

ARTICLE IV Universal Design [Adopted 12-23-2002 by L.L. No. 52-2002 Editor's Note: This local law also provided that applications for SC-44, and MFPRD developments which received final conditional approval by the date of adoption of this local law would be exempt from the provisions of this article.]

§ 123-30. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ACCESSIBLE DESIGN — Generally refers to houses or dwellings that meet specific requirements for accessibility. These requirements are found in state, local, and model building codes, and the regulations of the Fair Housing Amendments Act of 1988, the American National Standards Institute (ANSI) standards, and the Americans With Disabilities Act (ADA) accessibility guidelines. These regulations, guidelines and laws dictate standard dimensions and features, including but not limited to door widths, clear space for wheelchair mobility, countertop heights for sinks and kitchens, audible and visual signals, grab bars, switch and outlet height.

ADAPTABLE DESIGN — Allows some features of a building or dwelling to be changed to address the needs of an individual with a disability or a person encountering mobility limitations as he/she ages. Essential design elements such as wider doorways and halls and barrier-free entrances are included as integral features, while provisions are made for features to be adapted (modified or added) as needed. To meet the definition of "adaptable," the change must be able to be made quickly without the use of skilled labor and without changing the inherent structure of the materials. For example, bathroom walls may be designed with additional supports or reinforcements between wall studs for future installation of grab bars.

UNIVERSAL DESIGN — The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

VISITABLE DESIGN — Refers to homes that are not only accessible to guests with disabilities visiting the homes of nondisabled hosts, but to the future needs of the nondisabled residents as well.

VISITABILITY — A design criterion that affords all persons basic access to residential buildings. Access features to visitable homes include a zero-step entrance, accessible hallways, and bathrooms with doors wide enough for a wheelchair user to enter. Such features on the first level of a dwelling make the home visitable to guests with disabilities and can help a resident adapt in his/her home should the resident's needs change due to disability, age, or reduced mobility.

§ 123-31. Purpose; legislative findings.

- A. The Town of Southampton has enacted certain provisions in its Zoning Code to provide for increased housing opportunities and lifestyle options, consistent with the recommendations of the Town of Southampton Master Plan of 1970 and the 1999 Comprehensive Plan Update. Community planning objectives encourage that the Town enable a wide variety of housing types and, more particularly, to help make possible housing opportunities with purchase and rental costs in keeping with the financial means of the Town's residents who have low or lower-middle incomes. Given that there are many economic factors impacting young adults, families, and senior citizens, including but not limited to limited or fixed

incomes, physical restrictions, and the rapidly accelerating costs of purchasing and maintaining a single-family residence, the Town Board has enacted legislation to provide for such multifamily housing, congregate senior housing, and retirement communities within the Town on a floating zone basis.

- B. The purpose of this article is to require that, to the extent practicable, new developments designated as senior housing or multifamily housing should incorporate the adaptable design and visitable design concepts of universal design, respectively, to reduce problems meeting requirements for accessibility pursuant to the Americans With Disabilities Act (ADA) and Fair Housing Act Amendments (FHAA).
- C. Universal design, as defined in § 330-5, **Editor's Note: See also § 123-30.** is a flexible, inclusive process aimed at enabling all occupants access regardless of size, age, or abilities, including but not limited to accessibility code compliance. The diverse needs of the development's population should be accommodated in a cost-effective yet dignified and pleasant manner assuring a convenient, safe, and secure environment for all persons residing in such development, whether active or physically challenged, youthful or elderly.
- D. Visitability, as defined in § 330-5, **Editor's Note: See also § 123-30.** is a design criterion that affords all persons basic access to residential buildings. The visitability standard is lower than full accessibility. Therefore, visitability is not the same as the Americans With Disabilities Act (ADA) or the National Rehabilitation Act of 1973, Section 504, Compliant accessibility, or the Fair Housing Act Amendments of 1988 (FHAA). Buildings of four or more units require compliance to FHAA standards and will automatically be visitable; however, visitable dwellings are not necessarily FHAA-compliant.
- E. The Town Board finds that incorporation of certain universal design features in the design of certain housing developments is in the best interests of the likely occupants of the housing complex, future occupants, and the community at large. Such features on the first level of a dwelling provides basic access and makes the home visitable to guests with disabilities and can help a resident adapt in his/her home should the resident's needs change due to disability, age, or reduced mobility.
- F. Constructing units with visitable design includes a zero-step entrance; wider doors and passageways within the dwelling; locating at least one bathroom or powder room on the accessible entry floor and the ability to install grab bars safely and conveniently within such bathrooms.
- G. The methods of achieving a zero-step entrance include consideration of grade when planning the site of multifamily housing and senior housing developments. Grading an accessible route flush with the entrance of a unit is typically less costly than constructing a ramp, and often less than installing steps. Angling doorways at the end of hallways eases entry for persons using mobility aids. Exterior accessible routes should be considered when designing the site. Moreover, accessible routes and wider doorways make movement of people, furniture, baby strollers, and assistive devices such as wheelchairs, walkers and crutches safer and easier.

§ 123-32. Terms and exclusions.

- A. As used in this chapter, the term "high-density residential development" generally refers to housing developments where the Suffolk County Department of Health Services indicates the need for a sewage treatment facility, rather than an on-site conventional subsurface sanitary system (e.g., cesspools).

- (1) Suffolk County Department of Health Services utilizes the following land use classifications for residential properties in the Town of Southampton, based upon planning studies associated with Peconic Estuary Program and South Shore Estuary Reserve Program:
 - (a) Low density: greater than or equal to one acre for single-family homes; greater than or equal to two acres for two-family homes ("duplexes"); greater than or equal to three acres for three-family homes (triplexes).
 - (b) Medium density: between 0.2 and one acre for single-family homes; between 0.4 and 2.0 acres for two-family homes ("duplexes"); between 0.6 and 3.0 acres for three-family homes (triplexes).
 - (c) High density: less than or equal to 0.2 acre for single-family homes; less than or equal to 0.4 acre for two-family homes (duplexes); less than or equal to 0.6 acre for three-family homes (triplexes).
 - (2) High-density residential land uses include mobile home parks, apartment buildings, residential cooperatives, and residential condominium complexes.
 - (3) High-density residential developments may also include a concentration of detached dwelling units in which the underlying residential zoning has been superseded by a floating zone designation and the density has been more than doubled, typically to achieve community planning objectives such as, but not limited to, housing units set aside for low-to-moderate-income persons or the elderly.
- B. Although likely classified as high-density residential land uses, two-family and three-family dwellings (i.e., duplexes and triplexes) to be constructed on single and separate lots in permitted zoning districts shall not be subject to the requirements of this article unless there is a multitude of such dwelling units being constructed in any one development project in the context of a Planned Development District (PDD), Senior Citizen Housing Project (SC-44), or Multifamily Housing Project (MFPRD).
- C. Nothing herein shall be construed as to require single-family detached dwellings to be constructed on single and separate lots created by typical subdivision plat to be conforming to accessible, adaptable, or visitable design elements of universal design.
- D. Nothing herein shall be construed as to require detached mobile homes to be sited on lots within a permitted Mobile Home Subdivision Residence Zone (MHS-40) to be conforming to accessible, adaptable, or visitable design elements of universal design.

§ 123-33. Certain design concepts of universal design required.

- A. For high-density residential developments designated as "senior housing" and approved on a floating zone basis pursuant to Chapter 330, Article III, Senior Citizen Zone, SC-44, or § 330-246, Planned Development Districts, PDD, the following supplemental adaptable design development standards shall be required to the extent practicable for all architectural housing prototypes, including but not limited to townhouses and attached two-, three-, or four-family dwellings. The specific universal design standards cited are supplemental to, not in substitution of, other existing federal and state requirements which may impact accessibility and fair housing provisions of the residential development.
- (1) Zero-step entrance. For housing units located on the ground floor, there shall be at least one stepless entrance to the dwelling, with a wheelchair-accessible walkway

leading to it, unless it is impractical to do so because of terrain or unusual characteristics of the site.

- (a) Only one zero-step entrance is required to be accessible to any one ground floor dwelling unit. The stepless entrance may be located at the front, rear, side or within an attached garage. There shall be less than a one-half-inch rise.
 - (b) It is preferred that the doorway utilized for the stepless entrance provide at least 34 inches' clear passage. A thirty-six-inch door, hung in the standard manner, provides such accessible entrance. If sliding doors are used for the stepless entrance, those with the lowest bottom track shall suffice, and at least a thirty-four-inch clear opening is preferred.
 - (c) A sidewalk or driveway being utilized as the accessible route to the stepless entrance must have a slope no greater than 1:12. The ratio of length to height should be a foot long for every inch in height, and less steep whenever possible. Ramps for accessible routes are permitted for slopes greater than 1:20.
 - (d) Site impracticability due to unusual circumstances. An accessible route to a building entrance is impracticable when the unusual site characteristics result in a difference in finished grade elevation exceeding 30 inches and 10%, measured between an entrance and the closest vehicular or pedestrian arrival points.
 - (e) The Building Inspector may waive the requirement of a stepless entrance if the applicant demonstrates that the topographical conditions of the site will create an undue hardship. The Building Inspector shall refer such request for a waiver to the Town Planning Board for review and recommendations, prior to making a final determination. A decision shall be made on the request for a waiver of the stepless entrance requirement no later than the 30th day after receipt of the request and supporting documentation.
- (2) Doorways and passageways.
- (a) All doors on the ground floor (including bathrooms, walk-in closets, and any door intended for human passage) shall have at least a thirty-two-inch clear opening.
 - (b) A thirty-four-inch door, hung in the standard manner, provides the acceptable nominal thirty-two-inch clear opening. Pocket doors or sliding doors are acceptable doors and have the added advantage of not impinging on clear floor space in small rooms.
 - (c) Levered door hardware is preferred, but not required. This universal design feature makes it easier for all people, particularly the elderly, to gain ingress and egress through closed doors.
 - (d) All hallways and room entrances on the ground floor shall be at least 36 inches wide for an accessible route through the dwelling.
- (3) Convenience facilities.
- (a) There shall be at least one bedroom located on the ground floor. A den, library, studio or family room may be considered as a bedroom to satisfy this requirement.
 - (b) There shall be at least 1/2 bathroom (powder room) located on the ground floor, and it shall be designed with thoughtful arrangement of fixtures or sufficient floor space to allow an individual using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit.

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- [1] Bathroom entry door may swing out or into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering space may include any knee space or toe space available below bathroom fixtures.
 - [2] A sixty-inch turning radius in the ground floor bathroom is preferred, but not required, and the clear space under a wall-hung lavatory can be included in this measurement.
- (4) Adaptability features. All dwelling units shall be constructed with a keen sensitivity to allow for future renovations as age, mobility, or health conditions of occupants or future occupants may necessitate accessibility improvements.
- (a) Bathrooms. Reinforcements or what is commonly referred to as "blocking" shall be provided between wall studs around the toilet and the bathtub/shower areas to conveniently and safely allow for future installation of grab bars, commencing at a height of 32 inches from the floor, extending at least to a height of 38 inches from the floor. Reinforcements may be provided by way of plywood or wood blocking.
 - [1] Behind the toilet, a minimum twenty-six-inch-wide reinforced area is required which safely accommodates a twenty-four-inch grab bar and provides proper backing for attachment flange. Where a toilet is adjoining a side wall, a minimum twenty-six-inch-wide reinforced area is required which safely accommodates a twenty-four-inch grab bar and provides proper backing for attachment flange. For a side wall adjoining a toilet, a forty-two-inch wide reinforced area is preferred which safely accommodates a forty-two-inch wide grab bar and proper backing for flange.
 - [2] Along a tub wall, reinforcements shall be at least 50 inches wide which safely accommodates a forty-eight-inch grab bar and provides proper backing for flange. Side walls shall have a minimum twenty-six-inch wide reinforced area, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.
 - [3] Inside a shower stall, reinforcements shall be at least 26 inches wide on each side adjoining a wall, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.
 - (b) Light switches and other environmental controls shall have operable parts located in accessible locations, no higher than 48 inches from the floor and no lower than 15 inches above the floor.
 - [1] Controls or outlets that do not satisfy these requirements are acceptable, provided that comparable controls or outlets (i.e., that perform the same functions) are provided within the same general area and are accessible.
 - (c) Kitchens shall be designed with thoughtful arrangement of appliances and cabinetry so as to provide at least 30 inches of clear space by 48 inches lengthwise, which allows a parallel approach by a person in a wheelchair at the oven range or cooktop, refrigerator, dishwasher and sink.
 - [1] Clearance between counters and all opposing base cabinets, countertops, appliances, or walls is preferred to be at least 40 inches.
 - [2] In U-shaped kitchens with a sink or range or cooktop at the base of the "U," a sixty-inch turning radius is preferred, to allow a parallel approach.

Alternatively, base cabinets may be removable at that location to allow for knee space for a forward approach by a wheelchair user.

[3] A side-by-side refrigerator-freezer appliance is preferred, but not required, as a universal design feature which allows easier access for all people.

B. For high-density residential developments designated as "multifamily housing" and approved on a floating zone basis pursuant to Chapter 330, Article IV, Multifamily Planned Residential Development, MFPRD, or § 330-246 Planned Development District, PDD, the following supplemental visitable design development standards shall be required to the extent practicable for all architectural housing prototypes, including but not limited to townhouses, attached two-, three-, or four-family dwellings, excluding single-family detached dwellings. The specific universal design standards cited are supplemental to, not in substitution of, other existing federal and state requirements which may impact accessibility and fair housing provisions of the residential development.

- (1) Zero-step entrance. For housing units located on the ground floor, there shall be at least one stepless entrance to the dwelling, with a wheelchair accessible walkway leading to it, unless it is impractical to do so because of terrain or unusual characteristics of the site.
 - (a) Only one zero-step entrance is required to be accessible to any one ground floor dwelling unit. The stepless entrance may be located at the front, rear, side or within an attached garage. There shall be less than a one-half-inch rise.
 - (b) It is preferred that the doorway utilized for the stepless entrance provide at least 34 inches' clear passage. A thirty-six-inch door, hung in the standard manner, provides such accessible entrance. If sliding doors are used for the stepless entrance, those with the lowest bottom track shall suffice and at least a thirty-four-inch clear opening is preferred.
 - (c) A sidewalk or driveway being utilized as the accessible route to the stepless entrance must have a slope no greater than 1:12. The ratio of length to height should be a foot long for every inch in height, and less steep whenever possible. Ramps for accessible routes are permitted for slopes greater than 1:20.
 - (d) Site impracticability due to unusual circumstances. An accessible route to a building entrance is impracticable when the unusual site characteristics result in a difference in finished grade elevation exceeding 30 inches and 10%, measured between an entrance and the closest vehicular or pedestrian arrival points.
 - (e) The Building Inspector may waive the requirement of a stepless entrance if the applicant demonstrates that the topographical conditions of the site will create an undue hardship. The Building Inspector shall refer such request for a waiver to the Town Planning Board for review and recommendations, prior to making a final determination. A decision shall be made on the request for a waiver of the stepless entrance requirement no later than the 30th day after receipt of the request and supporting documentation.
- (2) Doorways and passageways.
 - (a) All doors on the ground floor (including bathrooms, walk-in closets, and any door intended for human passage) shall have at least a thirty-two-inch clear opening.
 - (b) A thirty-four-inch door, hung in the standard manner, provides the acceptable

nominal thirty-two-inch clear opening. Pocket doors or sliding doors are acceptable doors and have the added advantage of not impinging on clear floor space in small rooms.

- (c) Levered door hardware is preferred, but not required. This universal design feature makes it easier for all people, particularly the elderly, to gain ingress and egress through closed doors.
 - (d) All hallways and room entrances on the ground floor shall be at least 36 inches wide for an accessible route through the dwelling.
- (3) Convenience facilities.
- (a) Bathroom. There shall be at least 1/2 bathroom (powder room) located on the ground floor, and it shall be designed with thoughtful arrangement of fixtures or sufficient floor space to allow an individual using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door and exit.
 - [1] Bathroom entry door may swing out or into the clear floor space provided at any fixture if the maneuvering space is provided. Maneuvering space may include any knee space or toe space available below bathroom fixtures.
 - [2] A sixty-inch turning radius in the ground floor bathroom is preferred, but not required, and the clear space under a wall hung lavatory can be included in this measurement.
- (4) Adaptability features. All dwelling units shall be constructed with a keen sensitivity to allow for future renovations as age, mobility, or health conditions of occupants or future occupants may necessitate accessibility improvements.
- (a) Bathrooms. Reinforcements or what is commonly referred to as "blocking" shall be provided between wall studs around the toilet and the bathtub/shower areas to conveniently and safely allow for future installation of grab bars, commencing at a height of 32 inches from the floor, extending at least to a height of 38 inches from the floor. Reinforcements may be provided by way of plywood or wood blocking.
 - [1] Behind the toilet, a minimum twenty-six-inch-wide reinforced area is required, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange. Where a toilet is adjoining a side wall, a minimum twenty-six-inch-wide reinforced area is required, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange. For a side wall adjoining a toilet, a forty-four-inch wide reinforced area is preferred to safely accommodate a forty-two-inch grab bar with proper backing for flange.
 - [2] Along a tub wall, reinforcements shall be at least 50 inches wide which safely accommodates a forty-eight-inch grab bar and provides proper backing for flange. Side walls shall have a minimum twenty-six-inch-wide reinforced area, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.
 - [3] Inside a shower stall, reinforcements shall be at least 26 inches wide on each side adjoining a wall, which safely accommodates a twenty-four-inch grab bar and provides proper backing for flange.
 - (b) Light switches and other environmental controls are preferred, but not required, to have operable parts located in accessible locations, no higher than 48 inches from

the floor and no lower than 15 inches above the floor.

- (c) Kitchens are preferred, but not required, to be designed with thoughtful arrangement of appliances and cabinetry so as to provide at least 30 inches of clear space by 48 inches lengthwise, which allows a parallel approach by a person in a wheelchair at the oven range or cooktop, refrigerator, dishwasher and sink.

- [1] Clearance between counters and all opposing base cabinets, countertops, appliances, or walls is preferred to be at least 40 inches.

- [2] In U-shaped kitchens with a sink or range or cooktop at the base of the "U," a sixty-inch turning radius is preferred, to allow a parallel approach. Alternatively, base cabinets may be removable at that location to allow for knee space for a forward approach by a wheelchair user.

- [3] A side-by-side refrigerator-freezer appliance is preferred, but not required, as a universal design feature which allows easier access for all people.

- C. Application to new construction of single-family and multifamily dwelling units on or after the effective date of this article that is funded with financial assistance from the Town of Southampton.

- (1) As used in this section, "financial assistance" from the Town of Southampton includes real estate purchase, lease, or donation or a Town contract to provide funding or a financial benefit for housing.

- (2) For high-density residential developments designated as senior housing or multifamily housing and approved on a floating zone basis, and to be constructed through a building contract or similar contractual agreement involving a Town-funded program or financial assistance, including but not limited to federal community development block grant (CDBG) funds and Town affordable housing capital reserve funds, the supplemental adaptable design and visitable design development standards cited in § 123-33A and B, respectively, for senior housing and multifamily housing shall be required to the extent practicable for all architectural housing prototypes, including but not limited to townhouses and attached two-, three-, or four family dwellings, excluding single-family detached dwellings. The specific universal design standards cited are supplemental to, not in substitution of, other existing federal and state requirements, which may impact accessibility and fair housing provisions of the residential development.

- (3) For single-family dwellings and multifamily dwellings which are to be constructed on single and separate lots involving a Town-funded program or financial assistance, including but not limited to federal community development block grant (CDBG) funds and Town affordable housing capital reserve funds, the supplemental standards cited in § 123-33B are preferred, but not required, consistent with the fair housing policies of the United States Department of Housing and Urban Development (HUD).

- D. Waivers of the above supplemental design criteria are applicable only if it can be shown that the site conditions make the requirement impracticable or if the particular requirement significantly reduces the affordability of the housing units for the target population for which specialized zoning approval or municipal funding has been authorized to enable the high-density residential development. The applicant must provide supporting documentation that the topographical conditions of the site or inclusion of basic access features will create an

undue hardship and significantly impact the affordability of the units.

§ 123-34. Enforcement.

- A. The Planning Board shall ensure that, as a condition of site plan approval, the aforementioned specific universal design standards are to be incorporated in the architectural design by requiring that the site plans be endorsed with a stamp noting "Universal Design Required - Town Code Chapter 123" where applicable.
- B. Prior to the issuance of a building permit, the Building Inspector shall ensure that the architectural plans conform to the aforementioned specific universal design standards which have been incorporated as a condition of site plan approval and noted by endorsement on the approved site plans.
- C. Prior to the issuance of a certificate of occupancy, the Building Inspector shall ensure that the construction is consistent with the aforementioned specific universal design standards.

§ 123-35. Violations of approval or conditions; penalties for offenses.

Pursuant to § 330-184.1, any violation of the approval or conditions, including specific covenants or easements, established by the Planning Board with respect to a specific site plan application shall be deemed a violation of the Zoning Code punishable under the provisions of § 330-186.

ARTICLE V New York Energy Star Labeled Homes [Adopted 5-23-2006 by L.L. No. 25-2006]

§ 123-36. Definitions.

As used in this article and elsewhere in this Code, the following terms shall have the meaning indicated:

NEW YORK ENERGY STAR® LABELED HOMES — Any one- or two-family dwelling or multifamily dwelling (including townhouses), built to achieve a home energy rating of 86 or higher on the scale created under the home energy rating system (HERS) established pursuant to the National Home Energy Rating Technical Guidelines issued by the National Association of State Energy Officials dated September 19, 1999, and which meets the following two additional requirements:

- A. Includes a total 600-kilowatt-hours, per dwelling unit, estimated annual savings from Energy Star labeled lighting, appliances and/or ECM motors; and
- B. Is capable of delivering automatically controlled mechanical ventilation of 15 cubic feet per minute per dwelling unit plus an additional 15 cubic feet per minute per bedroom.

§ 123-37. Purpose; legislative findings.

The Town of Southampton has enacted legislation via Chapter 216 and sections within Chapter 330 to provide for increased housing opportunities for income-eligible households. In

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furtherance of this objective, the Town recognizes that rising housing costs are not only associated with initial construction but are also the result of rising energy costs. The Town recognizes that energy conservation provides not only important environmental benefits but reduces the cost of owning a home. New York Energy Star® labeled homes offer homeowners a more comfortable and healthier environment while providing significant savings on monthly energy bills, thus further assisting income eligible households to realize reduced living costs associated with home ownership.

§ 123-38. Applicability.

No certificate of occupancy shall be issued for any community benefit unit, as that term is defined in §§ 216-2 and 330-5, approved on or after the effective date of this amendment, unless the applicant provides proof to the satisfaction of the Chief Building Inspector, certifying that any such dwelling/unit is a New York Energy Star® labeled home.