

1 An Ordinance pertaining to pedestrian access to buildings; establishing regulations for
2 pedestrian access that primarily serves users of the subject property and for which dedication of
3 public access rights is not required; amending a part of Section Three of Ordinance 68788,
4 codified as 25.01.350, Section 1103.4, of the Revised Code of the City of St. Louis, pertaining to
5 Building Code waiver requirements; containing a severability clause and an effective date clause.

6 **WHEREAS**, it is in the interest of the City of St. Louis to promote interconnected
7 pedestrian routes within neighborhoods;

8 **WHEREAS**, providing pedestrian access from buildings to abutting rights-of-way,
9 walkways and other uses on the subject property help meet the objectives of non-motorized
10 transportation policies;

11 **WHEREAS**, nearly one in four traffic fatalities in the City of St. Louis involves a
12 pedestrian, and improving pedestrian safety is of paramount importance as the **City of St. Louis**
13 promotes pedestrian means of transportation;

14 **WHEREAS**, St. Louisians with disabilities utilizing non-motorized transportation may
15 be especially vulnerable to traffic injuries in the public right-of-way and while navigating
16 **through** parking lots.

17 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

18 **SECTION ONE.** Buildings which fall under the American's with Disabilities Act Title II
19 or III (public entities, public accommodations and commercial facilities) shall provide an
20 accessible route. An accessible route means a direct, contiguous, convenient, and safe route of
21 travel from the public sidewalk to the primary building entrances and parking areas. The
22 accessible route shall be the primary pedestrian path and shall not deviate unnecessarily from

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1 a direct route or involve a significant amount of out-of-direction travel for likely users.

2 **SECTION TWO.** The accessible route shall be free from hazards, is suitable for people
3 with mobility disabilities and for people who are blind or have low vision, and provides a
4 reasonably direct route of travel between destinations.

5 **SECTION THREE.** Access to primary building entrances and parking areas. For
6 buildings which fall under the American's with Disabilities Act Title II or III, at least one
7 pedestrian accessible route shall connect the public sidewalk to the primary entrance(s) and one
8 pedestrian accessible route shall connect accessible parking lot spaces to the primary entrance(s).
9 A "primary entrance" is the main public building entrance. In the case where no public entrance
10 exists, accessible routes shall be provided to the main employee entrance. Accessible routes to
11 sidewalks shall be designed to connect people with disabilities to primary entrance(s) along the
12 same accessible routes that will commonly be used by pedestrians who do not have disabilities.

13 **SECTION FOUR.** The accessible route shall comply with the requirements set forth in
14 the Americans with Disabilities Act in the 2010 Standards for Accessible Design (28 CFR parts
15 35 and 36 and 36 CFR part 1191, appendices B and D, as amended).

16 **SECTION FIVE.** Vehicle Separation. The accessible route shall be separated from the
17 automobile ingress / egress route. Where accessible routes are in, parallel to, or adjacent to a
18 driveway, a public or private street, or internal to a parking lot, the routes shall be raised six (6)
19 inches and curbed. Curb ramps shall provide access across vehicular traffic lanes when they are
20 passing through an accessible route. When the accessible route is at grade with, and parallel to
21 vehicle travel, it shall be separated by a landscaped berm, curb, or an equivalent means of
22 protecting pedestrian users from vehicle traffic. Where possible, the accessible route shall avoid
23 crossing interior vehicle circulation patterns.

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1 **SECTION SIX.** A part of Section Three of Ordinance 68788, codified as 25.01.350

2 Section 1103.4 is hereby amended as follows:

3 1103.4 Waiver criteria. A waiver of accessibility requirements may be granted if any or
4 all of the following conditions exist:

5 1. It is technically infeasible to achieve accessibility. This term means that there is little
6 likelihood that an alteration can be accomplished because the existing structural conditions require
7 the removal of or alteration of a load-bearing member that is essential to the structural frame, or
8 because of existing site constraints or physical constraints that prohibit achieving accessibility.
9 This is determined by the Commissioner on the Disabled.

10 2. The type of business or work being performed at a property, i.e. physically demanding
11 or requiring a high level of strength and physical mobility, cannot be reasonably performed by a
12 person with a mobility impairment. This is determined by the Commissioner on the Disabled.

13 3. In an existing multi-floor building with two or more floors, where the functions on the
14 second or other floors above grade are identical to all functions on the first floor, vertical
15 accessibility can be waived if the first floor is totally accessible. This is determined by the
16 Commissioner on the Disabled.

17 4. In cases **where there is a change of use** or the previous use group is unknown or
18 undocumented, a property owner or design professional shall submit a written request for a
19 waiver of the accessibility requirement to the Commissioner on the Disabled, outlining the
20 specific reasons for the request.

21 **SECTION SEVEN.** Upon passage, this ordinance shall be added under Section
22 25.01.350 Sections 1104.1 of the Revised Code of the City of St. Louis.

23 **SECTION EIGHT.** Severability. The provisions of this section are severable. If any

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1 provision of this Ordinance is declared invalid, that invalidity shall not affect other provisions of
2 the Ordinance which can be given effect without the invalid provision.

3 **SECTION NINE.** Effective Date. This Ordinance shall take effect January 1, 2013, or
4 upon becoming a law, whichever occurs later.

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