



CITY OF PORTSMOUTH

Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
(603) 431-2000

CITY COUNCIL & PLANNING BOARD JOINT WORK SESSION

DATE: TUESDAY, MAY 28, 2013
LOCATION: CITY HALL – EILEEN DONDERO FOLEY COUNCIL CHAMBERS
TIME: 6:30 PM
SUBJECT: DEVELOPMENT MORATORIUM

A G E N D A

- I. Call to Order – Eric Spear, Mayor
- II. Staff Presentations – Rick Taintor, Planning Director & Robert P. Sullivan, City Attorney
 - Review of Statute (See Attached)
 - Legal Ramifications
 - Administration of Moratorium if Enacted
- III. Discussion
- IV. Adjournment

KELLI L. BARNABY, CMC/CNHMC
CITY CLERK

NOTICE TO MEMBERS OF THE PUBLIC WHO ARE HEARING IMPAIRED: If you require assistance, contact Dianna Fogarty, Human Resources Director, at 603-610-7270, one week before the meeting to make arrangements.

TITLE LXIV

PLANNING AND ZONING

CHAPTER 674

LOCAL LAND USE PLANNING AND REGULATORY POWERS

Zoning

Section 674:23

674:23 Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans. –

I. Upon recommendation of the planning board, the local legislative body may adopt or amend an ordinance establishing a moratorium or limitation on the issuance of building permits or the granting of subdivision or site plan approval for a definite term.

II. An ordinance may be adopted under this section in unusual circumstances that affect the ability of the municipality to provide adequate services and require prompt attention and to develop or alter a growth management process under RSA 674:22, a zoning ordinance, a master plan, or capital improvements program.

III. An ordinance under this section shall contain:

(a) A statement of the circumstances giving rise to the need for the moratorium or limitation.

(b) The planning board's written findings, on which subparagraph III(a) is based, which shall be included as an appendix to the ordinance.

(c) The term of the ordinance which shall not be more than one year.

(d) A list of the types or categories of development to which the ordinance applies.

(e) A description of the area of the municipality, if less than the entire municipality, to which the ordinance applies.

IV. An ordinance under this section shall be based on written findings by the planning board which:

(a) Describe the unusual circumstances that justify the ordinance.

(b) Recommend a course of action to correct or alleviate such circumstances.

V. An ordinance under this section may provide for the exemption from the moratorium or limitation of those types or categories of development that have minimal or no impact on the circumstances giving rise to the moratorium or limitation.

VI. An ordinance under this section may provide for a special exception or conditional use permit to allow development that has minimal or no impact on the circumstances giving rise to the moratorium or limitation.

VII. Additional ordinances may be adopted under this section only if they are based on

circumstances that did not exist at the time of any prior ordinance. The authority to adopt ordinances under this section shall not be used to circumvent a municipality's need for a growth management ordinance under RSA 674:22.

Source. 1983, 447:1. 1989, 266:16. 1997, 15:1, eff. June 21, 1997. 2008, 360:2, eff. July 11, 2008.