

Proposed Modifications for the 2010 Florida Accessibility Code

- Recommendations and Considerations for the 2010 Florida Accessibility Code
- Modifications to Florida State Statute
 - 553.501 – 553.513

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- **553.504 Exceptions to applicability of the guidelines.--Notwithstanding the adoption of the Americans with Disabilities Act Accessibility Guidelines in s. 553.503, all buildings, structures, and facilities in this state shall meet the following additional requirements when they provide increased accessibility:**
 - (1) All new or altered buildings and facilities subject to ss. 553.501-553.513 which may be frequented in, lived in, or worked in by the public shall comply with ss. 553.501-553.513.

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- All new or altered **places of public accommodation** subject to ss. 553.501-553.513 ~~which may be frequented in, lived in, or worked in by the public~~ shall comply with ss. 553.501-553.513.
- Place of public accommodation means a facility, operated by a private entity, whose operations affect commerce and fall within at least one of the following categories--
 - (1) An inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of the establishment as the residence of the proprietor;
 - (2) A restaurant, bar, or other establishment serving food or drink;

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- All new or altered **places of public accommodation** subject to ss. 553.501-553.513 ~~which may be frequented in, lived in, or worked in by the public~~ shall comply with ss. 553.501-553.513.

- (3) A motion picture house, theater, concert hall, stadium, or other place of exhibition or entertainment;
- (4) An auditorium, convention center, lecture hall, or other place of public gathering;
- (5) A bakery, grocery store, clothing store, hardware store, shopping center, or other sales or rental establishment;
- (6) A laundromat, dry-cleaner, bank, barber shop, beauty shop, travel service, shoe repair service, funeral parlor, gas station, office of an accountant or lawyer, pharmacy, insurance office, professional office of a health care provider, hospital, or other service establishment;

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- All new or altered **places of public accommodation** subject to ss. 553.501-553.513 ~~which may be frequented in, lived in, or worked in by the public~~ shall comply with ss. 553.501-553.513.
 - (7) A terminal, depot, or other station used for specified public transportation;
 - (8) A museum, library, gallery, or other place of public display or collection;
 - (9) A park, zoo, amusement park, or other place of recreation;
 - (10) A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education;
 - (11) A day care center, senior citizen center, homeless shelter, food bank, adoption agency, or other social service center establishment; and
 - (12) A gymnasium, health spa, bowling alley, golf course, or other place of exercise or recreation.

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- 553.504(2) All new single-family houses, duplexes, triplexes, condominiums, and townhouses shall provide at least one bathroom, located with maximum possible privacy, where bathrooms are provided on habitable grade levels, with a door that has a 29-inch clear opening. However, if only a toilet room is provided at grade level, such toilet room shall have a clear opening of not less than 29 inches.
- Main the same requirement as the existing law.

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- **553.504(3) All required doors and walk-through openings in buildings excluding single-family homes, duplexes, and triplexes not covered by the Americans with Disabilities Act of 1990 or the Fair Housing Act shall have at least 29 inches of clear width except under ss. 553.501-553.513.**
- Recommend to delete in its entirety.
- Not deemed necessary.

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- 553.504(4) In addition to the requirements in reference 4.8.4 of the guidelines, **all landings on ramps shall be not less than 60 inches clear, and the bottom of each ramp shall have not less than 72 inches of straight and level clearance.**
- Delete in its entirety.
- Maintain that the landing at the bottom of a ramp is 60 inches per the 1991 and 2010 ADA Standards.
- **405.7.3 Length. The landing clear length shall be 60 inches long minimum.**

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- **553.504(5) All curb ramps shall be designed and constructed in accordance with the following requirements:**
- (a) Notwithstanding the requirements of reference 4.8.5.2 of the guidelines, **handrails on ramps which are not continuous shall extend not less than 18 inches beyond the sloped segment at both the top and bottom, and shall be parallel to the floor or ground surface.**
- **Delete subparagraph (a) in its entirety.**

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- 553.504(5) **All curb ramps shall be designed and constructed in accordance with the following requirements:**
 - (b) Notwithstanding the requirements of references 4.3.3 and 4.8.3 of the guidelines, **curb ramps that are part of a required means of egress shall be not less than 44 inches wide.**
- Modify paragraph (b) as follows - Notwithstanding the requirements of ~~references 4.3.3 and 4.8.3~~ **section 406** of the guidelines, **curb ramps that are part of a required means of egress shall be not less than 44 inches wide.**

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- 553.504(5) All curb ramps shall be designed and constructed in accordance with the following requirements:
 - (c) Notwithstanding the requirements of reference 4.7.5 of the guidelines, curb ramps located where pedestrians must use them and all curb ramps which are not protected by handrails or guardrails shall have flared sides with a slope not exceeding a ratio of 1 to 12.
- Delete subparagraph (c) of section 553.504 and modify the following text of the 2010 ADA Standards –
- **406.3 Sides of Curb Ramps. Where provided, curb ramp flares shall not be steeper than ~~1:10~~ 1:12.**

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- 553.504(6)
Notwithstanding the requirements in reference 4.13.11 of the guidelines, **exterior hinged doors shall be so designed that such doors can be pushed or pulled open with a force not exceeding 8.5 foot pounds.**
- Modify the text to modify section 404.2.9 by adding the following text – new number **1. Exterior doors; 8.5 lbf**
- Renumber 1 and 2 to be 2 and 3.

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- **553.504(7) Notwithstanding the requirements in reference 4.33.1 of the guidelines, all public food service establishments, all establishments licensed under the Beverage Law for consumption on the premises, and all facilities governed by reference 4.1 of the guidelines shall provide seating or spaces for seating in accordance with the following requirements:**

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- (a) For the first 100 fixed seats, accessible and usable spaces must be provided consistent with the following table:
- Capacity of Seating
In Assembly Areas
Wheelchair Locations
- Number of Required
- 1 to 25 1
- 26 to 50 2
- 51 to 100 4
- (b) For all remaining fixed seats, there shall be not less than one such accessible and usable space for each 100 fixed seats or fraction thereof.

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- 553.504(8) Notwithstanding the requirements in references 4.32.1-4.32.4 of the guidelines, **all fixed seating in public food service establishments, in establishments licensed under the Beverage Law for consumption on the premises, and in all other facilities governed by reference 4.1 of the guidelines shall be designed and constructed in accordance with the following requirements:**
 - (a) All aisles adjacent to fixed seating shall provide clear space for wheelchairs.
 - (b) Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.
- Delete sections 553.504(7) and 553.504(8) in their entirety and use 2010 ADA Standard –
 - **226.1 General. Where dining surfaces are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with 902.**

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- 553.504(9) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the guidelines shall provide the following special accessibility features:
 - (a) Grab rails in bathrooms and toilet rooms that comply with s. 4.16.4 of the guidelines.
 - (b) All beds in designed accessible guest rooms shall be open-frame type to permit passage of lift devices.
- No comments

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- 553.504(9) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the guidelines shall provide the following special accessibility features:
 - (c) All standard water closet seats shall be at a height of 15 inches, measured vertically from the finished floor to the top of the seat, with a variation of plus or minus $\frac{1}{2}$ inch. A portable or attached raised toilet seat shall be provided in all designated handicapped accessible rooms.

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- 553.504(9) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the guidelines shall provide the following special accessibility features:
- All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509 shall be subject to the provisions of this subsection. Nothing in this subsection shall be construed as relieving the owner of the responsibility of providing accessible rooms in conformance with ss. 9.1-9.5 of the guidelines.
- All buildings, structures, or facilities licensed as a hotel, motel, **or condominium** **[CONSIDER DELETION OF THIS TEXT]** pursuant to chapter 509 shall be subject to the provisions of this subsection. **Nothing in this subsection shall be construed as relieving the owner of the responsibility of providing accessible rooms in conformance with ss. 9.1-9.5 of the guidelines. [DELETE THIS TEXT]**

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- 553.504(10)
Notwithstanding the requirements in reference 4.29.2 of the guidelines, **all detectable warning surfaces required by the guidelines shall be governed by the requirements of American National Standards Institute A117.1-1986.**
- Delete 553.504(10) and proceed with 2010 ADA Standard requirements.

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- 553.504(11)
Notwithstanding the requirements in references 4.31.2 and 4.31.3 of the guidelines, **the installation and placement of all public telephones shall be governed by the rules of the Florida Public Service Commission.**
- Accessibility compliance should be per the applicable requirements of the 2010 ADA Standards.

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- 553.504(12)
Notwithstanding the requirements in references 4.1.3(11) and 4.16-4.23 of the guidelines, **required restrooms and toilet rooms in new construction shall be designed and constructed in accordance with the following requirements:**
- Continue with these requirements for **NEW CONSTRUCTION AND CLARIFY THAT THIS REQUIREMENT IS FOR NEW CONSTRUCTION AND NOT FOR ALTERATIONS AND/OR RENOVATIONS.**

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- 553.504(a) The standard accessible restroom stall shall contain an accessible lavatory within it, the size of such lavatory to be not less than 19 inches wide by 17 inches deep, nominal size, and wall-mounted. The lavatory shall be mounted so as not to overlap the clear floor space areas required by s. 4.17 figure 30(a) of the guidelines for the standard accessible stall and to comply with s. 4.19 of the guidelines. Such lavatories shall be counted as part of the required fixture count for the building.
- (b) The accessible water closet shall be located in the corner, diagonal to the door.
- (c) The accessible stall door shall be self-closing.
- The standard accessible **restroom toilet room or bathroom** stall
- Use the language of the law for these areas. The ADA does not identify these spaces as a restroom
- ~~(c) The accessible stall door shall be self-closing.~~
- Covered under section 604.8.2.2 of the 2010 ADA Standards.

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- **553.504(13) All customer checkout aisles not required by the guidelines to be handicapped accessible shall have at least 32 inches of clear passage.**
- Delete section 553.504(13) in its entirety and follow the applicable requirements of the 2010 ADA – section 227.2

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- 553.504(14) Turnstiles shall not be used in occupancies which serve fewer than 100 persons, but turnstiles may be used in occupancies which serve at least 100 persons if there is an unlocked alternate passageway on an accessible route affording not less than 32 inches of clearance, equipped with latching devices in accordance with the guidelines.
- Delete 553.504(14) in its entirety and follow the 2010 ADA requirements.

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- **553.504(15) Barriers at common or emergency entrances and exits of business establishments conducting business with the general public that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits shall be removed.**

553.5041 Parking spaces for persons who have disabilities

- (2) State agencies and political subdivisions having jurisdiction over street parking or publicly owned or operated parking facilities are not required to provide a greater right-of-way width than would otherwise be planned under regulations, guidelines, or practices normally applied to new development.
- Maintain

553.5041 Parking spaces for persons who have disabilities

- (3) If parking spaces are provided for self-parking by employees or visitors, or both, accessible spaces shall be provided in each such parking area. Such spaces shall be designed and marked for the exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems that substantially impair their ability to ambulate and who have been issued either a disabled parking permit under s. 316.1958 or s. 320.0848 or a license plate under s. 320.084, s. 320.0842, s. 320.0843, or s. 320.0845.
- maintain

553.5041 Parking spaces for persons who have disabilities

- (4) The number of accessible parking spaces must comply with the parking requirements in ADAAG s. 4.1 and the following:
- (a) There must be one accessible parking space in the immediate vicinity of a publicly owned or leased building that houses a governmental entity or a political subdivision, including, but not limited to, state office buildings and courthouses, if no parking for the public is provided on the premises of the building.
- (b) There must be one accessible parking space for each 150 metered on-street parking spaces provided by state agencies and political subdivisions.
- (c) The number of parking spaces for persons who have disabilities must be increased on the basis of demonstrated and documented need.

553.5041 Parking spaces for persons who have disabilities

- (5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located in conformance with the guidelines set forth in ADAAG ss. 4.1.2 and 4.6 and Appendix s. A4.6.3 "Universal Parking Design."
- Delete in its entirety and use the 2010 ADA requirements

553.5041 Parking spaces for persons who have disabilities

- **(a) All spaces must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles.**
- **Modify as noted below -**

553.5041 Parking spaces for persons who have disabilities

- Modify as follows –
- (a) All spaces must be located on an accessible route no less than 44 inches wide so that users will not be compelled to walk or wheel behind parked vehicles.
 - **(1) Exception – You shall be allowed to go behind your own vehicle and one other accessible parking space.**

553.5041 Parking spaces for persons who have disabilities

- (b) Each space must be located on the shortest safely accessible route from the parking space to an accessible entrance. ~~If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance.~~ If a theme park or an entertainment complex as defined in s. 509.013(9) provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest safely accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

553.5041 Parking spaces for persons who have disabilities

- **(c)1. Each parking space must be no less than 12 feet wide. Parking access aisles must be no less than 5 feet wide and must be part of an accessible route to the building or facility entrance. In accordance with ADAAG s. 4.6.3, access aisles must be placed adjacent to accessible parking spaces; however, two accessible parking spaces may share a common access aisle. The access aisle must be striped diagonally to designate it as a no-parking zone.**
 - **Delete in its entirety and modify the applicable sections of the 2010 ADA Standards; see next slide**

553.5041 Parking spaces for persons who have disabilities

- Parking requirements –
- 502.2 Vehicle Spaces. Car parking spaces shall be ~~96 inches (2440 mm) wide minimum and van parking spaces shall be~~ 132 inches (3350 mm) wide minimum, shall be marked to define the width, and shall have an adjacent access aisle complying with 502.3. ~~EXCEPTION: Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.~~

553.5041 Parking spaces for persons who have disabilities

- The access aisle must be striped diagonally to designate it as a no-parking zone.
- Locate the above text in the section regarding the access aisle
- **502.3 Access Aisle.** Access aisles serving parking spaces shall comply with 502.3. Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle. **The access aisle ~~must~~ shall be striped diagonally to designate it as a no-parking zone.**

553.5041 Parking spaces for persons who have disabilities

- 2. The parking access aisles are reserved for the temporary exclusive use of persons who have disabled parking permits and who require extra space to deploy a mobility device, lift, or ramp in order to exit from or enter a vehicle. Parking is not allowed in an access aisle. Violators are subject to the same penalties that are imposed for illegally parking in parking spaces that are designated for persons who have disabilities. **A vehicle may not be parked in an access aisle, even if the vehicle owner or passenger is disabled or owns a disabled parking permit.**
- Comment for the disabled community as to the concern of parking in a access aisle.

553.5041 Parking spaces for persons who have disabilities

- 3. Any provision of this subsection to the contrary notwithstanding, a **theme park or an entertainment complex as defined in s. 509.013(9) in which are provided continuous attendant services for directing individuals to marked accessible parking spaces or designated lots for parking by persons who have disabilities, may, in lieu of the required parking space design, provide parking spaces that comply with ADAAG ss. 4.1 and 4.6.**
- Maintain

553.5041 Parking spaces for persons who have disabilities

- (d) On-street parallel parking spaces must be located either at the beginning or end of a block or adjacent to alley entrances. Such spaces must be designed in conformance with the guidelines set forth in ADAAG ss. 4.6.2 through 4.6.5, exception: access aisles are not required. Curbs adjacent to such spaces must be of a height that will not interfere with the opening and closing of motor vehicle doors. This subsection does not relieve the owner of the responsibility to comply with the parking requirements of ADAAG ss. 4.1 and 4.6.
- Follow ADA Standards and do not mandate the requirement at the end of block if a compliant design is provided per the 2010 ADA Standards

553.5041 Parking spaces for persons who have disabilities

- (e) Parallel parking spaces must be even with surface slopes, may match the grade of the adjacent travel lane, and must not exceed a cross slope of 1 to 50, where feasible.
- (f) Curb ramps must be located outside of the disabled parking spaces and access aisles.
- Delete both sections – covered in the 1991 and 2010 ADA Standards

553.5041 Parking spaces for persons who have disabilities

- (g)1. The removal of architectural barriers from a parking facility in accordance with 28 C.F.R. s. 36.304 or with s. 553.508 must comply with this section unless compliance would cause the barrier removal not to be readily achievable. If compliance would cause the barrier removal not to be readily achievable, a facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have disabilities to the alternative parking if readily achievable. The facility may not reduce the required number or dimensions of those spaces, **unless a waiver has been granted**, nor may it unreasonably increase the length of the accessible route from a parking space to the facility. The removal of an architectural barrier must not create a significant risk to the health or safety of a person who has a disability or to that of others.

553.5041 Parking spaces for persons who have disabilities

- 2. A facility that is making alterations under s. 553.507(2)(b) must comply with this section to the maximum extent feasible. If compliance with parking location requirements is not feasible, the facility may provide parking spaces at alternative locations for persons who have disabilities and provide appropriate signage directing persons who have a disability to alternative parking. The facility may not reduce the required number or dimensions of those spaces, nor may it unnecessarily increase the length of the accessible route from a parking space to the facility **unless a waiver has been granted**. The alteration must not create a significant risk to the health or safety of a person who has a disability or to that of others.

553.5041 Parking spaces for persons who have disabilities

- (6) Each such parking space must be prominently outlined with blue paint, and must be repainted when necessary, to be clearly distinguishable as a parking space designated for persons who have disabilities and must be posted with a permanent above-grade sign of a color and design approved by the Department of Transportation, which is placed on or at a distance of 84 inches above the ground to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of ADAAG s. 4.30.7 and the caption "PARKING BY DISABLED PERMIT ONLY." Such a sign erected after October 1, 1996, must indicate the penalty for illegal use of the space. Any provision of this section to the contrary notwithstanding, in a theme park or an entertainment complex as defined in s. 509.013(9) in which accessible parking is located in designated lots or areas, the signage indicating the lot as reserved for accessible parking may be located at the entrances to the lot in lieu of a sign at each parking place. This subsection does not relieve the owner of the responsibility of complying with the signage requirements of ADAAG s. 4.30.
- **Recommend to add a drawing clarifying this requirement.**

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- **553.505 Exceptions to applicability of the Americans with Disabilities Act.--**
Notwithstanding the Americans with Disabilities Act of 1990, private clubs are governed by ss. 553.501-553.513. ~~Parking spaces, parking lots, and other parking facilities are governed by s. 553.5041 when that section provides increased accessibility.~~

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- 553.507 Exemptions.--Sections 553.501-553.513 do not apply to any of the following:
- (1) Buildings, structures, or facilities that were either under construction or under contract for construction on October 1, 1997.
- (2) Buildings, structures, or facilities that were in existence on October 1, 1997, unless:
 - (a) The building, structure, or facility is being converted from residential to nonresidential or mixed use, as defined by local law;
 - (b) The proposed alteration or renovation of the building, structure, or facility will affect usability or accessibility to a degree that invokes the requirements of s. 303(a) of the Americans with Disabilities Act of 1990; or
 - (c) The original construction or any former alteration or renovation of the building, structure, or facility was carried out in violation of applicable permitting law.
- (1) Buildings, structures, or facilities that were either under construction or under contract for construction on ~~October 1, 1997~~. **New date**

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- **553.508 Architectural barrier removal.--**
Removal of architectural barriers, pursuant to 28 C.F.R. s. 36.304, from buildings, structures, or facilities to which this act applies shall comply with ss. 553.501-553.513 unless compliance would render the removal not readily achievable. In no instance shall the removal of an architectural barrier create a significant risk to the health or safety of an individual with a disability or others.

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- **553.509 Vertical accessibility.**
- **(1) Nothing in ss. 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility, except for:**
 - **(a) Elevator pits, elevator penthouses, mechanical rooms, piping or equipment catwalks, and automobile lubrication and maintenance pits and platforms;**
 - **(b) Unoccupiable spaces, such as rooms, enclosed spaces, and storage spaces that are not designed for human occupancy, for public accommodations, or for work areas; and**
 - **(c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.**

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- **553.509 Vertical accessibility.**
- Recommend to add in the exceptions as so noted and identified with the new 2010 ADA Standards except for the modification of the following –
- 206.2.3 EXCEPTIONS: ~~1. In private buildings or facilities that are less than three stories or that have less than 3000 square feet (279 m²) per story, an accessible route shall not be required to connect the stories, provided that the building or facility is not a shopping center, a shopping mall, the professional office of a health care provider, a terminal, depot or other station used for specified public transportation, an airport passenger terminal, or another type of facility as determined by the Attorney General.~~

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- **553.509 Vertical accessibility.**
- **(1) Nothing in ss. 553.501-553.513 or the guidelines shall be construed to relieve the owner of any building, structure, or facility governed by those sections from the duty to provide vertical accessibility to all levels above and below the occupiable grade level, regardless of whether the guidelines require an elevator to be installed in such building, structure, or facility, except for:**
 - ~~**(c) Occupiable spaces and rooms that are not open to the public and that house no more than five persons, including, but not limited to, equipment control rooms and projection booths.**~~
- Covered by section 206.2.3 Exception 2.
- Maintain all other exceptions as noted in this section.

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- 553.511 Parking facilities; minimum height clearance requirement.--Every nonresidential structure built on or after January 1, 1991, which is designed to use covered or underground parking as the primary available parking space shall design the covered or underground parking facility to maintain a minimum height for the portion of the street-accessible level of the parking facility directly over van-accessible parking spaces and for providing ingress and egress to such parking spaces of at least 8 feet 2 inches. Signs shall be posted to warn operators of handicapped-equipped vans that they cannot pass beyond a certain point due to height limitations. If compliance with this minimum height clearance requirement will cause the structure to exceed local height limitations imposed by local zoning, planning, or fire ordinances, or will result in the imposition of any additional requirements of such ordinances, the structure may exceed the height limitation specified in those particular codes as necessary to comply with the requirements of this section and is exempt from such additional requirements. Structures for which the plans were sealed by an architect prior to January 1, 1991, are exempt from this section.