

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Flood Hazards

Section 674:56

674:56 Flood Hazards. –

I. Municipalities may adopt floodplain ordinances as part of their enrollment in the National Flood Insurance Program. Such ordinances shall be adopted pursuant to the authority granted under RSA 674:16 and 17, and shall be adopted and amended pursuant to the procedures in RSA 675 for the adoption and amendment of zoning ordinances. Municipalities may adopt floodplain ordinances either as an amendment to an existing zoning ordinance or as a separate ordinance. A municipality which adopts a floodplain ordinance which is separate from its zoning ordinance or without otherwise having adopted a zoning ordinance, shall observe all legal and procedural requirements for the floodplain ordinance that would be required for a zoning ordinance, including the creation of a board of adjustment. If a municipality has adopted a zoning ordinance either before or after the adoption of a floodplain ordinance, the board of adjustment shall be the same for both ordinances.

II. (a) Municipalities may adopt fluvial erosion hazard ordinances. Such ordinances shall be adopted pursuant to the authority granted under RSA 674:16 and 17, and shall be adopted and amended pursuant to the procedures in RSA 675 for the adoption and amendment of zoning ordinances. Municipalities may adopt fluvial erosion hazard ordinances either as an amendment to an existing zoning ordinance or as a separate ordinance. A municipality which adopts a fluvial erosion hazard ordinance which is separate from its zoning ordinance or without otherwise having adopted a zoning ordinance, shall observe all legal and procedural requirements for the fluvial erosion hazard ordinance that would be required for a zoning ordinance, including the creation of a board of adjustment. If a municipality has adopted a zoning ordinance either before or after the adoption of a floodplain ordinance, the board of adjustment shall be the same for both ordinances.

(b) Any fluvial erosion hazard zoning shall be based on delineation of zones consistent with any fluvial erosion hazard protocols established by the department of environmental services in effect on the date of its adoption. If the planning board of a municipality proposes to adopt, by ordinance or amendment, a fluvial erosion hazard ordinance or an amendment to a fluvial erosion hazard ordinance, the board shall, prior to determining the final form of the ordinance or amendment under RSA 675:2 or RSA 675:3, submit to the department of environmental services a map of all fluvial erosion hazard zones. The department shall review the map and advise the

board within 30 days whether the map and zones are consistent with department protocols. The department's comments, if any, shall be advisory only.

Source. 2006, 176:2, eff. May 25, 2006. 2009, 181:2, eff. July 13, 2009.