

CHAPTER 93
SB 50 – FINAL VERSION

02/14/13 0238s

2013 SESSION

13-0837
03/09

SENATE BILL **50**

AN ACT relative to expiration of variances and special exceptions.

SPONSORS: Sen. Boutin, Dist 16; Sen. Carson, Dist 14; Sen. Cataldo, Dist 6; Sen. Fuller Clark, Dist 21; Sen. Rausch, Dist 19; Sen. Reagan, Dist 17; Sen. Watters, Dist 4; Rep. T. Walsh, Merr 24; Rep. Duarte, Rock 2; Rep. Kotowski, Merr 24; Rep. Todd Smith, Merr 24

COMMITTEE: Public and Municipal Affairs

ANALYSIS

This bill provides for expiration of variances and special exceptions granted by the zoning board of adjustment.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to expiration of variances and special exceptions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 93:1 New Paragraph; Zoning Variance; Expiration. Amend RSA 674:33 by inserting after
2 paragraph I the following new paragraph:

3 I-a. Variances authorized under paragraph I shall be valid if exercised within 2 years from
4 the date of final approval, or as further extended by local ordinance or by the zoning board of
5 adjustment for good cause, provided that no such variance shall expire within 6 months after the
6 resolution of a planning application filed in reliance upon the variance.

7 93:2 Powers of Zoning Board of Adjustment; Special Exceptions. Amend RSA 674:33, IV to read
8 as follows:

9 IV. A local zoning ordinance may provide that the zoning board of adjustment, in
10 appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to
11 the terms of the ordinance. All special exceptions shall be made in harmony with the general
12 purpose and intent of the zoning ordinance and shall be in accordance with the general or specific
13 rules contained in the ordinance. ***Special exceptions authorized under this paragraph shall***
14 ***be valid if exercised within 2 years from the date of final approval, or as further extended***
15 ***by local ordinance or by the zoning board of adjustment for good cause, provided that no***
16 ***such special exception shall expire within 6 months after the resolution of a planning***
17 ***application filed in reliance upon the special exception.***

18 93:3 Effective Date. This act shall take effect 60 days after its passage.

19 Approved: June 20, 2013

20 Effective Date: August 19, 2013