

INDEX

- Administrative finality 32
- Adult entertainment, zoning of . . . 18
- Affordable housing 11
- Aggrieved party 36, 67
- Americans with Disabilities Act . . 19
- Anti-discrimination laws 19
- Appeal
 - Administrative 36
 - Historic district commission . . . 39
 - Planning board decision 40
 - Who can appeal? 36, 67
 - Zoning board decision 66
 - Zoning ord., adoption of . . 15, 16
- Attorneys, argument by 63
 - Testimony by 63
- Beneficial use of property 25
- Board of appeal 40
- Building codes 5
- Building height 27
- Case law 16
- Cell towers, zoning of 19
- Cemeteries, historic 9
- Certificate of appropriateness . . . 10
- Churches, zoning of 18
- Cluster zoning 9
- Community residences 22
- Comprehensive plan 17
- Comprehensive Planning and
 - Land Use Regulation Act17
- Condemnation 6
- Conditionally permitted use 30
- Conditional relief 34
- Conditions 27, 34
- Constitution, relation to zoning
 - 16, 18, 25, 42
- Constructive notice 38
- Council, role in zoning 14, 15
- Definition of zoning terms 77
- Development plan review 53
- Dwelling units, number of . . . 28, 43
- Easement 5
- Eminent domain 6
- Enabling act, zoning 3, 14
- Enforcement, generally 70
 - Delayed 71
 - Fines 74
 - Injunctions 74
 - Judicial 73
 - Private lawsuits 74
 - Vested rights 72
 - Zoning amendment, after 72
- Evidence, generally 60
 - Attorneys, testimony by 63
 - Cross-examination 62
 - Documentary 61
 - Expert witnesses 63
 - Hearsay 61
 - Knowledge of board members . . 65
 - Lay witnesses 61
 - Opinions 61, 62, 65
 - Site visits, evidence from . . . 65
 - Substantial 67
 - Unopposed expert testimony . . 64
 - Witness, board member as . . . 57
- Explanation of zoning terms 77
- Fair Housing Act 19
- Family day care homes 22
- Federal Telecommunications Act . . 19
- Federal law 18
- Frontage 28
- “Grandfathered” uses 42, 43
- Hardship 23
 - Financial burden 26
 - Self-created 24
- Height, building 27
- Historical area zoning 9
- Historic district commission 10
 - Appeals from decisions of . . . 39
 - Membership 11
 - Proceedings 11
- History of zoning 3
- Households 22
- Incentives 8
- Inverse condemnation 6
- Land Development and Subdivision
 - Review Enabling Act 4

| | | | |
|------------------------------------------|--------|------------------------------------------|------------|
| Land development projects | 8 | Appeals from decisions of . . . | 40 |
| Licensing | 6 | Referral of application to . . . | 53 |
| Lot | 4 | Voting | 8 |
| Coverage | 27 | Zoning bd., relation to | 8 |
| Size | 27 | Zoning ordinance | 15 |
| Low and Moderate Income | | Private nuisance | 7 |
| Housing Act | 11 | Public nuisance | 7 |
| Appeals under | 13 | Public policy | 5 |
| Comprehensive permit | 12 | Reasonable time | 38, 46 |
| Criteria | 12 | Recording | 38, 59 |
| Procedures | 12 | Rehabilitation Act | 19 |
| Low income housing | 11 | Relief, zoning | 21 |
| Map, zoning | 14 | Limited to same owner | 35 |
| Merger of substandard lots | 47 | Successive applications | 32 |
| Modification | 29 | Who can apply? | 52 |
| Nonconformance, concept of | 42 | Religious Land Use Act | 18 |
| Nonconforming by dimension | 43 | Remand to zoning board | 57 |
| Nonconforming use, generally | 42 | Restrictions, zoning | 21 |
| Abandoning | 45 | Restrictive covenant | 5 |
| Changing | 44 | Safety | |
| Distinguished from dimensional | | Buildings | 5 |
| nonconformities | 42 | Setbacks | 28 |
| Intent of landowner | 46 | Sex-related businesses, zoning of . | 18 |
| Notice, generally | 54 | Site plan review | 53 |
| Administrative appeal | 38 | Sources of zoning law | 14 |
| Defective notice | 55 | Special exception | 30 |
| Modification | 29 | Special uses | 21 |
| Planning board appeals | 40 | Special-use permit | 22 |
| Superior Court appeal | 69 | Spot zoning | 16 |
| Waiver of notice | 55 | Stay of proceedings | 37 |
| Zoning ordinance, adoption | 15 | Subdividing | 4 |
| Zoning relief, application for | 54 | Subdivision review | 4 |
| Nuisance | 7 | Substandard lots | 42, 47 |
| Open Meetings Law | 51, 55 | Merger | 47 |
| Open space | 9 | Substantial change | 33, 44 |
| Ordinance, zoning | 14 | Substantial obligations | 72 |
| Adoption of | 15 | Superior Court, review by | 36, 58, 66 |
| Enforcement of | 50 | Taxes, relevance of | 24 |
| Interpretation of | 50 | Time limitations | |
| Validity of | 50 | Administrative appeal | 38 |
| Parking | 28 | Advice to zoning board | 53 |
| Planned developments | 8 | Appeal to Superior Court | 68 |
| Planning, generally | 3 | Condition to zoning relief, as | 35 |
| Distinguished from zoning | 3 | Decision, recording, posting | 59 |
| Planning board or commission | 4 | Planning board, appeal from | 40 |

| | | | |
|-------------------------------------|--------------------|---------------------------------|--------|
| Zoning certificates | 70 | Development plan review . . . | 53 |
| Variance | | Filing application | 52 |
| Conditions | 27 | Forms | 52 |
| Dimensional | 26 | Hearing | 40, 56 |
| Dimensional and use | 28 | Notice | 54 |
| Distinctions between kinds of | 21 | Pre-application conference . . | 51 |
| Standards, general | 23 | Planning board, referral to . . | 53 |
| Unavailability of | 28 | Site plan review | 53 |
| Use | 25 | Who can file application? . . . | 52 |
| “Viti” standard | 26 | | |
| Vested rights | 72 | | |
| Violations, zoning | 35 | | |
| Witnesses, see Evidence | | | |
| Zoning board, generally | 49 | | |
| Advisory opinion | 51 | | |
| Alternate members | 49, 56, 59 | | |
| Appeals to | 36, 39, 40 | | |
| Appointment of members . . . | 50 | | |
| Chairperson | 61 | | |
| Conflict of interest | 57 | | |
| Decision | 57, 59 | | |
| Duties of | 49 | | |
| Enforcement, role in | 70 | | |
| Findings of fact | 57 | | |
| Hearing, see Zoning process | | | |
| Hypothetical case | 51 | | |
| Influences on | 49 | | |
| Jurisdiction | 32, 35, 50, 66 | | |
| Membership | 49 | | |
| Oath, administration of | 61 | | |
| Planning bd., relation to | 8 | | |
| Procedure, see Zoning process | | | |
| Qualification of experts | 63 | | |
| Records | 41, 59 | | |
| Remand of decision to | 57 | | |
| Removal of members | 50 | | |
| Subpoena power | 61 | | |
| Voting | 8, 37, 41, 59 | | |
| Witness, see Evidence | | | |
| Zoning certificates | 70 | | |
| Zoning enabling act | 3 | | |
| Zoning officer | 29, 36, 37, 50, 52 | | |
| Enforcement, role in | 70 | | |
| Zoning certificates, issuance . | 70 | | |
| Zoning process, generally | 51 | | |