

Murrieta Municipal Code Chapter 15.12

UNIVERSAL DESIGN RESIDENTIAL DWELLINGS

15.12.010 Purpose and intent.

The purpose of this chapter is to provide consistent, practical, and proven building and design requirement incorporating universal design and visitability standards that will make specified dwelling units visitable, more usable, and safer for occupancy and visitability by persons with disabilities or frailties. It is this jurisdiction's desire to enhance full life-cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests in order to accommodate a wide range of individual preferences and functional abilities. In order to enhance the ability of homeowners or renters to remain in their homes during periods of temporary, developing, or permanent disabilities or frailties, the following design criterion shall be applied.

(Ord. 370 § 1 (part), 2006)

15.12.020 Findings.

A. The city of Murrieta finds that the California Department of Housing and Community Development have determined that the provisions of the model universal design ordinance from which this chapter is derived are consistent with the requirements of California Health and Safety Code Section 17959. The city of Murrieta finds that this chapter is substantially the same as the model ordinance issued by the California Department of Housing and Community Development.

B. To the extent that the provisions of this chapter are inconsistent with the provisions of the city of Murrieta ordinances adopting the California Building Standards Code, adopted pursuant to California Health and Safety Code Sections 17922 and 18928, the provisions of this chapter shall supersede those ordinances, except as otherwise provided by law. This chapter shall not apply to any residential dwelling unit subject to and in compliance with Chapter 11A or 11B of the California Building Code.

C. The city of Murrieta finds that the regulations imposed by this chapter are reasonably necessary in this jurisdiction because:

1. According to the 2000 Census data, there were five thousand two hundred thirty-eight (5,238) residents or twelve-point nine percent (12.9%) of Murrieta's population classified on disability status. The 2000 Census data also has five thousand sixty- three (5,063) residents or eleven-point four percent (11.4%) of Murrieta's population at age sixty-five (65) and older.

2. According to a 2000 AARP survey, more than ninety percent (90%) of persons age sixty-five (65) and older would prefer to stay in their current residence as long as possible. One key method to promote continuing independence in the home is to build and incorporate a number of architecturally friendly design features into new homes as they are built.

3. Universal design, as defined by the National Endowment for the Arts, goes beyond the mere provision of special features for various segments of the population. Instead, universal design emphasizes a creative approach that is more inclusive – one that asks at the outset of the design process how a product, graphic communication, building, or landscape can be made both aesthetically pleasing and functional for the greatest number of users. Designs resulting from this approach are more likely to serve a wider array of people: individuals who have temporary disabilities, people who have permanent disabilities, and everyone whose abilities change with age.

(Ord. 370 § 1 (part), 2006)

15.12.030 Definitions.

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

"ANSI Standard" means the "American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People," also known as "ANSI A117.1," published by the American National Standards Institute, Inc.

"Accessible" means standards for features, fixtures, designs, or other improvements, which are equal to or exceed the minimum requirements of Chapter 11A, or 11B of the California Building Code.

"Accessible residential dwelling" means a residential unit subject to the requirements of this chapter by virtue of being within the scope of this chapter as defined in Section [15.12.040](#) of this chapter.

"Bathroom" means a room 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 official" as applied herein shall refer to the individual responsible for the enforcement of the California Building Standard Codes, or his or her representative. Terms such as building manager, building and safety manager, and building director shall be synonymous with that of building official.

"CBC, Chapter 11A" is Chapter 11A of the California Building Code (located in Part 2, Title 24, California Code of Regulations), or its successor provisions.

"CBC, Chapter 11B" is Chapter 11B of the California Building Code (located in Part 2, Title 24, California Code of Regulations), or its successor provisions.

"Condominium" as defined by Civil Code Section 951(f), a development where undivided interest in common in a portion of real property is coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map or parcel map. The area within the boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to any land except by easements for access and, if necessary, support.

"Constructing or construction" means all new, residential construction for which a building permit is required per local ordinance. New construction does not include additions, alterations, or remodels to existing residential buildings.

"Duplex" means detached residential structures under single ownership containing two (2) dwelling units.

"Dwelling unit" is any building or portion thereof that contains living facilities, including provisions for sleeping; eating; cooking; and sanitation for not more than one (1) family.

"New construction." See definition "Constructing or construction."

"Owner-occupied" means any residential dwelling unit not intended, at the time of application for the building permit, to be occupied as a rental dwelling.

"Powder room" means 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.

"Primary entry" means the principal entrance through which most people enter a building or residential unit, as designated by the building official.

"Rental" means any residential dwelling unit not intended, at the time of application for a building permit, to be occupied by the owner.

"Residential dwelling unit" means a dwelling unit for one (1) household in a single-family dwelling, a duplex, or a triplex, without regard to type of ownership or use, and including townhouses.

"Senior housing" means a project with a recorded deed restriction requiring the complex to be constructed, operated, and maintained as senior apartment housing for the life of the dwelling structures constructed, and that at least one (1) resident of each independent living unit shall meet the minimum age requirement of fifty-five (55) years.

"Single-family housing" means a structure designed for and/or occupied exclusively by one (1) family.

"Special design feature" means any feature, fixture, design, or other improvement which increases the visitability, accessibility, or utility of an accessible residential dwelling or any portion thereof for any person with a temporary or permanent disability or any condition commonly occurring as a result of aging related to mobility impairments, sight impairments, hearing impairments, height impairments, cognitive impairments, or environmental sensitivities or any other potential or actual impairment.

"Townhouse" means the same as "multistory dwelling unit" and is a dwelling unit with finished living space on one (1) floor and the floor immediately above or below it or, if applicable, the floors immediately above or below it.

"Triplex" means a building or portion thereof used for occupancy by three (3) families living independently of each other and containing three (3) dwelling units.

"Universal design" means the specialized design of the built space, products and environments to be usable by the greatest number of people with the widest reasonable range of abilities or disabilities, to the greatest extent feasible, without the need for concurrent modification and, in housing, incorporating the use of building products or features that have been placed differently, selected carefully, or omitted to accomplish these ends.

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

(Ord. 370 § 1 (part), 2006)

15.12.040 Scope and application.

A. Unit Coverage. Fifteen percent (15%) of all owner-occupied, all rental, all owner-occupied and rental residential dwelling units for which a new construction building permit is submitted to the building department, except that one hundred percent (100%) of all designated senior housing residential projects shall contain all interior features of this chapter.

B. Exemptions.

1. When the applicant adequately demonstrates and the building official determines that compliance with any portion of any regulation under this chapter would create an undue hardship and that equivalent facilitation is not available, an exception to that portion of the regulation may be granted when equivalent facilitation is provided.

2. When the applicant adequately demonstrates and the building official determines that compliance with any portion of any regulation under this chapter would create an undue hardship due to topographical conditions of the site; and/or the size of the site; and/or other site constraints; and/or legal constraints; and that no equivalent facilitation is available, an exemption to that portion of the regulation may be granted.

3. When the applicant adequately demonstrates and the building official determines that a residential dwelling unit is being reconstructed or substantially rehabilitated as a result of a disaster, as determined by the building official, an exemption to all or any portion of this chapter may be granted.

C. Unit Types. New construction of all single-family residential dwellings that are part of a tract, duplex, triplex, condominium, townhouse or other residential dwellings shall be subject to this chapter unless exempted below.

1. All new single-family dwelling units that are constructed subject to a parcel map that do not exceed five (5) lots.

2. All single-family residential in-fill lots.

D. Area Coverage. To the extent that this chapter applies to residential new construction, the requirements of this chapter only apply to those portions of the residential dwelling unit being newly constructed.

(Ord. 370 § 1 (part), 2006)

15.12.050 Standards.

The following standards shall be applied to all required accessible residential dwellings subject to this chapter.

A. Accessible Primary Entrance.

1. Requirements. An accessible residential dwelling shall provide at least one (1) accessible entrance that complies with the following requirements in this subsection.

a. An exterior accessible route that can be negotiated by a person using a wheelchair shall be provided that connects the primary accessible entrance of the dwelling unit to the garage, or driveway such that the accessible residential dwelling can be entered. The exterior accessible route shall not be less than forty (40) inches wide. The maximum slope of the exterior accessible route shall not exceed one (1) unit vertical in twenty (20) units horizontal. Handrails consistent with the "ramp provisions" contained in the California Building Code, Chapter 10, and wheel guides consistent with CBC Chapter 11A, are required on exterior accessible routes with a slope greater than one (1) unit vertical in twenty (20) units horizontal. When the driveway or parking area is part of the accessible route of travel, the cross-slope of the accessible route shall not exceed one-quarter (1/4) inch per foot.

b. The accessible entrance shall be the primary entrance. When site constraints or design elements prevent the primary entrance from being accessible, the building official may approve an alternate location for the accessible entrance at the front, side, or back of the accessible residential dwelling or through its garage or carport.

c. The accessible entrance door must have a minimum net clear opening of thirty-two (32) inches, measured between the face of the door, and the stop, when the door is in the ninety (90)-degree open position.

d. The outside landing shall be no more than one-half (1/2) inch below the floor level of the interior. The floor or landing on the interior side of the accessible entrance door shall not be more than one-half (1/2) inch lower than the top of the threshold of the doorway, except at sliding doors where it may be three-fourth (3/4)

inches with a height greater than one-quarter (1/4) inch shall be beveled with a slope not to exceed one (1) unit vertical by two (2) units horizontal.

B. Accessible Interior Routes.

1. Requirements. An accessible residential dwelling shall provide accessible interior routes that comply with the following requirements in this subsection:

a. At least one (1) accessible route through the hallways and passageways shall be provided from the accessible entrance of the dwelling unit to the primary floor bathroom, bedroom, and the kitchen. The accessible route must provide a minimum width of forty (40) inches and be level with ramped or beveled changes at door thresholds.

b. Any doors used for user passage in a hallway along an accessible route, including but not limited to those for the bathroom, bedroom, and the kitchen, shall meet the requirements of subsection F. below.

C. Adaptable Bathroom Entry and Facilities.

1. Requirements. An accessible residential dwelling shall provide accessible bathroom entry and adaptable facilities that comply with the following requirements in this subsection:

a. At least one (1) bathroom, consisting of at least a toilet, lavatory, and roll-in shower stall meeting the requirements of CBC Chapter 11A, shall be provided on the primary floor of an accessible residential dwelling. The bathroom shall be provided with sufficient maneuvering space as prescribed by this paragraph for a person using a wheelchair or other mobility aid to enter and close the door, use the fixtures, reopen the door, and exit. Its size, design, and facilities shall be consistent with standards in this paragraph.

b. A clear space measuring at least forty-eight (48) inches by sixty (60) inches inside the bathroom and outside the swing of the door shall be provided. This space may include maneuverable space under fixtures where adequate knee and toe space is provided. In addition, there shall be a clear space of at least thirty-six (36) inches clear depth by forty-eight (48) inches clear width in front of or adjacent to the toilet and at least thirty-six (36) inches clear depth by forty-eight (48) inches clear width in front or adjacent to the lavatory or sink. Maneuverable space under a lavatory or sink may be accomplished by either use of a pedestal or wall-mounted sink or with under-sink cabinets designed to be readily removed.

c. Grab bar reinforcement shall be provided in a manner consistent with CBC Chapter 11A or as follows:

(1) Where the toilet is placed adjacent to a sidewall, grab bar reinforcement shall be installed on both sides or one (1) side and the rear. Reinforcement shall be installed between thirty-two (32) inches and thirty-eight (38) inches above the floor. The reinforcement shall be a minimum of six (6) inches nominal in height. Where reinforcement is installed at the rear wall, it shall be a minimum of forty-four (44) inches in length. Reinforcement installed at the side of the toilet shall be installed a maximum of twelve (12) inches from the rear wall and shall extend a minimum of twenty-six (26) inches in front of the toilet

(2) Where the toilet is not placed adjacent to a sidewall, provisions for installation of floor-mounted, foldaway, or similar alternative grab bars shall be provided or installed.

(3) Wall or floor grab bar reinforcement shall be capable of supporting a load of at least two hundred and fifty (250) pounds.

(4) Grab bars, if installed, shall meet the requirements of CBC Chapter 11A.

d. All faucets and handles shall not require tight grasping, pinching, or twisting of the wrist and shall be consistent with the requirements of CBC Chapter 11A.

e. Lavatory or sink fixtures shall be consistent with CBC Chapter 11A.

f. The water closet (toilet) fixture shall be consistent with CBC Chapter 11A.

D. Adaptable Kitchen and Facilities.

1. Requirements. An accessible residential dwelling shall provide accessible kitchen and adaptable facilities that comply with the following requirements in this subsection.

a. The kitchen shall be on an accessible route and shall have a pathway at least forty (40) inches wide [or thirty-six (36) inches clear of any obstacles] through the kitchen to the stove or oven, and in a U-shaped kitchen, shall have at least a forty-eight (48) inch by sixty (60) inch clear space in front of stove at the end of a U-shaped kitchen; at least a thirty (30) inch by forty-eight (48) inch clear space in front of the sink (counting open access underneath, if available); and at least one eighteen (18) inch wide breadboard and/or eighteen (18) inches in counter space at a thirty-four (34) inch height, or combination thereof.

b. Sink controls shall be consistent with CBC Chapter 11A.

E. Bedroom.

1. Requirements. An accessible residential dwelling provided with an accessible level and space to be converted to a bedroom complying with provisions for emergency escape and rescue, and smoke alarms in the California Building Code shall comply with the requirements of subsection F. below, and any closet in that bedroom must have a thirty-two (32) inch net doorway opening.

a. If one (1) or more bedrooms are on accessible route, at least one (1) must comply with the general rules in subsection F. below and any closet in that bedroom must have a thirty-two (32) inch net doorway opening.

F. General Components.

1. Requirements. An accessible residential dwelling shall provide general components that comply with the following requirements in this subsection.

a. On an accessible route in an interior room or hallway with a forty (40) inch width, interior doors or openings required to be accessible shall provide a minimum of thirty-two (32) inches clear width, measured between the face of the door and the stop, when the door is in the ninety (90)-degree open position.

b. Hand-activated hardware shall be operable with a single effort by lever-type hardware, panic bars, push-pull activating bars or other hardware designed to provide passage without requiring the ability to grasp the opening hardware on both sides of the door.

c. All receptacle outlets, lighting controls, and environmental controls on an accessible route and in accessible rooms shall comply with the following:

(1) Electrical receptacle outlets on branch circuits of thirty (30) amperes or less and communication system receptacles shall be located no more than forty-eight (48) inches measured from the top of the receptacle outlet box or receptacle housing nor less than fifteen (15) inches measured from the bottom of the receptacle outlet box or receptacle housing to the finished floor.

(2) Controls or switches intended to be used by the occupant of the room or area to control lighting and receptacle outlets, appliances, alarms, or cooling, heating and ventilating equipment, shall be located no more than forty-eight (48) inches measured from the top of the outlet box nor less than fifteen (15) inches measured from the bottom of the outlet box to the level of the finished floor. If the reach is over an obstruction (for example, a kitchen base cabinet) between twenty (20) inches and twenty-five (25) inches in depth, the maximum height is reduced to forty-four (44) inches for forward approach, or forty-six (46) inches for side approach, provided the obstruction is no more than twenty-four (24) inches in depth. Obstructions shall not extend more than twenty-five (25) inches from the wall beneath a control. These requirements do not apply to a hood fan in an accessible kitchen.

(3) "Rocker" switches and controls shall be installed in all rooms required to be accessible and on the accessible route.

NOTE: Controls that do not satisfy these specifications are acceptable provided that comparable controls or outlets, that perform the same functions, are provided within the same area and are accessible.

(Ord. 370 § 1 (part), 2006)

15.12.060 Enforcement.

- A. It is unlawful for any person or entity to fail to comply with the requirements of this chapter.
- B. The city of Murrieta may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this chapter, which are consistent with those applicable for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law of the California Health and Safety Code, Sections 17910 et seq.; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.
- C. Remedies under this paragraph/section are in addition to and do not supersede or limit any and all other remedies, civil, criminal, or administrative. The remedies provided herein shall be cumulative and not exclusive.
- D. Whenever the building official or designee re-inspects or otherwise takes any enforcement action against a residential dwelling unit, which is governed by this chapter to determine compliance with this chapter, the building official may assess fees against the owner to recover the costs to the city according to a fee schedule established by the law. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this chapter or applicable state laws or regulations.
- E. The city may develop a means of providing public certification as to any residential dwelling unit's compliance with this chapter. No such certification shall be affixed to the residential dwelling unit or the property on which it is located without the authorization of the owner or renter.

(Ord. 370 § 1 (part), 2006)