

ACCESSIBILITY ADVISORY COUNCIL

GROUNDS FOR APPROVAL

- **Economic Hardship**

- Does the cost of providing vertical accessibility meet or exceed 20% of the cost of the alteration to the primary function area?
- If the 20% threshold is met, the waiver SHALL be granted.
- Does not apply to new construction.
 - Fit-outs/Build-outs are considered new construction

- **Historic Nature**

- Has the applicant provided documentation of the historic significance of the building?
- Would the historic significance of the structure be negatively impacted by the alterations applicant would have to make to provide accessibility?
- Can be combined with Technical Infeasibility or Economic Hardship

- **Technical Infeasibility**

- Is the structure built in a way that would otherwise place unnecessary, unreasonable, or extreme hardship on the applicant, if they were required to provide accessibility?
 - Has the applicant provided comments from a licensed design professional?
 - Would have to rebuild, demolish, encroach on property lines, etc.

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Grand Cypress Redevelopment - WAV # 513

Issue: Accessible parking space signage and marking requirements

Project Type: New Construction

Project Progress: In plan review

Project Construction Cost: \$67,000,000

Analysis:

This project consists of the construction of a new hotel/transient lodging complex, whose units will be designed to be similar in style to single family residences. The applicant is requesting a waiver from a number of requirements pertaining to the marking of accessible parking spaces, and has divided their request into three sub-issues. Applicant requests that:

- 1) The signs designating the accessible spaces be allowed to omit the words “PARKING BY DISABLED PERMIT ONLY,” be allowed to omit the penalty for illegal use of the space, and be of a color matching the style of the development, while only displaying the International Symbol of Access;
- 2) That the accessible spaces be allowed to be designated by pavers in different colors rather than by blue striping; and,
- 3) That the accessible parking access aisles be allowed to be designated by different colored pavers rather than by diagonal striping.

The applicant states that the owner would experience an atypical hardship by having to conform with these requirements, due to elements of the non-traditional design of their hotel complex.

With respect to the applicant’s first set of issues, the requirements for the penalty statement, the “Parking by Disabled Permit Only” language, and the sign being of a color and design approved by the Department of Transportation are all statutory in nature, and are found in s. 553.5041(6), Florida Statutes. For their second issue, the requirement that the space be striped using blue paint is also statutory, and also found in s. 553.5041(6), F.S. And finally, their third issue, that the access aisle be striped diagonally, is also a statutory requirement, found in s. 553.5041(5)(c)1., Florida Statutes.

In order for the Commission to consider granting a waiver of any of the requirements found in s. 553.5041, Florida Statutes, an applicant must “first demonstrate[] that she or he has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith.” 553.512(1), Florida Statutes. The applicant in this case has not demonstrated that they have met this requirement; in fact, an e-mail that was provided from the chief planner suggests that there is no local ordinance in place that is stopping the applicant from conforming with the listed statutory requirements.

Uploaded Documents:

1. Owner Authorization

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2. Licensed Design Professional Comments
3. Plans/Pictures

STAFF RECOMMENDATION:

Staff recommends denying the request for waiver from the specified accessible parking requirements, since the applicant has not met the necessary requirements in s. 553.512(1), Florida Statutes, for the Commission to grant a waiver.

Items to be waived:

Signage and striping requirements for accessible parking spaces and access aisles, as required by s. 553.5041, Florida Statutes.

553.5041(5)(c)1. Each parking space must be at least 12 feet wide. Parking access aisles must be at least 5 feet wide and must be part of an accessible route to the building or facility entrance. The access aisle must be striped diagonally to designate it as a no-parking zone.

553.5041(6) Each such parking space must be striped in a manner that is consistent with the standards of the controlling jurisdiction for other spaces and 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. The space 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 least 60 inches above the finished floor or ground surface measured to the bottom of the sign and which bears the international symbol of accessibility meeting the requirements of s. 703.7.2.1 of the standards 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. Notwithstanding any other provision of this section, in a theme park or an entertainment complex as defined in s. 509.013 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 s. 502.6 of the standards.

Waiver Criteria: Pursuant to s. 553.512(1), F.S., "[t]he commission may not consider waiving any of the requirements of s. 553.5041 unless the applicant first demonstrates that she or he has applied for and been denied waiver or variance from all local government zoning, subdivision regulations, or other ordinances that prevent compliance therewith. Further, the commission may not waive the requirement of s. 553.5041(5)(a) and (c)1. governing the minimum width of accessible routes and minimum width of accessible parking spaces."

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Provided that the threshold criteria of s. 553.512,(1), F.S., are met, the Commission's current rule, authorized in s. 553.512, F.S., provides criteria for granting waivers and allows consideration of unnecessary or extreme hardship to the applicant if the specific requirements were imposed.

MOTIONS

- I move to recommend that the Florida Building Commission approve this request for waiver on the grounds of _____.
 - Economic Hardship
 - Historic Nature
 - Technical Infeasibility
 - Unnecessary and unreasonable hardship

- I move to recommend that the Florida Building Commission deny this application.
 - No rationale necessary.

- I move to recommend that the Florida Building Commission defer this request for waiver to the next meetings of the Council and the Commission for the purpose of allowing the applicant to _____:
 - Submit requested information
 - Contact building official or building department
 - Etc.