

ORDINANCE NO. 1016

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS ESTABLISHING MUNICIPAL CODE SECTION 4-111 “UNIVERSAL RESIDENTIAL DESIGN”

WHEREAS, the City of Roeland Park desires to promote and preserve the public health, safety and general welfare of Roeland Park citizens and visitors by ensuring equal access to housing for all populations, regardless of age, physical ability or stature without impacting housing costs and affordability; and

WHEREAS, the City of Roeland Park desires that any person can visit the homes of their friends and families safely; and

WHEREAS, the City of Roeland Park desires to enhance the full cycle use of housing, regardless of age, physical ability or stature , in order to accommodate a wide range of individuals in all new residential development within the City of Roeland Park; and

WHEREAS, the City of Roeland Park desires that all new residential development within the City of Roeland Park incorporates design features that enhance residents’ ability to remain in their homes throughout the myriad of contexts in which people function throughout their life cycles.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROELAND PARK, KANSAS AS FOLLOWS:

Section 1. Chapter 4, Article 1, Section 4-111 of the Roeland Park Municipal Code is hereby established to read as follows:

“Sec. 4-111. – Universal Residential Design.

A. Incentive.

If an application is found to be compliant with this Section and any subsequent amendments the city shall waive the building permit fee. Any associated plan review cost or third-party consultant fees incurred by the administrative authority will still be charged commensurate with the most current fee schedule prior to permit issuance.

B. Purpose.

The purpose of this Section is to:

1. Promote and preserve the public health, safety, and general welfare of the people of the City of Roeland Park regardless of age, physical ability or stature by ensuring equal access to housing for all people without significantly impacting housing costs and affordability.

2. Ensure that all people can visit the homes of their friends and family members safely.

3. Enhance the full life cycle use of housing, without regard to the age, physical abilities or stature of a home's occupants or guests, in order to accommodate a wide range of individual preferences and abilities, in all new residential development within the City of Roeland Park.

4. Incorporate design features into residential dwelling units that enhance residents' ability to remain in their homes during all stages of life.

C. Definitions.

For the purpose of this Section, the following terms shall have the following definitions:

1. *Accessible* means standards for features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of the currently International Residential Building Code, as may be amended.
2. *Accessible bathroom* means a room containing a water closet (toilet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of the currently adopted International Residential Building Code (see Exhibit A), as may be amended, and that include blocking within the walls to support future installation of grab bar/hand rails.
3. *Accessible bedroom* means a room containing a bed and can be used for a resident or guest to sleep that includes features or fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of the currently adopted International Residential Building Code, as may be amended.
4. *Accessible common use room* means a room commonly used by residents or guests to congregate that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of the currently adopted International Residential Building Code, as may be amended.
5. *Accessible entry* means an entrance that may be used by a visitor to the residential unit that exceeds the minimum requirements of the currently adopted International Residential Building Code, as may be amended.
6. *Accessible exterior access* means an exterior accessible route from the public right-of-way to an accessible entry that is consistent with the requirements of ADAAG, as may be amended.

7. *Accessible interior access* means an accessible route from the accessible entry to the living, eating, sleeping, and/or bathroom facilities located on the primary entry level.

8. *Adaptable internal stairs* mean internal stairways and stairs with a minimum width of thirty-six (36") inches wide, top and bottom landings that provide a clear floor area that is a minimum of forty-eight (48") inches in the direction of the stair run, and the full width of the stair for the docking of a chair lift, and includes suitable and appropriate outlets at the bottom and top of the stairs to provide power for a future chair lift. Such outlets shall be located on the side of the stair that would have the lift, or one (1) on each side if the chair lift could be installed on either side.

9. *Accessible kitchen* shall mean a room or space designed to be use for cooking and the preparation and storage of food and containing a refrigerator, a sink, a stove and oven that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended.

10. *Accessible powder room* means a room containing a water closet (toilet) and lavatory (sink), but no shower, bathtub, or combination bathtub/shower, that includes features or fixtures, designs, or other improvements, which exceed the minimum requirements of International Residential Building Code, as may be amended, and that include blocking within the walls to support future installation of hand rails.

11. *Laundry facilities* means an area that is designed to accommodate facilities for the washing and/or drying of clothes.

12. *Universal design* means the specialized design of the built space, products and indoor and outdoor environments to be usable by the greatest number of people with the widest reasonable range of abilities, to the greatest extent feasible.

13. *Visitability* means enhancement of the ability of a residential dwelling unit to meet the basic needs of a wide range of guests to enter and use critical portions of the home, to the greatest extent possible, through specific design choices and decisions.

D. Scope, Application, and Intent.

1. This Section may apply to any new design that includes one or more new residential dwelling unit(s) and/or renovation(s) complying with Section 30-18.3 and submitted to the Neighborhood Services Department after the effective date of the ordinance from which this Section is derived. All such entitlements shall contain conditions sufficient to ensure compliance with the provisions herein.

2. All plans submitted for a building permit for a residential development subject to this Section shall include construction details and plans showing conformance with the applicable Sections of this Section.

3. The provisions of this Section may apply to:

- i. Rehabilitation or expansion of an existing residential unit,
- ii. Reconstruction of an existing residential unit destroyed due to fire or natural disaster,
- iii. Accessory dwelling units,
- iv. Addition of five (5) or fewer new residential units above ground floor commercial space or a parking structure without an elevator, and
- v. New Single-Family Dwelling Units

4. Any determinations regarding the application of these provisions by the Building Official may be appealed to the Planning Commission.

E. New Construction Requirements and AOR Certification.

1. *Visitability.* To ensure that all new residential dwellings units subject to the provisions of this Section meet the basic needs of a wide range of guests to enter and use critical portions of the home, all units eligible for incentive shall include the following features:

- i. An accessible exterior access to an accessible entry;
- ii. An accessible interior access from the accessible entry to an accessible powder room, accessible common use room or an accessible bedroom, and adaptable internal stairs;
- iii. Blocking within the walls to support future installation of grab bar/handrails in all bathrooms; and
- iv. If ground floor open space is provided, then an accessible path of travel to the open space shall be provided.

2. *Universal Design.* To ensure that a share of all new dwelling units are usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible, thirty (30%) percent of all new residential units in a residential development of five (5) or more units shall include the following features in order for the entire project to be eligible for incentive:

- i. An accessible exterior access to an accessible entry.
- ii. An accessible interior access from the accessible entry to an accessible bathroom, an accessible common use room, an accessible bedroom, accessible kitchen, accessible common or private open space; accessible laundry facility, and adaptable internal stairs.

iii. In determining the number of universally designed units required by this subsection, any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

iv. ***Architect of Record Certification.*** Any residential dwelling unit being constructed under these regulations shall obtain a certification of compliant construction of at least three of the modifications mentioned in Section C Definitions (items 2-11) from the Architect of Record. This certification is required as a condition of issuance for any subsequently issued Certificate of Occupancy or final inspection.

F. Waivers.

1. The Planning Commission may consider granting a waiver to any of the provisions of this Section if it is able to make one (1) or more of the following findings:

i. The requested waiver is necessary to make the findings for design review approval;

ii. The requested waiver is necessary to support the provision of affordable housing units;

iii. The requested waiver is necessary to avoid an undue and substantial financial hardship caused by topographical conditions on the site; the size or configuration of the site; and/or other site constraints; and/or legal constraints and equivalent facilitation is not available; or

iv. The requested waiver is necessary to avoid a conflict with adopted local, regional, State or Federal regulations.

2. Requests for waivers shall be transmitted to the Board of Zoning Appeals for review and comment prior to the Planning Commission consideration of the waiver.

3. When considering a request for a waiver, the Planning Commission and the project applicant may consider incorporating other features into the project to compensate for the loss of required features or to improve the accessibility of the units. Those features may include:

i. A wider front entry door of forty-two (42") inches in width.

ii. Blocking within the walls of all hallways to support future installation of grab bar/handrails.

iii. Rocker light switches, electrical receptacles, and environmental controls placed at accessible heights throughout the units.

- iv. Removable base cabinets in all bathrooms and/or kitchens.
- v. Accessible shower stalls or tubs in all bathrooms.
- vi. Accessible medicine cabinet and integral mirror in all bathrooms.
- vii. Accessible countertops with a thirty (30") inches wide workspace and/or one (1) or more fifteen (15") inch breadboards installed between twenty-eight (28") inches and thirty-two (32") inches in height in all kitchens.
- viii. Any other feature that improves the design of the unit to accommodate visitors or residents with physical or other disabilities in a way that makes it useable by the greatest number of people with the widest reasonable range of abilities, to the greatest extent possible.

4. The Planning Commission may recommend changes or revisions to this Section to the City of Roeland Park Governing Body as may be appropriate from time to time.

Section 2. This Ordinance shall become effective upon publication in the City's newspaper.

Passed by the Governing Body of the City of Roeland Park, Kansas this 7th day of September 2021.

Mike Kelly, Mayor

ATTEST:

Kelley Nielsen, City Clerk

APPROVED AS TO FORM:

Steven E. Mauer, City Attorney