

1 HB78
2 152481-1
3 By Representative Poole
4 RFD: County and Municipal Government
5 First Read: 14-JAN-14
6 PFD: 12/18/2013

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8 SYNOPSIS: Under existing law, a municipal planning
9 commission is required to adopt regulations
10 governing the subdivision of land within the
11 jurisdiction of the municipality.

12 This bill would authorize a municipal
13 planing commission to adopt regulations providing
14 for administrative approval of minor subdivisions
15 of up to six lots or a reduction in lots without
16 notice and a public hearing under certain
17 conditions.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 11-52-31, Code of Alabama 1975,
24 relating to municipal planning commissions and the adoption of
25 subdivision regulations; to authorize a municipal planning
26 commission to adopt regulations authorizing the administrative

1 approval of minor subdivisions without notice and a public
2 hearing under certain conditions.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 11-52-31, Code of Alabama 1975,
5 is amended to read as follows:

6 "§11-52-31.

7 "(a) Except where the county commission is
8 responsible for the regulation of subdivision regulations
9 within the territorial jurisdiction of a municipal planning
10 commission pursuant to Section 11-52-30, the municipal
11 planning commission shall adopt subdivision regulations
12 governing the subdivision of land within its jurisdiction. The
13 regulations may provide for the proper arrangement of streets
14 in relation to other existing or planned streets and to the
15 master plan, for adequate and convenient open spaces for
16 traffic, utilities, access of fire-fighting apparatus,
17 recreation, light and air and for the avoidance of congestion
18 of population, including minimum width and area of lots. The
19 regulations may include provisions as to the extent to which
20 streets and other ways shall be graded and improved and to
21 which water and sewer and other utility mains, piping, or
22 other facilities shall be installed as a condition precedent
23 to the approval of the plat. The regulations or practice of
24 the municipal planning commission may provide for a tentative
25 approval of the plat previous to the installation, but any
26 tentative approval shall be revocable and shall not be entered
27 on the plat. In lieu of the completion of the improvements and

1 utilities prior to the final approval of the plat, the
2 municipal planning commission may accept a bond with surety to
3 secure to the municipality the actual construction and
4 installation of the improvements or utilities at a time and
5 according to specifications fixed by or in accordance with the
6 regulations of the municipal planning commission. The
7 municipality is hereby granted the power to enforce the bond
8 by all appropriate legal and equitable remedies.

9 "(b) Notwithstanding any other provision of law,
10 regulations adopted by a municipal planning commission may
11 authorize administrative approval of a minor subdivision
12 without advertising and public hearing. A minor subdivision
13 consists of the subdivision of land into not more than 6 lots
14 or a reduction of the number of lots in an existing
15 subdivision. The developer of a minor subdivision approved by
16 the municipal planning commission may not require any public
17 improvements, the dedication of a public way, or the
18 expenditure of any public funds, and the plan for the minor
19 subdivision may not conflict with the master plan, official
20 zoning map, any zoning ordinance, or any other subdivision
21 regulations.

22 "(c) All regulations shall be published as provided
23 by law for the publication of ordinances, and before adoption
24 a public hearing shall be held thereon. A copy thereof shall
25 be certified by the municipal planning commission to the
26 probate judge of the county in which the municipality and
27 territory are located."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.