- 1 HB78
- 2 156846-3
- 3 By Representative Poole
- 4 RFD: County and Municipal Government
- 5 First Read: 14-JAN-14
- 6 PFD: 12/18/2013

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 11-52-31, Code of Alabama 1975,
9	relating to municipal planning commissions and the adoption of
10	subdivision regulations; to authorize a municipal planning
11	commission to adopt regulations authorizing the administrative
12	approval of minor subdivisions without a public hearing under
13	certain conditions.
14	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
15	Section 1. Section 11-52-31, Code of Alabama 1975,
16	is amended to read as follows:
17	<b>"</b> §11-52-31.
18	"(a) Except where the county commission is
19	responsible for the regulation of subdivision regulations
20	within the territorial jurisdiction of a municipal planning
21	commission pursuant to Section 11-52-30, the municipal
22	planning commission shall adopt subdivision regulations
23	governing the subdivision of land within its jurisdiction. The
24	regulations may provide for the proper arrangement of streets
25	in relation to other existing or planned streets and to the
26	master plan, for adequate and convenient open spaces for
27	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 streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the municipal planning commission may provide for a tentative approval of the plat previous to the installation, but any tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of the improvements and utilities prior to the final approval of the plat, the municipal planning commission may accept a bond with surety to secure to the municipality the actual construction and installation of the improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the municipal planning commission. The municipality is hereby granted the power to enforce the bond by all appropriate legal and equitable remedies.

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"(b) Notwithstanding any other provision of law, regulations adopted by a municipal planning commission may authorize administrative approval of a minor subdivision without a public hearing. A minor subdivision consists of the subdivision of land into not more than 6 lots or a reduction of the number of lots in an existing subdivision. The developer of a minor subdivision approved by the municipal planning commission shall not require any public improvements,

the dedication of a public way, or the expenditure of any

public funds, and the plan for the minor subdivision shall not

conflict with the master plan, official zoning map, any zoning

ordinance, or any other subdivision regulations.

"(c) All regulations shall be published as provided

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

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

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3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on County and Mu- nicipal Government
9 10 11	Read for the second time and placed on the calendar with 1 substitute and 06-FEB-14
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13 14 15	Read for the third time and passed as amended 20-FEB-14
13	Yeas 101, Nays 0, Abstains 1
16 17 18 19	Jeff Woodard Clerk