

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE REGARDING  
INDEPENDENT LIVING FACILITIES  
(TC140005)**

**WHEREAS**, the Durham Board of Commissioners wishes to amend certain provisions in the *Unified Development Ordinance* (UDO) regarding independent living facilities; and

**WHEREAS**, it is the objective of the Durham Board of Commissioners to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

**NOW, THEREFORE**, be it ordained that Article 5, Use Regulations; Article 10, Parking and Loading; and Article 16, Definitions, of the *Unified Development Ordinance* are amended to make the following changes set forth in the strikethroughs and underlining below:

**PART 1**

[Establish the “independent living facility” use in Article 5, Use Regulations; establish parking requirements in Article 10, Parking and Loading; establish a definition in Article 16, Definitions]

**Sec. 5.1 Use Table**

[Portions of this Section not shown remain unchanged]

**5.1.2 Use Table**

|              |  | RESIDENTIAL |     |          |          | NONRESIDENTIAL |          |          |          | PLANNED  |          |          |    | DESIGN |      |           |    |    |      |          |          |          |
|--------------|--|-------------|-----|----------|----------|----------------|----------|----------|----------|----------|----------|----------|----|--------|------|-----------|----|----|------|----------|----------|----------|
| USE CATEGORY | SPECIFIC USE                             | RR          | RS  | RS-M     | RU       | RU-M           | RC       | CI       | CN       | OI       | CG       | SRP      | IL | I      | PDR  | UC        | CC | IP | MU   | DD       | CD       | NOTES:   |
| Group Living | All group living, except as listed below |             |     | m        | m        | m              | m        | m        | m        |          | m        |          |    |        | ‡m   |           |    |    | ‡m   | m        |          |          |
|              | Commercial dorm                          |             |     | L/m      | L/m      | L/m            | L/m      | L/m      | L/m      | L/m      | L/m      |          |    |        |      | ‡L        |    |    |      | L        | L/m      | 5.3.2A   |
|              | Congregate living facility               |             |     | L/m      | L/m      | L/m            | L/m      | L        | L        | L        | L        |          |    |        | ‡L/m |           |    |    | ‡L/m | L        | L        | 5.3.2B   |
|              | Group home                               |             | L/m | L/m      | L/m      | L/m            | L/m      | L        | L        | L        | L        |          |    |        | ‡L/m |           |    |    | ‡L/m | L        | L        | 5.3.2C   |
|              | <u>Independent Living Facility</u>       |             |     | <u>m</u> | <u>m</u> | <u>m</u>       | <u>m</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |    |        |      | <u>‡m</u> |    |    |      | <u>‡</u> | <u>P</u> | <u>P</u> |

**Sec. 5.2 Use Categories**

[Portions of this Section not shown remain unchanged]

**5.2.3 Residential Use Categories**

**A. Household Living**

| <b>Characteristics:</b> Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis.  |  |  |
|---|--|--|
| <b>Principal Uses</b>   | <b>Accessory Uses</b>  | <b>Uses Not included</b>   |
| Manufactured Home, Class A or B, manufactured home park or subdivision<br>Multiplex, apartment, <del>congregate care facility with individual units that meet the definition of a dwelling unit, or retirement center apartment</del><br>Single-family detached, zero lot line, traditional house, patio house, semi-attached house, duplex, townhouse<br>Upper-story residential<br>Family care home | Accessory dwelling unit, (i.e. granny flats and mother-in-law apartments)<br>Accessory structure Ancillary indoor storage Children’s play area or equipment<br>Greenhouse or nursery not engaged in retail trade<br>Home occupation<br>In-house care for six or fewer persons<br>Private community center<br>Private garage, barbecue pit, carport, tool or garden shed, storage unit, swimming pool<br>Docks, noncommercial,<br>Apiculture<br>Limited Agriculture (City Only) | Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations)<br>Group Home (see Group Living) Nursing or convalescent house (see Group Living)<br><u>Independent Living Facility (see Group Living)</u><br><u>Congregate Living Facility (see Group Living)</u><br>Residential assisted living facility not having individual dwelling units (see Group Living) |

**B. Group Living**

| <b>Characteristics:</b> Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment. |   |   |
|--|---|---|
| <b>Principal Uses</b>  | <b>Accessory Uses</b>   | <b>Uses Not included</b>  |
| Boarding house or orphanage<br>Commercial dorm, fraternity or sorority<br><u>Congregate Living Facility</u><br>Group home<br>Hospice, nursing, or convalescent house<br><u>Independent Living Facility</u><br>Monastery, convent<br>Retirement center or life care community without individual dwelling units<br>Rooming house            | Ancillary indoor storage<br>Associated offices<br>Food preparation and dining facility<br>Recreational facility<br><u>Staff residence</u> | Alternative or post-incarceration facility (see Social Service Institutions)<br><u>Age-restricted dwelling units that do not offer services associated with independent living facilities or congregate care facilities (see Household Living)</u><br>Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations)<br><del>Congregate care facility where individual units meet the definition of a dwelling unit (see Household Living)</del><br>Family care home (see Household Living)<br>Membership club or lodge (see Indoor Recreation)<br><del>Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (see Household Living)</del> |

**Sec. 10.3 Required Parking**

[Portions of this Section not shown remain unchanged]

**10.3.1 Required Motorized Vehicle and Bicycle Parking**

**A. Parking Rates**

**4. Parking Rate Table**

| Use Category            | Specific Use                             | Motor Vehicle (MV) Spaces         | Minimum Bicycle Parking, except in the Downtown and Compact Neighborhood Tiers |
|-------------------------|--|-----------------------------------|--|
| <b>RESIDENTIAL USES</b> |  |                                   |  |
| <b>Group Living</b>     | All group living, except as listed below | 1 per 4 beds                      | Dormitories: 1 per 10 beds   |
|                         | Boarding house, rooming house            | 1 per bedroom                     | 1 per 3 bedrooms   |
|                         | Congregate living facility               | 1 per 2 units + 1 per 4 employees | 1 per 20 employees, minimum 2 spaces   |
|                         | <u>Independent living facility</u>       | <u>0.6 per unit</u>               | <u>1 per 20 units, minimum 4 spaces</u>  |

**Sec. 16.3, Defined Terms**

[Portions of this Section not shown remain unchanged]

**Independent Living Facility:** A facility consisting of a single building or group of buildings with one ownership and management in which the residents are persons at least 55 years of age, their spouses, and/or their surviving spouses, and with or without an on-site resident manager. Residents live in their own dwelling units. The facility maintains a common dining room and typically provides personal services such as transportation, banking, and/or a barber shop/hair salon; recreational activities and amenities; concierge services; and housekeeping for residents and their guests. Health maintenance services and/or treatment are not provided.

**PART 2**

That the *Unified Development Ordinance* shall be renumbered as necessary to accommodate these changes and clarifications.

**PART 3**

That this amendment of the *Unified Development Ordinance* shall become effective July 1, 2015.