

PART B. ZONING DISTRICTS

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**ARTICLE X
GENERAL ZONING DISTRICT PROVISIONS**

175-31. Establishment of Districts.

The Town of Durham shall be divided into zones as set forth in Article XI. The use of land, buildings, and structures shall conform to the provisions of the zone in which it is located except as otherwise specifically provided for in this ordinance.

175-32. Zoning Map.

- A. **Official Zoning Map.** The Official Zoning Map of the Town of Durham shall show the location of the various zones set forth in Article XI. The Official Zoning Map, dated November 30, 2004, as amended, is hereby incorporated as part of this chapter and is filed with the Town Clerk. The Zoning Map and all the notations, references, district boundaries and other information shown thereon shall be as much a part of this chapter as if all were fully described herein.
- B. **Changes to the Zoning Map.** In accordance with the provisions of this chapter, if changes are made in zone district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Town Council. The entry on the Official Zoning Map shall indicate the ordinance number and the date adopted.

175-33. Zoning Boundaries.

- A. **Location of District Boundaries.** The location of the zones shall be as shown on the Official Zoning Map. Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Map, the following rules shall apply in determining the location of the boundary:
 - 1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
 - 2. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines, even if the location of such lines is inaccurately represented on the Zoning Maps or Tax Maps;

3. Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
4. Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and in the event of natural change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line;
5. Boundaries indicated as being parallel to or extensions of features indicated in paragraphs 1. through 4. above shall be so construed.
6. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
7. Any conflict between the Zoning Map and a description by metes and bounds in a deed shall be resolved in favor of the description by metes and bounds;
8. Where the location of a physical feature existing on the ground such as a wetland, water body, road, or utility right-of-way deviates from those shown on the Zoning Map, the actual location on the ground shall be used to determine the location of the zone boundary.

Where uncertainty exists as to location of any zoning district boundary, the Zoning Administrator shall make a written determination based upon these rules. If the Zoning Administrator is unable to make a determination or if a property owner does not agree with the Zoning Administrator's determination, the Planning Board shall determine the location of the Zone Boundary.

175-34. Special Provisions.

- A. ***Lots in More Than One Zone.*** Where a Zoning District boundary as established in this ordinance and as shown on the Official Zoning Map divides a lot that existed at the time of enactment of this provision, the use, dimensional, and other requirements applying to the portion of the lot in the zone with the less restrictive requirements may be applied to the portion of the lot in the more restrictive zone for a maximum of fifty (50) feet beyond the zoning district boundary. This provision shall not apply to any overlay district.
- B. ***Lots with Multiple Uses.*** When a lot contains more than one principal use, each use shall comply with all of the applicable requirements of this chapter except as otherwise specifically provided.
- C. ***Lots Crossed by Town Lines.*** Pursuant to RSA 674:53, when part of a lot in a single or joint ownership lies outside the Town of Durham, that portion of the lot within Durham shall conform to the use regulations of this chapter. In applying dimensional controls to that portion of the lot within Durham, the dimensions of the whole lot shall be considered without reference to the town line.