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CHAPTER 3

ZONING DISTRICTS AND MAP

SECTION:

- 9-3-1: Districts Established
- 9-3-2: Zoning Map
- 9-3-3: Annexations
- 9-3-4: Rezoning of Public Lands
- 9-3-5: Performance Standards

9-3-1: **DISTRICTS ESTABLISHED:** For the purpose of this Title, the Village shall be and is hereby divided into zoning districts as follows:

Zone R	Residence Zone
Zone R-2	Residence and Multiple Dwelling Zone
Zone C	Commercial Zone
Zone LM	Light Manufacturing Zone
Zone HM	Heavy Manufacturing Zone
Zone MFT	Motor Freight Terminal Zone
	(Ord. 69-1, 2-10-69; amd. 1985 Code)
Zone T	Mobile Home Park Zone
	(Ord. 78-2, 5-8-78)
Zone S	Special Use Zone

9-3-2: **ZONING MAP:**

A. Authorization and Location of Map: The boundaries of said districts are as indicated on the Zoning Map of the Village, a copy of which is on file in the office of the Village

Clerk in the Village Hall, and is identified on its face as part of this Title. Said Zoning Map, with all notations, references and other matters thereon, is as much a part of this Title as if such notations, references and other matters were specifically set forth herein. No building shall be erected or altered, nor shall any building or premises be used for any purpose other than is permitted in the district in which said building or premises is located, except as provided in Chapter 11 of this Title relating to nonconforming uses.

B. Interpretation of Districts and Boundaries: In the event uncertainties exist with respect to the intended boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. The district boundaries are the center lines of streets unless otherwise indicated, and where the designation of a boundary line on the Zoning Map coincides with the location

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of a street, the center line of such street shall be construed to be the boundary of such districts.

2. Where the district boundaries do not coincide with the location of streets but do coincide with lot lines, such lot lines shall be construed to be the boundary of such districts.
3. Where the district boundaries do not coincide with the location of streets or lot lines, the district boundaries shall be determined by the use of the scale indicated on the Zoning Map.

9-3-3: **ANNEXATIONS:** Areas annexed to the Village shall be zoned only after public hearing as provided for by statute. It shall be the duty of the Village President to immediately appoint a Zoning Committee¹ to hear and consider the zoning of such areas annexed and to make its recommendations to the Village Board. Until such public hearing and zoning, the area so annexed shall be deemed to be zoned in the district in which it was under any other comprehensive Municipal zoning ordinance prior to its annexation.

9-3-4: **REZONING OF PUBLIC LANDS:** An area indicated on the official Zoning Map as a Municipal area, public lands, public park or recreation area, public utility area, cemetery, public school site or semi-public open space shall not be used for any other purpose and when the use of the area is discontinued, it shall automatically be zoned R-2 Residence and Multiple Dwelling Zone, until otherwise zoned. (Ord. 69-1, 2-10-69)

9-3-5: **PERFORMANCE STANDARDS:**

¹See Section 9-12-1 of this Municipal Code.

A. Jurisdiction: Any use hereafter established in any zoning district in the Village shall be used and maintained in such a manner as to comply with applicable performance standards as hereinafter set forth governing noise, smoke, particulate matter, toxic or noxious matter, odors, fire and explosive hazards, vibration, radiation, or glare or heat for the district in which such use shall be located; and no use already established on the effective date hereof shall be so altered or modified as to conflict with, or further conflict with applicable performance standards for the district in which such use is located. (1985 Code)

B. Noise: Each land use must conform to the standards set forth in the Hodgkins Noise Ordinance, as follows:

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PART I - GENERAL PROVISIONS

1. Definitions: Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this subsection B shall be the same as those used in the Illinois Environmental Protection Act.²

All definitions of acoustical terminology shall be in conformance with those contained in ANSI S1.1-1960 "Acoustical Terminology".

ANSI American National Standards Institute or its successor bodies.

Bus Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab designed and used for the transportation of persons for compensation.

Construction On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.

Daytime Hours Seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. local time.

²415 ILCS 5/3 (S.H.A. ch. 111½, §1003.)

dB (A) Sound level in decibels determined by the A-weighting of a sound level meter.

Decibel (dB) A unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this subsection, shall be twenty (20) micronewtons per square meter ($\mu\text{N}/\text{m}^2$).

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Existing Property Line Noise Source Any property line noise source, the construction or establishment of which commenced prior to August 1, 1983. For the purposes of this subsection, any property line noise source whose Class R1 and use classification changes, on or after August 1, 1983, shall not be considered an existing property line noise source.

Fast Meter Response As specified by American National Standards Institute in document S 1-1-4-1971, or subsequent revisions.

Gross Vehicle Weight (GVW) The maximum loaded weight for which a motor vehicle is registered, or for vehicles not so registered, the value specified by the manufacturer as the loaded weight of the vehicle.

Highway The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

Motorcycle Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground.

Motor-Driven Cycle Every motorcycle, motor scooter, or bicycle with motor attached, with less than one hundred fifty (150) cubic centimeter piston displacement.

Motor Vehicle Every vehicle which is self-propelled and any combination of vehicles which are propelled or drawn by a vehicle which is self-propelled.

New Property Line Any property line noise source, the
Noise Source establishment of which commenced on or after August 1, 1983.

9-3-5 Nighttime Hours Ten o'clock (10:00)P.M. to seven o'clock (7:00)A.M., local time. 9-3-5

Noise Pollution The emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

Passenger Car A motor vehicle designed for the carrying of not more than ten (10) persons, including a multi-purpose passenger vehicle, except any motor vehicle of the second division as defined by Illinois Revised Statutes, chapter 95-1/2, section 1-146, and except any motorcycle or motor-driven cycle.

Person Any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, or any state or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

Property Line Any equipment or facility, Noise Source or combination thereof, which operates within any land used as specified by subparagraph 6 hereof. Such equipment or facility, or combination thereof, must be capable of emitting sound beyond the property line of the land on which operated.

Snowmobile A self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

Sound An oscillation in pressure in air.

Sound Level In decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4-1971 "Specifications for Sound Level Meters".

Sound Pressure Level In decibels, twenty (20) times the logarithm to the base ten (10) of

the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The reference pressure is twenty per square meter. (20) standard microneutons

Special Mobile

Every vehicle not designed or used Equipment primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to; ditch digging machinery and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and other earth-moving equipment.

Unregulated Safety a safety relief valve used and Relief Valvedesigned to be actuated by high pressure in the pipe or vessel to which it is connected and which is used and designed to prevent explosion or other hazardous reaction from pressure buildup, rather than being used and designed as a process pressure blowdown.

2. Prohibition of Noise Pollution: No person shall cause or allow the emission of sound beyond the boundaries of his property, as property is defined in subsection B6 hereof, so as to cause noise pollution within the corporate limits of the Village or so as to violate any provision of this subsection.
3. Measurement Procedures: The Village shall follow measurement procedures which are consistent with those adopted by the Illinois Environmental Protection Agency.
4. Burden of Persuasion Regarding Exceptions: In any proceeding pursuant to this subsection, if an exception stated in this subsection would limit a liability, or eliminate either an obligation or a liability, the person who would benefit from the application of the exception shall have the burden of persuasion that the exception applies and that the terms of the exception have been met. The Village shall

cooperate with and assist persons in determining the application of the provisions of this Chapter.

5. Severability: If any provision of these rules or regulations is adjudged invalid, or if the application thereof to any person or in any circumstance is adjudged invalid, such invalidity shall not affect the validity of this subsection as a whole or of any part, sub-part, sentence or clause thereof not adjudged invalid.

PART 2 - SOUND EMISSION STANDARDS AND LIMITATIONS FOR PROPERTY-LINE NOISE SOURCES

All terms defined in Part 1 of this subsection B which appear in Part 2 of this subsection have the same definitions specified by subsection B1 of Part 1 hereof:

6. Classification of Land According to Use:

Class R Land use includes land classified by Hodgkins Zoning Code provisions for single-family residence uses and multiple-family residence uses Residence R Zone and Residence R-2 Zone; and commercial property uses Commercial C Zone.³

Class I Land use includes land classified by Hodgkins zoning district provisions for light industry and any use not permitted by Class R.

a. Sound Emitted to Class R Land During Daytime Hours:

No person shall cause or allow the emission of sound during daytime hours from any property-line noise source to any receiving Class R land which exceeds any allowable A-weighted sound pressure levels shall be made less than twenty five feet (25') from such property-line noise source.

Table 1

Allowable A-Weighted Sound Pressure Levels of sound Emitted to any Receiving Class R Land from

Class I Land Class R Land

61 dB (A) 55 dB (A)

b. Sound Emitted to Class R Land During Nighttime Hours:

No person shall cause or allow the emission of sound during

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³See Chapter 4, Articles A and B; and Chapter 5 of this Title.

nighttime hours from any property-line noise source to any receiving Class R land which exceeds any allowable A-weighted sound pressure level specified in Table 2, when measured at any point within such receiving Class R land; provided, however, that no measurement of A-weighted sound pressure levels shall be made less than twenty five feet (25') from such property-line noise source.

Table 2

Allowable A-Weighted Band Sound Pressure Levels of Sound Emitted to any Receiving Class R Land from

Class I Land Class R Land

51 dB (A) 45 dB (A)

7. Exceptions to Subsection 6:

- a. Subsections B6a and b shall not apply to sound emitted from emergency warning devices and unregulated safety relief valves.
- b. Subsections B6a and b shall not apply to sound emitted from lawn care maintenance equipment, snowblowers, or chain saws, used during daytime hours.
- c. Subsections B6a and b shall not apply to sound emitted from equipment being used for construction during the hours of seven o'clock (7:00)A.M. to ten o'clock (10:00)P.M., if approved by the Village administration.
- d. Subsection B6b shall not apply to sound emitted from existing property-line noise sources during nighttime hours; provided, however, that sound emitted from such existing property-line noise sources shall be governed during nighttime hours by the limits specified in subsection B6a.
- e. Subsections B6a and b shall not apply to the operation of any vehicle registered for highway use while such vehicle is being operated within any land used as specified in subsection 6 hereof in the course of ingress to or egress from a highway.

PART 3 - SOUND EMISSION STANDARDS AND LIMITATIONS FOR MOTOR VEHICLES

8. Standards Applicable to all Passenger Cars and to Other Motor Vehicles with GVW of 8,000 pounds or less:

- a. Applicability: This subsection shall apply to all passenger cars regardless of weight and to other motor vehicles with a gross vehicle weight of eight thousand (8,000) pounds or less, except motorcycles and motor-driven cycles.
- b. Standards for Highway Operation: No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed the limit of 74 dB (A), on any roadway within the corporate limits of the Village, as measured with fast meter response at fifty feet (50') from the street line of travel or an equivalent sound level limit measured in accordance with procedures established in subsection B3 hereof.

9. Standards Applicable to Motor Vehicles with GVW in Excess of 8,000 Pounds:

- a. Applicability: This rule shall apply to motor vehicles with a gross vehicle weight in excess of eight thousand (8,000) pounds, except passenger cars.
- b. Standards for Highway Operation: No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time under any conditions of highway grade, load, acceleration or deceleration in a manner as to exceed 86 dB (A) on any roadway within the corporate limits of the Village, as measured with fast meter response at fifty feet (50') from the center line of lane of travel, or an equivalent sound level limit measured in accordance with procedures established in subsection B3 hereof.

10. Standards Applicable to Motorcycles and Motor-Driven Cycles:

- a. Applicability: This rule shall apply to all motorcycles and motor-driven cycles.
- b. Standards for Highway Operation: No person shall operate or cause or allow the operation of a motor vehicle subject to this rule at any time or under any conditions of highway grade, load, acceleration or deceleration in such a manner as to exceed 80 dB (A) on any roadway within the corporate limits of the Village as measured with fast meter response at fifty feet (50') from the center line of lane of travel, or an equivalent sound level limit measured in accordance with procedures established in subsection B3 hereof.

11. Exceptions to Part 3: The standards and limitations of Part 3, subsections 8, 9 and 10, shall not apply to:
- a. Any vehicle used exclusively upon stationary rails or tracks.
 - b. Any lawn care maintenance equipment or snowblowers.
 - c. The operational standards contained in subsections B8 to B10 inclusive shall not apply to warning devices such as horns and sirens: or to emergency equipment and vehicles such as fire engines, ambulances, police vans, and rescue vans, when responding to emergency calls or snow plows when in operation.

PART 4 - MISCELLANEOUS PROVISIONS

12. Violation of Noise Regulations on Public Property: sound sources such as radio, stereo, tape player or other sound-producing equipment shall not exceed 55 dB (A) during daytime hours or 45 dB (A) during nighttime hours, when measured in excess of twenty five feet (25') from the sound source.
13. Church Bells: The standards for church bells shall be in accordance with those set forth by the Illinois Environmental Protection Agency.
14. Exception to Part 4: The standards and limitations of Part 4, subsections 12 and 13, shall not apply to Village-approved parades.

PART 5 - COMPLIANCE AND PENALTY

15. Penalty: Any person who shall violate any subparagraph of this subsection B shall, on conviction thereof, be fined in the sum of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense. (Ord. 83-10)
- C. Vibration: Each land use must conform with Section 4-8-1 of this Village Code.
- D. Smoke and Particulate Matter: Each land use must conform to the standards set forth from time to time by the Air Pollution Control Ordinance of the Village and the Illinois Environmental Protection Agency. Such standards shall include but not be limited to the requirements as outlined in the publication entitled "State of Illinois Smoke and Particulate Matter", adopted by the Illinois Air Pollution Control Board and dated April 14, 1972.

E .Toxic Matter: Each land use must conform to the standards set forth from time to time by the Illinois Environmental Protection Agency and the United States Environmental Protection Agency, whichever is more stringent. (1985 Code)

F. Fire and Explosive Hazards: Each land use must conform with Section 4-8-1 of this Village Code.

The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following conditions are met:

1. Said materials or products shall be stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

2. Said materials or products shall be stored, utilized or manufactured so as to comply with the Fire Prevention Code set forth in Section 8-2-5 of this Village Code.

G. Glare and Heat: Any operation producing intense glare or heat shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. (Ord. 69-1, 2-10-69)

H. Odorous Matter: Each land use must conform to the standards set forth from time to time by the Illinois Environmental Protection Agency. Such standards shall include but not be limited to the requirements as outlined in the publication entitled "State of Illinois Odorous Matter", adopted by the Illinois Air Pollution Control Board and dated April 14, 1972.

I.Radiation Hazards:

1. Release Outside Property Lines: In any district the release of radioactive materials or the emission of ionizing radiation outside of property lines shall be in accordance with the standards set forth from time to time by the Illinois Environmental Protection Agency. Such standards shall include but not be limited to the requirements as outlined in the rules and regulations of the State of Illinois "Rules and Regulations for Prevention of Radiation Hazards", Adopted April 18, 1961, amended May 15, 1967.

2. Unsealed Radioactive Materials: In any district, unsealed radioactive materials shall not be manufactured, utilized, or

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stored except when such materials are stored in a fireproof container at or below

ground level.

- J. Water Pollution: Each land use must conform to the standards set forth from time to time by the Illinois Environmental Protection Agency. Such standards shall include but not be limited to the requirements as outlined in the publication entitled "Water Pollution Regulation of Illinois", dated March 7, 1972, (Division of Water Pollution Control). (1985 Code)