

**ORDINANCE NO. 4567**

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 7 OF THE  
EAST PEORIA ZONING CODE AND TITLE 7, CHAPTER 2 OF THE EAST CITY  
PEORIA CODE PERTAINING TO DRIVEWAY PAVING**

**WHEREAS**, City staff have reviewed the paving for driveway and off-street parking facilities for residential properties to ensure consistency and clarity for these paving requirements; and

**WHEREAS**, based upon this review and input, the City of East Peoria has proposed amendments to certain zoning regulations found at Title 5, Chapter 7, Section 4 of the East Peoria Zoning Code and the driveway construction regulations found at Title 7, Chapter 2, Section 12 of the East Peoria City Code, which proposed amendments are hereinafter set forth; and

**WHEREAS**, after holding a public hearing regarding these proposed changes to the City's Zoning Code pursuant to duly published notice, the East Peoria Zoning Board of Appeals has recommended approval of the proposed amendments; and

**WHEREAS**, the City Council finds that adoption of the proposed amendments to the East Peoria Zoning Code and City Code will serve the best interests of the City of East Peoria and its citizens; and

**WHEREAS**, the City Council further finds that the proposed amendments set forth in this Ordinance shall apply on prospective basis only, and this Ordinance shall not require changing or imposing paving requirements on any existing driveways or off-street parking areas constructed prior to the effective date of this Ordinance; and

**WHEREAS**, the City Council further finds that any lawfully established driveway or off-street parking area at the effective date of this Ordinance that does not conform to the provisions of this Ordinance may be maintained and used as a permitted nonconforming use provided no physical change or expansion is made to the driveway or off-street parking area other than necessary maintenance and repair to such driveway or off-street parking area;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:**

**Section 1.** Title 5, Chapter 7, Section 4(a) of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

**5-7-4.            Use of residential parking facilities.**

(a) Except as otherwise hereinafter provided, off-street parking facilities provided for any residential use shall be used solely for the parking of passenger cars defined by the Illinois Vehicle Code which are owned by the occupants of the dwelling structures or guests of said occupants and which may be lawfully driven on public roads and highways under Article IV of Chapter 3 of the Illinois Vehicle Code. All driveways, driveway approaches, and off-street parking facilities on property used for residential purposes shall be continuously paved with asphalt, Portland cement concrete, interlocking concrete paver or brick and treated in such a manner as to provide a durable and dustless surface, which shall be graded and drained to dispose of all surface water without detrimentally affecting neighboring properties. All driveways and driveway approaches shall be constructed as prescribed by Title 7, Chapter 2 of the City Code and shall be maintained to provide an evenly paved surface, a continuously paved surface without any portions of unpaved areas, free from potholes, ruts, channels, growth of weeds, and other similar obstructions.

(b) No person shall park any vehicle on off-street parking facilities in any residential district including, without limitation, any trailer or recreational vehicle except on a weed-free surface paved as prescribed by subsection (a) of this section.

(c) No driveway or other off street parking facility in any residential district may be located on any zoning lot closer than two (2) feet to the side and rear lot lines.

(d) No person shall park any vehicle having a gross vehicle weight in excess of twelve thousand pounds (12,000 lbs.) on private property in any residential district except to the extent necessary for the reasonably expeditious loading or unloading of such vehicles.

(e) The zoning administrator may waive the requirement that off-street parking facilities used for residential purposes on a given parcel shall have an all-weather, durable and dustless bituminous or concrete pavement surface, but only if the zoning administrator finds based on clear and convincing evidence that:

- (1) 40% or more of the residential properties lying within 500 feet of the driveway of the given parcel and fronting on the same street as the given parcel have unpaved driveways, and;
- (2) an unpaved residential driveway on the given parcel would be consistent with the character of the neighborhood in which the parcel is located.

Waiver of the requirement that off-street parking facilities used for residential purposes must be paved does not constitute a waiver of the provisions of Section 7-2-10, et seq. of the City Code which require, without limitation, permits for curb cuts and paved aprons and sidewalks on the public right-of-way. No waiver of the requirements imposed by section 7-2-10 et seq. is authorized by this section.

(f) The zoning administrator has the authority at his/her discretion to approve the expansion of existing gravel surfaces, as long as, the expansion is not related to the expansion of a primary structure or a garage.

**Section 2.** Title 7, Chapter 2, Section 12 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

**7-2-12.        Residential driveway and off-street parking areas;  
application for permit, fee, specifications, deposit.**

(a) Any person desiring to construct, build, establish or maintain a residential driveway or an off-street parking area in the city shall make application to the director for a permit. Such application shall contain the name and address of the applicant, the location and dimensions of the proposed driveway or off-street parking area, and whether, in the building thereof, it will be necessary to cut down or alter a street or curb or elevate or depress the existing grade of the walk or parkway.

(b) No permit shall be issued hereunder until the applicant therefor shall have paid to the city clerk the fee required under section 7-2-3 of this chapter, and in addition such deposit as may be required under section 7-2-2 of this chapter.

(c) No permit shall be authorized by the director unless the proposed driveway or an off-street parking area is to be constructed in conformance with the following limitations and all other applicable requirements of this chapter:

- (1) Driveway or off-street parking area widths measured at any point on the property line shall not exceed twelve (12) feet for a single driveway, or twenty (20) feet for a double or joint driveway. In the event the sidewalk is not separated from the curb by a utility strip or grassplot, then the point at which the above measurement is made will be determined by the director in accord with good engineering practices.
- (2) A circular return connecting the driveway approach and the street may be used, except where the driveway crosses a curb line sidewalk. The minimum radius of return, when used, shall

be three (3) feet and the maximum shall be seven (7) feet. No portion of the approach shall be constructed within six (6) feet of the property line extended. The director may waive this requirement, but such waiver shall not permit the removal of curbing in front of adjoining property.

- (3) The sidewalk portion of the driveway or off-street parking area beyond the driveway approach and the sidewalk shall be of Portland cement concrete with a minimum thickness of six (6) inches, four (4) inches or four (4) inches of rock base and one and one-half (1½) inch bituminous surface.
- (4) The driveway approach and the sidewalk portions of the driveway or the driveway approach of the off-street parking area shall be either six (6) inches of rock base with a one and one-half (1½) inch bituminous surface, or a six (6) inches thickness of Portland cement concrete.
- (5) All driveways or off-street parking areas must be continuously paved (without any portions of unpaved areas) from the street along the driveway and to the parking area, including the entire parking area, unless otherwise expressly permitted to be constructed in a different manner under another provision of the City Code.

**Section 3.** Title 7, Chapter 2, Section 10 of the East Peoria City Code is hereby amended to read as follows (additions are indicated by underline; deletions by ~~strikeout~~):

#### **7-2-10. Definitions.**

For the purposes of this chapter:

- (a) *Driveway approach* means any place improved for vehicular or pedestrian traffic on street rights-of-way which connects the traveled portion of the street with a driveway or pedestrian walkway.
- (b) *Driveway; nonresidential* means any passageway for vehicle ingress or egress to private property, used in whole or in part for other than residence or dwelling house purposes.
- (c) *Driveway; residential* means any passageway for vehicle ingress or egress to private property, used exclusively for residence or dwelling house purposes.

(d) Off-street parking area means any area of a residential lot upon which a vehicle is or may be parked. As used in this chapter, the term vehicle shall be defined as set forth in the Illinois Vehicle Code.

(ed) Sidewalk means that portion of the street right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians and generally separated from the curb or roadway surface by a utility strip or grassplot.

**Section 4.** This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

**Section 5.** This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

**PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS 1st DAY OF June, 2021.**

**APPROVED:**

/s/ John P. Kahl  
Mayor

**ATTEST:**

/s/ Morgan R. Cadwalader  
City Clerk

**EXAMINED AND APPROVED:**

/s/ Scott A. Brunton  
Corporation Counsel