

1 HB265  
2 165781-1  
3 By Representative Wingo  
4 RFD: County and Municipal Government  
5 First Read: 12-MAR-15

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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 a  
16 public hearing under certain conditions.

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18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
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22 To amend Section 11-52-31, Code of Alabama 1975,  
23 relating to municipal planning commissions and the adoption of  
24 subdivision regulations; to authorize a municipal planning  
25 commission to adopt regulations authorizing the administrative  
26 approval of minor subdivisions without a public hearing under  
27 certain conditions.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

4 "§11-52-31.

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

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

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

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

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

