

Lots, Lot Lines, Setbacks, Frontage

GENERAL

LOT AREA

The total horizontal area within the lot lines.

- ❖ **If in an Overlay Zone, apply the specific overlay standard**
- ❖ **There are no deductions for RW's, easements, wetland/waterbodies, etc.**

SETBACK

That portion of a lot which runs parallel to the lot boundaries, the width of which is established by this chapter, and in which no regulated improvements, including, but not limited to, building, structures and parking shall be placed unless otherwise permitted by this chapter. To determine if the improvements are in compliance with the above, the distance at which any improvement is located *from a property line shall be measured as a horizontal distance from the property line to the nearest part of the improvement.*

- ❖ **“Regulated improvements” are any structure(s) specifically noted by this ordinance**
- ❖ **Setbacks are not taken from a RW edge, they are only from property lines**
- ❖ **Setbacks do not apply to non-regulated improvements, steps, and structures which are not elevated above the ground unless specifically regulated by this ordinance (such as certain parking and access drives). This is consistent with 225-14C-1b**

Exception to Front Setback in 225 Attachment 2; Table of Dimensional Requirements:

- Note-A: The front setback may be reduced to the average of the front setbacks of existing structures on adjacent properties, however the front setback may not exceed the maximum allowable setback as specified in the Table of Dimensional Requirements.
 - ❖ **By design, this exception allows uniformity between front setbacks of properties within close proximity to each other, it is not limited to properties that abut each other or to properties that are located in the same zoning districts. Simply, a regulated structure on one lot may meet average front setbacks of like structures on nearby lots, whether they are regulated or not on those lots.**

SETBACK FROM WATER

The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

DETERMINE LOT TYPE

BACK LOT

A lot with no frontage on a public or private road, or a lot with twenty-five (25) feet of frontage on a public or private road, developed in accordance with § 225-17G

- ❖ See 225-17G for standards
- ❖ A Backlot is specific and not a Lot, Corner Lot, Interior Lot, or Through Lot as defined.
- ❖ Backlots are not contained in the definition of Front Lot Line, as a result there is no front or rear lot line; all lot lines of a Backlot are Side Lot Lines as defined
- ❖ Overlays apply where applicable

LOT

A parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incidental to them, including such open spaces as are required by this chapter, *and having frontage* upon a public street, *right-of-way* or private way and otherwise meets all dimensional requirements of this chapter.

- ❖ A Lot is required to have frontage
- ❖ “right of way” means “a legal right of passage over another person’s ground”

CHOOSE SPECIFIC LOT TYPE

LOT, CORNER

A lot with at least two contiguous sides abutting upon a street or right-of-way

- ❖ “right of way” means “a legal right of passage over another person’s ground” which includes “streets”, “private roads”, and other rights of way

LOT, INTERIOR

Any lot other than a corner lot

- ❖ **Correction:** Insert “*or a Through Lot but excluding Backlots*” at the end of the statement

LOT, THROUGH

Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way and bodies of water shall be considered frontage, and front yards shall be provided as required.

- ❖ Yards are not regulated by the zoning ordinance, refer to *Setbacks*

DETERMINE THE LOT LINES

LOT LINES

The lines bounding a lot as defined below:

A. FRONT LOT LINE:

- ❖ There may be a Front Lot Line but a front setback may not apply.
Example: The edge of a right of way contained within the lot that is the front lot line would not require a setback from it.
- ❖ There is no requirement that a lot have a front lot line, without a front lot line there is no rear lot line and all lines are recognized as sides
- ❖ Backlots are not contained in the definition of Front Lot Line, as a result all lot lines of a Backlot are Side Lot Lines as defined

(1) On an interior lot, the line separating the lot from the *street* right-of-way.

- ❖ If there is not a “Street” as defined and approved under chapter 185, there is not a front lot line
 - Note: A “Private Road” defined in 225-6 is not a street
- ❖ This “line” could be a street right or way line or the lots property line that abuts the street.
 - Note: Setbacks are not taken from a RW edge, they are only from property lines subject to def. “Setback”.

(2) On a corner or through lot, the line separating the lot from either *street* or *right-of-way*.

- ❖ Topsham’s historical interpretation on corner and through lots has been to let the lot owner choose the Front Lot Line, the remaining lines along streets/RW’s are side lines
- ❖ This “line” could be a street right or way line, the lots property line that abuts the street, or the edge of a private road.
 - Note: Setbacks are not taken from a RW edge, they are only from property lines subject to def. “Setback”.
- ❖ “right of way” means “a legal right of passage over another person’s ground” which includes “streets”, “private roads”, and other rights of way

B. REAR LOT LINE

The lot line opposite the front lot line.

- ❖ On a lot without a Front Lot Line, there is no Rear Lot Line
- ❖ Consistent with B1 and C, this is a single line lying farthest from the front lot line, all other lines opposite the front lot line are side lot lines

(1) On a lot *pointed* at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line.

- ❖ **Pointed means anything other than parallel. A pointed condition may occur any time the front and rear line are not parallel**

(2) On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

- ❖ **There is only one front line as determined subject to A2, the rear is opposite this line**

C. SIDE LOT LINES

Any lot line other than the front lot line or rear lot line

- ❖ **There is no limit to the number of Side Lot Lines**

DETERMINE FRONTAGE

FRONTAGE

The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the **road** right-of-way. *Corner lots* may include continuous frontage along adjoining **streets**. When located on a *cul-de-sac*, the frontage shall be the distance from sideline to sideline, measured at the front setback line.

- ❖ **For purposes of this definition, “road right of way” and “street” have the same meaning and include “private road” and right of way**
- ❖ **“right of way” means “a legal right of passage over another person’s ground” which includes “streets”, “private roads”, and other rights of way**
- ❖ **Through Lots modify this standard and include length of abutting bodies of water measurement as frontage *see Through Lot***

FRONTAGE, SHORE

The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high-water elevation.

- ❖ **A shoreland lot must meet both *Frontage, Shore and Shore Frontage* minimum requirements (if any).**

SHORE FRONTAGE

The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline

- ❖ **A shoreland lot must meet both *Frontage, Shore and Shore Frontage* minimum requirements (if any).**

LOT, THROUGH

Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. ***All sides of through lots adjacent to streets, rights-of-way and bodies of water shall be considered frontage***, and front yards shall be provided as required.

- ❖ ***Sides* means the lot boundaries and includes all lot line types**
- ❖ **Yards are not regulated by the zoning ordinance, refer to *Setbacks***