

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**

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.

NOW, THEREFORE, 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 All ordinances, resolutions or parts in conflict with this ordinance, to the extent of such conflict, are repealed; and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 4th DAY OF APRIL, 2023.

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 _____

Renee Eberly, City Clerk