

## EXPLANATION OF TERMS USED IN ZONING

**Abutter.** Someone whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land. Your next-door neighbor is an abutter, as well as the neighbor directly across the street, but the neighbor two doors down is not, strictly speaking, an abutter. However, because certain zoning notices must be given to persons owning land within 200 feet of property to be developed, the term “abutter” is sometimes used to describe anyone whose property is not more than 200 feet away.

**Accessory use.** A use that is “customarily incidental and subordinate to the principal use of the land or building.” A garage or toolshed is an accessory use to the principal use of property as a dwelling.

**Aggrieved party.** Essentially, an aggrieved party is someone whose property may be injured by a proposed development on nearby property. (See p. 67)

**Cluster zoning.** A site planning technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and/or preservation of environmentally, historically, culturally, or other sensitive features and/or structures. (See p. 9)

**Community Residence.** A generic term for various kinds of group homes, such as homes used to care for children or adults, homes for people with mental or physical disabilities, and homes temporarily housing certain kinds of people in need. However, a halfway house or substance abuse treatment facility is not a community residence. (See p. 22)

**Comprehensive plan, community comprehensive plan.** The overall plan of development for a city or town. (See p. 17)

**Condemnation.** (See p. 6)

**Density, residential.** The number of dwelling units allowed on a single lot or other unit of land, often expressed as so many dwelling units per five or ten thousand square feet of land; e.g., five dwelling units per 5,000 square feet of land.

**Develop, development.** To develop land is to physically change it in order to put it to some use. Selling Christmas trees in a vacant lot is not development, but putting up a permanent stand for selling Christmas trees, even seasonally, is development.

**Development plan review.** (See p. 53)

**Dimensional variance - see Variance.**

**Dwelling unit.** Either a house or an apartment or other portion of a building providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit must have a separate door to the outside or to a corridor leading to the outside. A room in a hotel or rooming house is not a dwelling unit.

**Eminent domain.** (See p. 6)

**Estoppel, equitable estoppel.** A legal concept that bars a person from a right that he or she would otherwise have because of that person's own conduct. For example, a person who assists a neighbor in building a shed, or watches a neighbor build a shed without objecting, may be *estopped* from later claiming that it was built too close to the property line. Estoppel does not usually apply to municipalities; e.g., the fact that a town does not object to one person's zoning violation does not bar enforcement against others for the same violation.

**Floating zone.** An unmapped zoning district that is established on the zoning map only when an application for development meeting the zone requirements is approved.

**Family.** (See p. 22)

**Frontage.** The length of the street-side boundary of a lot.

**Grandfathered use** - see **Nonconforming use**.

**Home occupation.** A business conducted within a house by someone who lives there. The business must not be the primary use of the property; sometimes zoning ordinances limit the scope of the business activity to a percentage of the space in the house, such as 25 percent. Other common restrictions on home occupations include prohibiting (or permitting only one) non-resident employees, limiting signs, and forbidding retail sales (or allowing only professional offices and certain other businesses).

**Household.** One or more persons, related or unrelated, living together in a single dwelling unit like a family, with all residents having the use of the kitchen and all living areas. (See p. 22)

**Incentive zoning.** The authority of a city or town to grant "additional development capacity" in exchange for the developer's provision of a public benefit or amenity, if allowed by the local zoning ordinance. This means, for example, that a housing development may be allowed to have more units than the law allows if the developer will also provide (or pay for) bicycle paths, a playground, etc. (See p. 8)

**Inverse condemnation.** (See p. 6)

**Land development project.** (See p. 8)

**Lot coverage.** That portion of a lot that is or may be covered by buildings and accessory buildings, expressed as a percentage of lot size; e.g., 20% lot coverage allowed.

**Merger.** A combination of two or more smaller lots to form one larger lot. Under some circumstances, merger may be required by a *merger ordinance*. (See p. 47)

**Mixed use.** A mixture of land uses within a single building or development; e.g., mixed residential and commercial uses (houses and shops).

**Modification.** (See p. 29)

**Nonconforming use.** A lawfully established use of land or a building that is no longer lawful, usually because of an amendment to the zoning ordinance. For example, a hotel in a residential district is a nonconforming use if the zoning ordinance currently prohibits hotels in residential districts (or allows them only with a special-use permit) but the hotel opened for business before the zoning ordinance was enacted, or at a time when the ordinance allowed hotels in residential districts as a matter of right. (See p. 42)

**Nonconforming by dimension.** A building or lot that does not now meet the dimensional requirements of the zoning ordinance, although it did when it was built or platted. For example, a house that is three feet from the side lot line is nonconforming by dimension if the zoning ordinance requires a ten-foot setback in that district. (See p. 43; see also **Substandard lot**)

**Nuisance.** (See p. 7)

**Overlay district.** A special kind of zoning district that is superimposed on top of another district (or districts, or parts of districts) and imposes certain requirements in addition to the requirements for the underlying district.

**Permitted use.** A use of land allowed as a matter of right; i.e., no variance or special-use permit required.

**Planned development.** (See p. 8)

**Setback.** The distance away from each of the lot boundary lines (front, side, and rear) that marks the minimum distance from the boundaries to any building or structure placed on the lot. For example, if the front setback is 20 feet, a building may not be built closer than 20 feet to the sidewalk.

**Special-use permit.** Permission granted by a zoning board to use property

for certain kinds of uses that are prohibited without such permission. (See p. 30)

**Substandard lot.** A lot that is nonconforming by dimension because it does not meet one or more of the minimum dimension requirements for a lot in the district in which it is located. A lot that has only 80 feet of frontage, or is 9,000 square feet in size, is a substandard lot if the ordinance requires 100 feet of frontage, or requires 10,000 square-foot lots in that district. (See also **Nonconforming by dimension**).

**Variance.** Permission granted by a zoning board to use property for a use that is prohibited by the zoning ordinance (use variance or true variance) or for a use that is not prohibited but is located in a building or on a lot that does not meet the dimensional requirements of the ordinance (dimensional variance, regulatory variance, or deviation). (See p. 23)

**Zoning certificate.** A document signed by the zoning enforcement officer that states whether a particular lot, building, or use of land meets applicable zoning requirements, or is nonconforming (see **Nonconforming use** and **Nonconforming by dimension**), or is subject to a valid special-use permit (see **Special-use permit**) or variance (see **Variance**).

**Zoning map.** An official map, usually maintained in the city or town hall, that shows the boundaries of all zoning districts in the municipality. The zoning map is part of the zoning ordinance.