

ARTICLE I. GENERAL PROVISIONS

A. Authority

These Subdivision Regulations are adopted under the authority of Chapter 52, Sections 11-52-30 through 11-52-54 inclusive, of the 1975 Code of Alabama, as amended.

B. Short Title

These Subdivision Regulations shall be known, and may be cited, as the Subdivision Regulations of the City of Auburn.

C. Statement of Policy

1. Orderly Development. It is hereby declared to be the policy of the Auburn Planning Commission to consider the subdivision of land the initial and principal step in carrying out the general purpose of the Comprehensive Plan: to guide and accomplish a coordinated, adjusted and harmonious development of the land within the planning jurisdiction which will, in accordance with existing and future needs, best promote the public health, safety, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

2. Public Safety and Services. Land to be subdivided should be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. Land should not be subdivided until or unless adequate provision is made for drainage, water supply, sanitary sewage, fire protection, and access, as well as other improvements required by these regulations; and unless adequate community facilities, including schools, parks, and recreation areas, are available in reasonable proximity to the subdivision.

3. Correlation with Other Development Measures. A proposed subdivision should be correlated with the Comprehensive Plan and with capital budgets and public improvements programs of the governing body of the City of Auburn. It is intended that these regulations shall supplement the provisions and standards contained in the building, housing and related codes, zoning ordinance; and other measures governing development.

D. Purposes

In fulfillment of the policies stated in Section I-C, these regulations shall be applied in such a manner as to accomplish the following purposes:

1. Future Growth. To guide the future growth and development of the land within the planning jurisdiction in accordance with the Comprehensive Plan.

2. Health and Safety. To provide for adequate light, air and privacy; to secure safety from fire, flood and other danger; and to prevent the overcrowding of land and undue congestion of population.

3. Social and Economic Stability. To protect the character and the social and economic stability of all parts of the area within the planning jurisdiction.

4. Land Uses. To protect and conserve the value of land and the value of buildings and improvements on the land; and, through subdivision design, to minimize conflicts among the uses of land and buildings.

5. Public Services and Facilities. To encourage residential development where public services and community facilities are available or will be available when the subdivision is ready for occupancy.

6. Circulation. To provide an efficient relationship between development and the circulation of traffic, having particular regard to the avoidance of congestion; to expedite circulation and the protection of land use values through the separation of local and through traffic; and to make adequate provision for traffic through the proper location and width of streets, including major streets set out in the Comprehensive Plan for future construction.

7. Environment. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources in order to preserve the integrity, stability and beauty of the community and the value of the land.

8. Natural Features. To preserve the natural beauty of the land, and to utilize as elements of the urban environment the physiographic features of land and water.

9. Open Space. To provide open space through efficient design and layout of subdivisions; to encourage the setting aside as permanent open space land that is subject to flooding or has soils unsuited to urban development.

10. Innovative Design. To encourage innovative subdivision design that will produce attractive, efficient, and convenient arrangements of housing and neighborhood environments affording a choice of lifestyles.

E. Area of Jurisdiction

These regulations shall be applied to and shall govern the subdivision of land within the planning jurisdiction of the City of Auburn. Such jurisdiction is defined in accordance with Chapter 52, Section 11-52-30 of the 1975 Code of Alabama, as amended; and, as such, includes all land within the Corporate Limits of the City of Auburn plus unincorporated land within one and one-half (1.5) miles of the Corporate Limits.

Subdivisions located within the planning jurisdiction, outside of the corporate limits shall be subject to that certain Interlocal Agreement, as amended by the City Council and the Lee County Commission from time to time. The Interlocal Agreement can be found in the Appendix of these regulations.

F. Subdivision Exemptions

1. Purpose. The City of Auburn provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval.
2. General Requirements. The following land divisions do not fall within the Subdivision Regulations, and therefore, are exempt from the City subdivision regulations and review:

- a. Subdivision of land by court order including, but not limited to, judgments of foreclosure or probated family estates.
- b. Family Subdivisions per Alabama State Code Section 11-52-30 (b)(2) located within the planning jurisdiction and outside of the corporate limits. However, any transaction resulting in the direct sale, deed, or transfer of that land within 24 months of the excepted transfer shall be subject to the City subdivision regulations.

Each Family Subdivision submittal must include an affidavit from the property owner providing information and acknowledging that the subdivided lots are only to be transferred, sold or conveyed to an individual who may be eligible to inherit that land from the owner under Article 3 of Chapter 8 of Title 43 of the Code of Alabama (1975). City reserves the right to request from the applicant such other documentation as may be needed to determine whether a submittal qualifies as a Family Subdivision.

In addition, the subdivision plat must include the following note:

“AL Code § 11-52-30 (2022) (b)(2) Within a municipal planning jurisdiction outside of the corporate limits of the municipality, municipal subdivision regulations shall not be applied to any transaction resulting in the direct sale, deed, or transfer of land by the owner to any individual who may be eligible to inherit that land from the owner under Article 3 of Chapter 8 of Title 43, relating to intestate succession. Notwithstanding the foregoing, any transaction relating in the direct sale, deed, or transfer of that land occurring within 24 months of the excepted transfer shall be subject to municipal subdivision regulations.”

G. Application of Regulations

From and after the date of these Subdivision Regulations, every plat of land that is a subdivision, as defined herein, shall be prepared, presented for approval, and recorded as required herein.

No building permit and no certificate of occupancy shall be issued for any parcel of land created by subdivision, as defined herein, unless a Final Plat of such subdivision has been approved and recorded as required by these regulations. No excavation of land and no construction of any public or private improvements shall take place or be commenced in a subdivision except in conformity with these regulations.