

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF PEORIA
PERTAINING TO AIR RIGHTS**

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, the City of Peoria wishes to assist in the development of private property while maintaining safety for all persons in Peoria;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

SECTION 5-122. Chapter 5 of the Code of the City of Peoria is hereby amended by deleting the following stricken words and by adding the following underlined words:

Sec. 5-122. - Amendments to International Building Code.

The International Building Code, as adopted in section 5-121 of this chapter, is amended as provided in this section.

...

Section 109.3 Stair treads and risers, Exception No. 5. In occupancies in Group R-3 as applicable in Section 101.2 within dwelling units in occupancies in Group R-2, as applicable in Section 101.2 and in occupancies in Group U, which are accessory to an occupancy in Group R-3, as applicable in Section 101.2, the maximum riser heights shall be 8¼ inches (210 mm) and the minimum tread depth shall be nine inches (229 mm). A nosing not less than 0.75 inch (19.1 mm) but not more than 1.25 inches (32 mm) shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm).

Chapter 2 is amended as follows:

Section 202 Definitions:

Air Rights Agreement: An agreement, recorded with the Peoria County Recorder of Deeds, for Air Rights Space above a legally established parcel. The bottom extent of such air rights space shall be no lower than the roof of any building on the legally established parcel. The agreement may include allowances for existing or planned encroaching elements on either parcel.

Air Rights Space: A three-dimensional area above a building or lot as defined in a recorded Air Rights Agreement.

Chapter 7 is amended as follows:

Table 705.8 Maximum Area of Exterior Wall Openings reference notes is amended as follows:

k. When air rights to an adjacent parcel are combined with the parcel under development consideration, the property line – for the purpose of development only - above the bottom of the air rights space shall be adjusted based upon the air rights agreement and the development may utilize Section 706.6.1 for stepped buildings.

Chapter 11. Accessibility is hereby deleted in its entirety and the following inserted in lieu thereof:

...

The City Clerk shall keep one copy of such code on file in her office and make the same available for inspection or copying pursuant to office policy.

Section 2. This Ordinance shall be in full force and effect immediately after its passage.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, this _____ day of _____, 2019.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel