance introduced in the City Council meeting of December 20, 2011 is adopted, on the date it becomes effective, and if defeated, the next business day after the vote of the City Council.

Implementation:

All Departments of the City and their respective employees to whom this Executive Order applies shall forthwith implement the same in accordance with its terms and requirements. Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations. This order is not intended to conflict with, supersede, or contradict any lawful ordinance or resolution duly enacted by the City Council. This Order does not create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the City, its departments, agencies, entities, officers, employees, or agents, or any other person.

So Ordered from City Hall, effective immediately.



Walter Maddox
Mayor, City of Tuscaloosa