



# ADA and Your Property

Driveway Maintenance, Inc.

## ADA & YOUR PROPERTY: CREATING SUCCESSFUL ACCESSIBILITY

A White Paper

by Driveway Maintenance, Inc.

<http://www.driveway.net>



## **About Driveway Maintenance, Inc.**

[Driveway Maintenance Inc.](#) (DMI) is a LEED-accredited full-service, self-performing [paving contractor](#) and [sealcoating company](#) serving clients throughout Florida, including Miami, Naples, Orlando, Palm Beach, Ft. Lauderdale, Ft. Myers, Tampa, Ft. Pierce, Delray and Daytona. DMI provides paving and sealcoating services to commercial entities, including apartment complexes, community associations, commercial office parks and retail shopping centers. Learn more at [Driveway.net](#).

## **What is the 'ADA'?**

The Americans with Disabilities Act of 1990 (and as amended in subsequent years, as recently as the Department of Justice's 2010 ADA standards and the Department of Transportation's 2006 ADA standards) is a civil rights law created to provide those with physical or mental impairments full access and equal enjoyment of the goods, services, facilities, or accommodations found at any place of public accommodation. This includes lodging, retail, recreation, transportation among other facilities and locations. From new construction to existing properties, installations and modifications alike are to remove barriers that impede access.



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When the Americans with Disabilities Act was signed into law in 1990, business and property owners saw the looming challenge of installations, renovations and property transformation. The makeovers required to bring properties in line with new federal ADA regulations and ADA guidelines regarding access for people with disabilities, including ADA compliant signs, would be costly and no doubt complex.

Twenty years since its inception and subsequent updates, businesses and property owners nationwide still must adhere to a stringent set of rules that touch almost every part of a property or building – starting with the parking lot. Retrofitting a parking area, including the spaces, sidewalks, access points and other elements the act encompasses, is required to bring the property into compliance with federal and state laws.

This white paper is presented to help individual building or property owners, business owners, landlords, or those responsible for maintenance and upkeep of a facility's parking lot understand requirements of the ADA and how state and federal law interact. By adhering to these statutes, those overseeing such elements can ensure legal compliance, reduce the chance of injury, and avoid Fair Housing complaints and lawsuits stemming from injury or lack of such compliance.

## **Paving the Way to ADA Compliance**

[ADA compliance for parking lots](#) and similar facilities is no simple issue. It defines stall sizes, signage, accessibility routes, slopes, detectable warning surfaces, paths traveled and means of egress, along with a variety of exceptions and special conditions. Some basic ADA regulations, as they pertain to parking lots, include the following rules:

- The number of handicap stalls in a given lot always is a ratio determined by the total number of spots available. The number of handicap stalls required grows as the total number of spots in a lot grows, from one stall for up to 25 spots, to 2% of spots for parking lots with 500 or more spots. One in eight stalls must be van accessible. Outpatient medical facilities must have 10% of the total spots designated for handicap use; treatment facilities or those that provide services to people with mobility impairments must have 20%.
- An accessible route to or from the handicap stall must be at least 36 inches wide and provide a continuous, unobstructed path connecting the stall(s) to all accessible elements and spaces of a building or facility, including loading zones, public streets or sidewalks and an accessible building entrance.
- Those places where vehicular roadways meet walkways in front of building entrances – and where no railing or curb, for example, separates the two – a

“detectable warning surface” must be installed. This can be, among other approved surfaces, or installed raised, truncated domes that differ from the walking surface. These must contrast visually with adjoining surfaces, either light-on-dark, or dark-on-light, and must differ from adjoining walking surfaces in resiliency or sound-on-cane contact.

## Think Federal, Act Local

It’s often been said of Florida, “The rules are different here.” This also is true regarding Florida and the Americans with Disabilities Act. Though the ADA is a federal law, if state or local law is more restrictive or stringent than the rules set forth in the ADA, state or local regulations prevail.

State- or municipal-level regulations can vary across the state and by municipal governing body. For example, the [Florida ADA Accessibility Guidelines](#) (Florida ADAAG) issues rules regarding the design of and navigation around handicapped spaces. Among some ways Florida law is different:

- Federal regulations state the route from the stall to a building must be accessible. Florida rules require that the path of travel provided from parking stalls must be positioned so users will not be compelled to walk or wheel behind parked vehicles. The path must not include stairs, steps or escalators, and it must have a minimum clear width of 36" (except at doors) and a minimum width of 44" in areas defined as a required means of egress.
- Federal and Florida requirements for sign height (seven feet above pavement grade) are the same, as governed in Florida by the Manual on Uniform Traffic Control Devices (or MUTCD). A handicap sign must incorporate the international symbol of accessibility and a caption reading, "Parking by Disabled Permit Only." Florida – not federal – law requires stalls be outlined in blue and access aisles have diagonal stripes.
- Florida rules require wider stalls. The ADA requires parking stalls be eight feet (96 inches) wide with a five-foot access aisle or accessway. Florida ADAAG requires stalls be 12 feet wide with a five-foot aisle. In this instance, Florida ADAAG regulations prevail.
- While detectable warning surfaces are required, Florida law allows a variety of textured surfaces, including cushioned surfaces made of rubber or plastic, raised strips, exposed aggregate, like Chattahoochee rock, or grooved surfaces (for indoor use only).

## Meeting & Exceeding ADA Requirements

For some building owners or property managers, ADA compliance is not enough. Their marketplace, consumers or residential base require more, and as an issue of customer service or competitive advantage, the owner or manager might exceed ADA, state or municipal code. Wal-Mart and other “big box” retailers, for example, often exceed specifications based on consumer or market needs.

In South Florida, most condominium properties where unit owners are deeded a stall, handicap spots are not required – except near or for the public area, like a club house. Still, the property manager or association might choose to incorporate handicap parking based on the specific make-up of its constituency.

When making any decision regarding ADA compliance and your facility or property, consult with a certified ADA advisor or expert to ensure such initiatives comply with current or pending local, state or federal regulations. Through its various revisions, the Americans with Disabilities Act can help ensure people with disabilities are afforded the accommodations needed to enjoy a life free of physical burdens or limitations.

By knowing and adhering to the Act, its revisions, and appropriate state or municipal code, property owners or managers can ensure they, too, are unburdened by the legal issues that can arise related to ADA compliance.

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**Disclaimer:** The information in this article is not complete, is not to be considered legal advice, and was believed to be correct at the time of writing. The author and his organization strongly recommend readers consult with counsel, engineers or architects.

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