

State of Alabama)
City of Tuscaloosa)

EXECUTIVE ORDER OF THE MAYOR

Executive Order Number: 2012- 005

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

Date: March 22, 2012

Regarding: CONDITIONAL BUILDING PERMITS AND LAND DEVELOPMENT
 PERMITS AUTHORIZED DURING TRANSITIONAL ZONING PERIOD
 (A12-0313)

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 all applicable resolutions 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 RM-5, RM-3, RA-2, RA-1, RD-2, and RD-1 zones as defined in the ordinance and maps presented to the City Council Projects Committee meeting of March 13th and 20th, 2012, for activities requiring a building permit, the Director of Planning and Development Services is authorized to issue conditional zoning approval for such a building permit if the draft ordinance presented at said Projects Committee meeting, would, if adopted, allow such a building permit to be issued; and/or if a variance or special exception that will be recommended for approval by the Director of Planning and Development Services would allow such building permit to be issued. If any such conditional zoning approval is granted, then the Director of Planning and Development Services may place reasonable conditions on the Permit intended to meet the intent of the Projects Committee, as may be amended by or affected by any actions or provisions of said Committee; the Planning Commission; the City Council; the Tuscaloosa Forward Plan; and/or the Tuscaloosa Forward Generational Master Plan. The continuing condition of such building permit approval shall be that an ordinance, variance, or special exception must be adopted or granted that allows such a building permit to be issued, and if no such ordinance is adopted while this Executive Order is in effect, then the building permit shall be void *ab initio*, subject to any intervening rights that attach by law.

Further, in the proposed RM-5, RM-3, RA-2, RA-1, RD-2, and RD-1 zones, 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 Director of Planning and Development Services or other designated Zoning Officer is authorized to issue conditional zoning approval for such conditional Land Development Permits under the same conditions established above for approving building permits. If any such future additional approval is made a condition of the Land Development Permit, then the City Engineer may provide, depending on the exigencies, 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.

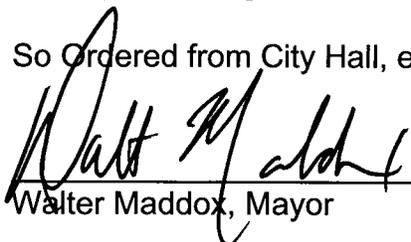
This conditional approval process is intended to accommodate those who need to proceed with obtaining building permits and/or land development permits at a time when substantial changes to zoning codes are being considered for adoption. All previously issued building permits with any such conditions are ratified as properly issued.

This Executive Order shall expire at the earlier of (1) May 15, 2012 or (2) when any ordinance related to RM-5, RM-3, RA-2, RA-1, RD-2, and/or RD-1 zones becomes effective.

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