

Floor Amendment to SB 163

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT repealing the temporary moratoria and limitation on building permits and the
4 approval of subdivisions and site plans.

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6 Amend the bill by replacing all after the enacting clause with the following:

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8 1 Moratorium Cross-reference; Innovative Land Use Controls. Amend RSA 674:21, IV(b) to read
9 as follows:

10 (b) "Phased development" means a development, usually for large-scale projects, in
11 which construction of public or private improvements proceeds in stages on a schedule over a period
12 of years established in the subdivision or site plan approved by the planning board. In a phased
13 development, the issuance of building permits in each phase is solely dependent on the completion of
14 the prior phase and satisfaction of other conditions on the schedule approved by the planning board.
15 Phased development does not include a general limit on the issuance of building permits or the
16 granting of subdivision or site plan approval in the municipality, which may be accomplished only by
17 a growth management ordinance under RSA 674:22[~~or a temporary moratorium or limitation under~~
18 ~~RSA 674:23~~].

19 2 Moratorium Cross-reference; Power to Regulate Subdivisions. Amend RSA 674:35, III to read
20 as follows:

21 III. The planning board shall not limit the number of building permits that may be issued
22 except in accordance with an innovative land use control ordinance addressing timing incentives and
23 phased development under RSA 674:21 and adopted under RSA 674:16; or an ordinance to regulate
24 and control the timing of development, adopted under RSA 674:22[~~or an ordinance establishing a~~
25 ~~temporary moratorium or limitation on the issuance of building permits, adopted under RSA~~
26 ~~674:23~~]. This paragraph shall not be construed to limit the planning board's authority to deny a
27 subdivision application on the basis that it is scattered or premature.

28 3 Repeal. RSA 674:23, relative to the authority to adopt a local ordinance establishing a
29 temporary moratoria and limitation on building permits and the approval of subdivisions and site
30 plans, is repealed.

31 4 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill repeals the authority for a local legislative body to adopt an ordinance establishing a temporary moratoria and limitations on building permits and the approval of subdivisions and site plans.