

**ORDINANCE NO. 2023-xxxx**

**AN ORDINANCE AMENDING CHAPTER 42, ARTICLE II, DIVISION 2, SECTION 42-41  
OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA  
TO ENSURE ADA COMPLIANCE IN CONSTRUCTION OF CONDOMINIUMS**

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**FINDINGS:**

1. There is a need for Handicapped Accessible Type A dwelling units or sleeping units to be made available for purchase in newly constructed Residential Group R-2 developments.
2. The International Building Code (2018 edition) provides for defined numbers of Type A and Type B units in each new Residential Group R-2 development.
3. To modify a condominium (Residential Group R-2) from Type A to Type B after finalizing a multistory condominium (Residential Group R-2) development is extremely costly and logistically difficult.
4. Often a pre-construction buyer wants a unit modified to Type B instead of Type A prior to closing on the sale of the unit.
5. The City Council hereby finds that alteration from Type A to Type B after condo units are sold to final owners but requiring same to remain or remediate to Type A before being offered to sale to the general public protects the rights of homeowners and disabled persons alike.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORANGE BEACH, ALABAMA, AS FOLLOWS:**

1. That Chapter 42, Article II, Division 2, Section 42-41 of the Code of Ordinances for the City of Orange Beach is hereby amended to add the following language to subsection (a):  

*Section 1107.6.2.2.1 Exceptions* Insert: “3. Prospective Owners purchasing a Unit designated during the design and review to be a Type A Unit may submit a signed statement indicating their desire to alter their Type A Unit to Type B standards. With consent of the developer, the Unit may be constructed or altered to Type B standards. If the sale of the subject property/Unit does not close, the designated Unit must be retrofitted or built to Type A standards prior to Developer/Owner again offering the Unit for sale to the public.”
2. All ordinances, resolutions or parts in conflict with this ordinance, to the extent of such conflict, are repealed; and
3. That this Ordinance shall become effective immediately upon its adoption and publication as required by law.

ADOPTED THIS 4<sup>th</sup> DAY OF APRIL, 2023.

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Renee Eberly  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby certifies that the foregoing ORDINANCE 2023-xxxx was posted on \_\_\_\_\_ in the following three (3) public places:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_

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Renee Eberly, City Clerk