

ORDINANCE NO. _____

THE SHELTON, IOWA 2010 ZONING ORDINANCE IS AMENDED BY ADDING NEW ZONING TEXT TO SECTIONS 17.9 RESIDENTIAL DWELLING STANDARDS WITHIN ARTICLE XVII ADDITIONAL USE REGULATIONS.

WHEREAS, State code requires elevators for multi-family housing for four and greater story buildings, and the City of Sheldon desires to require elevators for three or greater stories to provide greater accessibility for the community, visitors and for people with disabilities.

WHEREAS, within the Code of Federal Regulations there exists regulations pertaining to the implementation of the ADA, of which the local jurisdiction, the City of Sheldon, must adhere to minimum accessibility standards, but can choose to exceed minimum standards when applicable or pertinent to the needs of the local jurisdiction.

BE IT ENACTED BY THE CITY COUNCIL OF SHELTON, IOWA;

SECTION 1: ADDING NEW TEXT. Article XVII, Section 17.9 Parts 9) and 10), are hereby added to the City of Sheldon, Iowa 2010 Zoning Ordinance to read as follows:

17.9 RESIDENTIAL DWELLING STANDARDS.

- 9) *Multi-Family Housing Accessibility Requirements:* Elevators. An elevator shall be required in any apartment or other multi-family residential building of three (3) or more stories in any zoning district. An elevator required by this rule shall meet the requirements established for accessible elevators in Iowa Administrative Code (IAC) rule 661—302.5(302.20(2), which adopts by reference section 4.10 of the Americans with Disabilities Act Accessibility Guidelines (28 CFR Part 36, Appendix A). Furthermore, it should be noted these Multi-Family Housing Accessibility standards are only applicable to new construction after the effective date of the legal adoption of these provisions. These regulations shall not be retroactively enforced to existing multiple family dwellings that perform maintenance, make improvements, or provide additions onto the existing multi-family building; so long as such improvements or additions do not exceed fifty percent (50%) of the value of the existing building prior to improvements. If such improvements exceed fifty percent of the value of the existing multiple family building, and such structure is three (3) stories or more, then such structure shall comply with these provisions.
- 10) *Review and Amendments:* The Board of Adjustment may make modifications, revisions, or amendments to a zoning permit as required under Section 17.10 through granting a variance upon request from an owner/applicant.

SECTION 2: REPEALER. All ordinances or parts ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE. If any section, provision, or any part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part not adjudged invalid or unconstitutional.

SECTION 4: EFFECTIVE DATE. This zoning amendment shall be in full force and effect from after passage and publication in a newspaper of general circulation.

PASSED, APPROVED, AND ADOPTED, this ____ day of _____, 2023.

Greg Geels, Mayor

ATTEST:

Angela Beckman, City Clerk

I, Angela Beckman, City Clerk of the City of Sheldon, Iowa, hereby certify that the above and foregoing is a true copy of Ordinance No. O23-_____ passed and approved by the City Council of said City at a meeting held _____, 2023, signed by the Mayor on _____, 2023, and published in the Sheldon Mail-Sun on _____, 2023.

Angela Beckman, City Clerk
Sheldon, Iowa