

Topic:	Overlay District; Flood Protection
Resource Type:	Regulations
State:	Alabama
Jurisdiction Type:	Municipal
Municipality:	City of Mountain Brook
Year (adopted, written, etc.):	1996
Community Type - applicable to:	Urban; Suburban
Title:	City of Mountain Brook Flood Plain Overlay Zone
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Abstract

This overlay zone provides for recognizing lands which are subject to flooding and restricting the use to which the lands may be put. An exclusive list of proper uses for the land includes activities such as recreational facilities, short-term parking, and cooking facilities.

Resource

Sec. 19-17-1. Purpose.

Certain lands within the corporate limits of the city are subject to periodic flooding. The development of such properties, and their subsequent flooding, has resulted in substantial damage to private property and recurring public expense. In some instances, the owners of such lands may have been unaware that their property was subject to flooding at the time of purchase and, as a result, have suffered property damage, hazards to health and inconvenience. Therefore, in order to promote the health, safety and general welfare of the general public, and to lessen the potential for public and private damage and inconvenience caused by flood waters, a flood plain district is hereby established as provided herein.

(Ord. No. 1224, 2-26-96)

Sec. 19-17-2. District boundaries.

Recognizing that the areas subject to flooding may be located in a variety of different zoning districts, a map which shows the boundaries of areas which are subject to flooding has been prepared and is on file in the office of the engineering inspector and in the office of the building inspection supervisor's office. Said map, together with the legends, words, figures, letters, symbols and explanatory matter thereon has been declared and adopted for reference as the "flood plain district map" of and for the city. This map, shall set forth the

flood plain district boundaries to be used in the enforcement of the provisions of this section. This map shall be kept on file in said offices and the information depicted thereon shall be updated, from time to time, to reflect current flood plain data. The boundaries of such areas shown on the flood plain district map are shown in more detail on the section maps also on file in said offices and such section maps may be used in the enforcement of the provisions of this section and shall be available for inspection by the public at any time during the regular business hours of the city. The location of the areas shown on said flood plain district map was based on a map prepared by the United States Department of Housing and Urban Development, dated June 28, 1974.

(Ord. No. 1224, 2-26-96)

Sec. 19-17-3. Use regulations.

(a) Generally. Under no circumstances will any use which is not permitted by right in the underlying zoning district be permitted under this article. Furthermore, only certain uses among those which are so permitted in the various zoning districts shall be permitted by right in a flood plain overlay district, as set forth in this section.

(b) Uses permitted by right where the underlying zoning district is residential:

(1) Where permitted in the underlying zoning district, public or private recreation facilities; except that restrooms will not be permitted, and no structure shall be allowed for the purpose of storing materials or for human habitation;

(2) Outdoor cooking structures or facilities; provided, that all fuel and power sources, and all connections, are impervious to damage or malfunction due to flooding; and

(3) In multiple-dwelling residential districts, that portion of the area within a flood plain district may be used in calculating allowable dwelling unit densities; provided, that no structure shall be erected within twenty (20) feet of the nearest point of any flood plain district boundary line.

(c) Uses permitted by right where the underlying zoning district is commercial or professional.

(1) Any use listed in subsection 19-17-3(b);

(2) Lighting standards;

(3) Short-term motor vehicle parking and maneuvering areas;

(4) Areas for landscaping, planting and general beautification.

(d) Uses permitted by right where the underlying zoning district is a recreation or planned unit development (PUD) district.

(1) Any use listed in subsection 19-17-3(b).

(2) Any use listed in subsection 19-17-3(c).

(e) Other uses. A special exception may be made, upon appeal to, and approval by, the board of zoning adjustment (board), to allow a use other than those listed hereinabove in this section; provided, that such use is permitted by right in the underlying zoning district applicable to the property in question and that the applicant can certify to the board, the building inspector and the zoning officer that:

(1) The building plans submitted to the board with respect to the proposed use indicate either sufficient structural measures or landfill, or both, will be installed to insure that the proposed use will not sustain flood damage;

(2) Neither the proposed structure nor the landfill will constitute or create an obstacle to water flow which would be likely to cause the impounding of water and increase the size of the area subject to flooding;

(3) Neither the proposed structure nor landfill will result in a shift in the path or flow of water, causing an extension or enlargement of the flood plain area elsewhere; and,

(4) Access to the parcel will not be subject to flooding.

(Ord. No. 1224, 2-26-96)