

**Suffolk County Planning Commission  
Model  
Universal Design Incentive  
Local Ordinance  
Adopted March 3, 2010**

**I. Purpose and Legislative Intent**

*[To be provided by adopting local government]* May include the following language: The (Adopting local government) has determined that the availability of accessible housing opportunities is vital to the safety and welfare of persons with limited mobility including seniors and persons with either permanent or temporary disabilities.

The amendment of (Chapter/Code/Section/Article) provides for a Universal Design Incentive (UDI) permit fee structure and other benefits that reduce the cost and time needed to create Accessible and Adaptable housing. An increase in the inventory of such single and multi-family dwellings is needed to meet the needs of a growing number of residents and visitors with disabilities and for those who wish to retire in their own homes as is commonly referred to as the ability to "age-in-place".

The (adopting local government) determines to provide UDI regulation to stimulate the development of adaptable and accessible housing by offering permits for both new dwellings and for alterations to existing dwellings under an incentive based fee structure with expedited application processing.

The UDI also provides for the exemption from certain dimensional (setback) requirements for alterations to existing dwellings that are necessary to create an Accessible Entryway. Further, the UDI provides for an exemption from maximum floor area and lot coverage calculations for new and substantially altered single family dwellings. The UDI code amendment is intended to encourage and expedite the development of additional local housing opportunities for independent living.

(name of adopting local government) seeks to facilitate the alteration of existing homes and the construction of new single and multi-family dwellings that are accessible or may be readily made accessible for seniors and other persons with limited mobility such as persons with disabilities. Therefore, pursuant to (Section/Chapter\_\_\_\_) is amended/added to expand the inventory of housing opportunities that are defined as accessible or adaptable.

**II. Findings**

*[To be provided by adopting local government]* May include the following language: (adopting local government) finds that the inclusion of certain accessible and adaptable dwelling design features into the construction of new dwelling units as well as the alteration of existing dwelling units will allow seniors and persons with disabilities greater opportunity to occupy or visit homes within (name of adopting local government) and, to age in place which avoids the considerable cost to retirees, their families and often to the State of New York for unnecessary and unwanted residencies in assisted living or nursing care facilities.

**III. Definitions.** For the purpose of this [ordinance/chapter], the following terms shall mean:

**Accessible:** Consistent with or as defined by the New York State Building or (name of municipality) Code, Chapter/Section \_\_\_\_\_ and/or ANSI A117.1.

**Accessible Door:** As defined by ANSI 117.1 and commonly provides for a 36" door that when hung in the standard manner provides a minimum clearance of 32 inches with no more than ¼" beveled thresholds and equipped or easily refitted with lever – type door handles.

**Accessible Entryway:** A step-free entry at any opening of the dwelling (front, back, side, garage), the path to which from the driveway or public sidewalk is an unobstructed walkway of at least 36" in width with an approach slope of not more than 1:12.

**Adaptable:** Consistent with or as defined by the New York State Building or (name of municipality) Code, Chapter/Section \_\_\_\_\_ and/or ANSI A117.1 and commonly referred to as living space which may be readily converted without demolition and with minimal effort and cost into living space that is accessible.

**ANSI A117.1:** The most current version of the "Standard on Accessible and Usable Buildings and Facilities", commonly known as "ICC/ANSI A117.1", published by the International Code Council and American National Standards Institute, Inc.

**Bathroom:** As defined by the New York State Building (name of municipality) Code Section \_\_\_ and commonly containing a toilet (water closet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub. It includes a compartmented bathroom in which the fixtures are distributed among interconnected rooms.

**Building Department:** As defined by the New York State Building or (name of municipality) Code Chapter/Section \_\_\_\_\_.

**Building Official:** As defined by the New York State Building or (name of municipality) Code Chapter/Section \_\_\_\_\_.

**Common Use Room:** As defined by the New York State Building or (name of municipality) Code Section/Chapter \_\_\_ and generally identified as a room commonly used by residents or guests to congregate

**Dwelling Unit:** As defined by the New York State Building or (name of municipality) Code Chapter/Section \_\_\_\_\_.

**Flex Room:** A common use room that can be converted to a private bedroom without demolition, with the exception of that which is required for installing a door in an existing wall opening. A flex room must meet governing code requirements for future use as a bedroom including egress and smoke detection.

**Kitchen:** As defined by the New York State Building or (name of municipality) Code Chapter/Section \_\_\_\_\_.

**Powder Room (A.K.A. ½ Bath):** As defined by the New York State Building or (name of municipality) Code Chapter/Section \_\_\_\_\_ and commonly referred to as a room containing a toilet (water closet) and lavatory (sink), but no bathtub or shower. It includes a compartmented powder room in which the fixtures are distributed among interconnected rooms.

**IV. Universal Design Incentive (UDI):** The (adopting local government) provides a level of new building or alteration permit fee reductions as it deems sufficient to encourage the expedited development of new dwelling units or the substantial alteration of existing single and multi-family dwelling units that are to be accessible or adaptable for persons with either temporary or permanent disabilities.

The UDI regulation provides substantial building permit fee reduction (UDI permit fee that is 50% less per \$1,000 in value of improvement than the standard building permit is recommended) for the development or redevelopment of fully accessible or adaptable dwelling units.

The UDI may also include expedited building permit application review and exemptions from dimensional regulations and lot coverage limitations for the installation of certain Universal Design features required for access to an existing dwelling unit. For pre-existing non-conforming dwelling units and lots, dimensional and lot coverage limitations may only be waived by the building official upon review and approval of the zoning appeals agent of the (adopting local government). Application for such shall be considered without charge provided relief is sought exclusively for the universal design features.

The UDI may further provide for exemptions from dimensional regulations and lot coverage restrictions for the additional first floor area required to provide space sufficient to construct a new or substantially altered dwelling unit that provides one accessible or adaptable bathroom in lieu of a powder room and, one flex room or accessible bedroom accessed from the accessible living areas and entryway.

**To qualify for the Universal Design Incentive, applications for a new and substantially altered existing single or multi-family dwelling units must meet all of the following four requirements:**

**1. Accessible Entryway And Accessible Internal Route of Travel**

- 1a. One unobstructed walkway of at least 36" in width with an approach slope of not more than 1:12 from the driveway or public sidewalk to the accessible entranceway.**
- 1b. One step-free entry at any opening of the dwelling (front, back, side, garage) that is identified as the accessible entryway.**
- 1c. All exterior hinged doors shall be accessible doors with a minimum of 32" internal clearance and with no more than 1/4" beveled thresholds and equipped or easily refitted with lever – type door handles.**
- 1d. All interior hinged doors with landings shall be a minimum of 36" wide (32" internal clearance) with no more than 1/4" beveled thresholds and equipped with or easily refitted with lever – type door handles.**
- 1e. One dedicated power source at all interior stairs leading to habitable space for possible future stair lift installation.**
- 1f. Accessible route connecting the accessible entryway with all accessible dwelling space including the accessible powder room, bathroom, kitchen, flex room or bedroom and other common use rooms on the accessible level of the dwelling.**

**2. Accessible bedroom or flex room on ground/first floor of dwelling**

- 2a. Accessible bedroom on ground/first floor.**

**OR**

**Flex room on ground/first floor. Floor plan design to demonstrate how common use room can be converted into a private bedroom without demolition, except for that which is required for installation of a door in an existing wall opening.**

**3. Accessible or adaptable kitchen**

- 3a. Accessible or adaptable kitchen consistent with requirements of ANSI A117.1.**

**OR**

**As defined by the building official, a Kitchen that provides adequate wheelchair access and circulation with accessible light, vent, oven and stovetop controls as well as breakaway cabinetry under the sink for ease of future modification for wheelchair accessibility.**

**4. Accessible bathroom or adaptable powder room on ground/first floor**

- 4.a Interior 60" clear turning radius.**

- 4b. **Wall blocking for future grab bars installed per ANSI A117.1**
- 4c. **Faucet/s to be lever-type and preferably single lever or are easily refitted for such.**
- 4d. **Step-free tub or roll-in shower with wall blocking and grab bars per ANSI A117.1.**

**OR**

**Sufficient space for future accessible shower or accessible bath that does not encroach on required 60" turning radius. Adaptable plumbing to be provided for future installation of a step-free tub or roll-in shower to be brought to floor and walls and capped-off for future use. Install ANSI A117.1 complaint wall blocking for future grab bars.**

**V. Exemption from dimensional regulation for construction of a temporary Accessible Entryway to an existing single family dwelling unit.**

The UDI provides a temporary exemption from dimensional (building setback) requirements for alterations, such as an ADA compliant wheelchair ramp or lift, to existing dwellings that provide one Accessible Entryway for persons with qualifying disabilities. Such temporary exemption shall be granted by the building official and shall remain in effect for the life of the qualifying individual resident.

A UDI exemption from dimensional requirements is to be granted only when the building official determines that there is no practical and conforming accessible pathway to any entry which may be deemed by the building official to be the Accessible Entryway.

This exemption does not apply to designated historic landmarks or to contributing properties located within designated historic districts. However, exemptions for such properties may be authorized by the building official upon review and approval of the landmark regulatory agent of the (adopting local government).

**VI. Exemption from certain dimensional regulations and lot coverage restrictions for the minimum additional living area required to achieve the following:**

- a. One accessible bathroom or adaptable bathroom that is accessed from the accessible first or ground floor living area and from both the Accessible Entryway of the dwelling unit and the accessible interior route of travel and,
- b. One accessible bedroom or flex room which is accessed from the accessible first or ground floor living area and from the accessible entryway of the dwelling unit as well as the accessible interior route of travel.

**Footprint Bonus A** – UDI exemption of 50 square feet from dimensional requirements (building setbacks) and lot coverage restrictions is granted for living area which equals the difference between that which is needed to construct a minimum sized powder room and an adaptable or accessible bathroom.

**Footprint Bonus B** – UDI exemption of 100 square feet from dimensional requirements (building setbacks) and lot coverage restrictions is granted for the construction of additional living area on the ground or first floor that can be identified by the building official as a 10' x 10' accessible bedroom or flex room. The accessible bedroom or flex room shall not preclude the continued use of first or ground floor living areas customarily known as the living, dining and kitchen common use rooms. To qualify for Bonus B, applicants must apply concurrently for Bonus A.

### **Special Provisions:**

1. Exemptions may not be applied to new or substantially renovated dwelling units that are otherwise required to be accessible pursuant any other regulation including the Fair Housing Act, New York State or Suffolk County accessibility standards and requirements.
2. Exemptions may not be applied to building applications for dwelling units of over 2,400 square feet (the adopting local government may consider limiting dimensional relief to parcels no larger than 20,000).
3. Pursuant to footprint Bonus A and B, front and rear exterior walls may encroach into minimum building setback lines five feet maximum for a total of 150 square feet when ground floor accessible bathroom and flex room as defined in this code are incorporated into the plan documents and approved by building official.
4. Exemption from dimensional and lot coverage requirements do not apply to pre-existing non-conforming dwelling units and non conforming lots unless authorized by the zoning appeals agent of (the adopting local government). Such applications shall be considered without charge by said agent.
5. (Adopting local government) authorizes the reduction in application fees for applications to alter existing dwelling units that demonstrate to the satisfaction of the building official that compliance with all four required universal design features is impracticable due to constraints which are not self imposed.

## **VII SEQRA**

Determination to be provided by adopting local government and may include the following language:

The (name of local municipality) being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that this ordinance constitutes a Type II Action pursuant to Section 617.5(c)(2), 617.5(c)(20) and 617.5(c)(27).

Effective Date: \_\_\_\_\_