

## SECTION 460 - FLOOD HAZARD DISTRICT

### 460.1 GENERAL REQUIREMENTS

- A. In order to prevent future loss of lives and property and to protect the ecological, scenic and recreational quality of stream belts, those areas identified as being subject to special flood hazards on the Official Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency (FEMA) and on an overlay map designed to be used with the Official Borough Zoning Map.
- B. No filling or other encroachment may take place within the floodway which would impair its ability to carry and discharge flood waters, except where such activity is fully offset by stream improvements. Plans for all filling or other encroachment and for all stream improvements done in conjunction with permitted uses shall be submitted to the Zoning Enforcement Officer for approval; plans for such activities done in conjunction with special permit uses shall be submitted to the Commission for approval.
- C. The Commission shall review development proposals to determine whether such proposals will be reasonably safe from flooding. If a development proposal falls within the limits of the Flood Hazard District, such proposal shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards.
- D. The Commission shall require within this district (i) all new construction and substantial improvements of residential structures to have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or flood-proofed to or above the base flood level and (iii) pilings or columns rather than fill, for the elevation of structures within this district, in order to maintain the storage capacity of the flood plain and to minimize the potential for negative impacts to sensitive ecological areas.

### 460.2 PERMITTED USES

The following uses of buildings and land shall be permitted by right in the Flood Hazard District, requiring only the securing of a zoning permit as specified in Article VI.

- A. Agricultural buildings or structures, provided;  
That no residences or permanent housing of livestock shall be allowed in the Flood Hazard area.
- B. Those municipal and fire district land uses existing upon the date of adoption of this amendment may be expanded by alteration of an existing building or structure or construction of a new building or structure on the same lot, provided;
  - 1. Such expansion does not substantially alter the nature of the present land use so that increased traffic, noise, odors, or other detrimental impact will affect the value of surrounding properties.
  - 2. Such expansion is in conformity with the dimensional requirements of Table 'A', Article IV of the Zoning Regulations for the zone in which it is located, or has been granted a variance by the Zoning Board of Appeals

### 460.3 USES ALLOWED BY SPECIAL PERMIT

In addition to the above, the following may be permitted after the securing of a Special Permit as specified in Article VII:

- A. Public and private beaches, docks, boat-launching areas, provided:
  - 1. There will be no sanitary facilities, no accessory uses, including the sale or serving of food or beverages and the sale of nautical or other equipment.
  - 2. Minimum lot size shall be sufficient to accommodate anticipated parking. Gravel or other permeable surfaces shall be used for parking areas in this district.
- B. Public service corporation or municipal land use, provided:
  - 1. The location of such use in this zone shall be necessary for the health, safety, or general welfare of residents of the Borough of Danielson.
  - 2. Any such use which in the opinion of the Commission is hazardous in nature shall be fenced and/or screened so as to avoid creation of a nuisance attractive to children. When required by the Commission, outdoor storage areas shall also be fenced and/or screened. (See Article III, Definitions, "planted screening").
- C. Single-family dwellings and accessory structures on lots of 40,000 square feet or more, provided:

- 1 The portion of the lot located within the Flood Hazard Zone is so great that it is impossible to build without using the Flood Hazard area. The portion of the Flood Hazard area to be used is the minimum possible for adequate construction and landscaping.
- 2 The lowest floor of the dwelling (including the basement or cellar) and all accessory structures is elevated to or above the level of the 100 year flood.

**D. Expansion of existing industrial structures on lots of 40,000 square feet or more, provided:**

1. All dimensional and other requirements of Section 430 can be met; and
2. Every effort has been made by the applicant to locate the proposed expansion outside of the Flood Hazard District; and
3. The existing facility represents a substantial industrial investment; and
4. Substantial industrial investment shall be construed to mean structures, the total floor area of which amounts to no less than 5,000 square feet or \$50,000 assessed valuation, and the computation of this minimum floor area expressly excludes the floor area of accessory structures such as small garages, sheds, and the like;
5. In order to maintain the storage capacity of the flood plain, the applicant shall, where practicable, elevate rather than flood proof the expansion in accordance with standards published by the Federal Emergency Management Authority (FEMA).
6. No vacant sites shall be considered under this section.

**E. Expansion of existing commercial structures on lots of 20,000 square feet or more, provided:**

1. All dimensional and other requirements of Section 470 shall apply; and
2. Every effort has been made by the applicant to locate the proposed expansion outside of the Flood Hazard District; and
3. The existing facility represents a substantial commercial investment; and
4. Substantial commercial investment shall be construed to mean structures, the total floor area of which amounts to no less than 1,000 square feet, and the computation of this minimum floor area expressly excludes the floor area of accessory structures such as small garages, sheds, and the like; and
5. In order to maintain the storage capacity of the flood plain, the applicant shall, where practicable, elevate rather than flood proof the expansion in accordance with standards published by the Federal Emergency Management Authority (FEMA).
6. No vacant sites shall be considered under this section.

**F. Parks and playgrounds, historic landmarks, temporary fairs and exhibitions.**

**G. Cluster Developments.**