

Question of the Week

What Does
"By Right"
or
"As of Right"
Mean?



ANSWER:

By right is a term used in zoning. It means that a proposed use of property is allowed under the provisions of the zoning laws without the need of a special permit, variance, or any other discretionary review. For example, in every residential zoning district in the Town of Manchester-by-the-Sea, you can build a single-family home by right. However, there are still many rules that limit what can actually be built. First, and most important, you must get a building permit from the Building Inspector. This means you must comply with all building codes. You also must comply with restrictions on lot size, building height, distance to the property boundary, and lot coverage. There are also rules about septic systems, availability of utilities, building near wetlands, building in water resource protection districts, and other rules to protect natural resources. By right does not mean that you are free to build whatever you want.