

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

ENROLLED, An Act,

To amend Section 11-52-31, Code of Alabama 1975, relating to municipal planning commissions and the adoption of subdivision regulations; to authorize a municipal planning commission to adopt regulations authorizing the administrative approval of minor subdivisions without a public hearing under certain conditions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-52-31.

"(a) Except where the county commission is responsible for the regulation of subdivision regulations within the territorial jurisdiction of a municipal planning commission pursuant to Section 11-52-30, the municipal planning commission shall adopt subdivision regulations governing the subdivision of land within its jurisdiction. The regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and for the avoidance of congestion of population, including minimum width and area of lots. The regulations may include provisions as to the extent to which

1 streets and other ways shall be graded and improved and to
2 which water and sewer and other utility mains, piping, or
3 other facilities shall be installed as a condition precedent
4 to the approval of the plat. The regulations or practice of
5 the municipal planning commission may provide for a tentative
6 approval of the plat previous to the installation, but any
7 tentative approval shall be revocable and shall not be entered
8 on the plat. In lieu of the completion of the improvements and
9 utilities prior to the final approval of the plat, the
10 municipal planning commission may accept a bond with surety to
11 secure to the municipality the actual construction and
12 installation of the improvements or utilities at a time and
13 according to specifications fixed by or in accordance with the
14 regulations of the municipal planning commission. The
15 municipality is hereby granted the power to enforce the bond
16 by all appropriate legal and equitable remedies.

17 "(b) Notwithstanding any other provision of law,
18 regulations adopted by a municipal planning commission may
19 authorize administrative approval of a minor subdivision
20 without a public hearing. A minor subdivision consists of the
21 subdivision of land into not more than six lots or a reduction
22 of the number of lots in an existing subdivision. The
23 developer of a minor subdivision approved by the municipal
24 planning commission shall not require any public improvements,
25 the dedication of a public way, or the expenditure of any

1 public funds, and the plan for the minor subdivision shall not
2 conflict with the master plan, official zoning map, any zoning
3 ordinance, or any other subdivision regulations. This
4 subsection does not require a municipal planning commission to
5 authorize approval of a minor subdivision without first
6 holding a public hearing.

7 "(c) All regulations shall be published as provided
8 by law for the publication of ordinances, and before adoption
9 a public hearing shall be held thereon. A copy thereof shall
10 be certified by the municipal planning commission to the
11 probate judge of the county in which the municipality and
12 territory are located."

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 14-APR-15.

Jeff Woodard
Clerk

Senate	<hr/>	04-JUN-15	Amended and Passed
House	<hr/>	04-JUN-15	Concurred in Sen- ate Amendment