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**THE VILLAGE OF HOMER GLEN**

**WILL COUNTY, ILLINOIS**

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**ORDINANCE**

**NUMBER 10-038**

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**AN ORDINANCE REGULATING OUTDOOR**

**LIGHTING IN THE VILLAGE OF HOMER GLEN**

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**JAMES P. DALEY, Village President**  
**Gale Skrobuton, Village Clerk**

**MICHAEL COSTA**  
**RUSSELL KNAACK**  
**MARY NIEMIEC**  
**MARGARET SABO**  
**LAUREL WARD**  
**GEORGE YUKICH**

**Trustees**

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AN ORDINANCE REGULATING OUTDOOR LIGHTING  
IN THE VILLAGE OF HOMER GLEN

WHEREAS, the Village of Homer Glen, Will County, Illinois (the "Village") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers"); and

WHEREAS, the safety and welfare of pedestrians, cyclists, and motorists depend upon the reduction of glare and the establishment of consistent and well-defined levels of lighting; and

WHEREAS, proper direction and use of light will minimize energy wasted on unnecessary and indiscriminate illumination; and

WHEREAS, the corporate authorities recognize the night sky as a natural resource; and

WHEREAS, the corporate authorities and the Homer Glen Green Vision recognize the need to preserve rural character, aesthetic value, and the unique quality of life of Homer Glen residents by preserving and enhancing the ability to view the night sky; and

WHEREAS, the corporate authorities and the Village of Homer Glen Comprehensive Plan recognize the need to define limits and protect residents and business owners from the trespass of excessive and misdirected light from adjacent properties; and

WHEREAS, establishing a predetermined standard for outdoor illumination will provide residents, business owners, and developers with a clear set of guidelines by which to follow; and

WHEREAS, a clear set of guidelines for outdoor lighting will eliminate the need for commercial establishments to compete for visual attention by escalating outdoor lighting levels; and

WHEREAS, the corporate authorities wish to promote sound environmental policies which will benefit residents and serve as a positive example to surrounding communities; and

WHEREAS, excessive illumination can have a detrimental effect to wildlife that depend on the natural cycle of day and night for survival.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, BY AND THROUGH ITS HOME RULE POWERS, THAT:

1.0 APPLICABILITY

All zoning lots in all existing zoning districts and in all zoning districts that maybe created after the effective date of this ordinance shall comply with the provisions of this ordinance unless specifically exempted herein.

For clarity and organization, references are made within this ordinance to Residential Lighting Zones, Commercial Lighting Zones, and Industrial Lighting Zones. These lighting zones are defined in Section 8 of this ordinance.

## 2.0 CONFORMANCE

### 2.1 Compliance Deadline for All Non Conforming Uses

Any existing luminaire or lighting installation used for outdoor lighting in any zoning district that does not presently comply with the requirements of this Ordinance will be considered a non-conforming use. Except as set forth in sections 2.2 and 2.3, such nonconforming uses must comply with the requirements of this ordinance or must be removed on or before November 10, 2018.

### 2.2 Criteria Requiring Compliance with Certain Sections or Removal

Any non-conforming luminaire or light installation existing on any zoning lot must comply with the requirements of sections 3.2, 3.3, 3.4, 3.5, 4.1, 5.0, 6.0 and 7.1 or must be removed within 30 days if any of the following criteria are met:

1. The height or location of the luminaire is changed; or
2. The luminaire is changed or replaced (excluding routine maintenance and bulb replacement of equal light output) except if it is part of a parking lot lighting installation consisting of an array of 3 or more identical luminaires and poles or supporting structures; or
3. The supporting structure for the luminaire is changed or replaced except if it is part of a parking-lot lighting installation consisting of an array of 3 or more identical luminaires and poles or supporting structures; or
4. The use of the luminaire is resumed after a period of abandonment of more than 180 days. A written request for an extension of this 180 day time period may be granted by the Village Board for a period not to exceed an additional 180 days.
5. The luminaire is producing glare that is deemed by the Village to create a hazard or nuisance.

### 2.3 Criteria Requiring Full Compliance or Complete Removal

In the event any of the following criteria are met:

1. A cumulative total of twenty-five percent (25%) or more of the non-conforming luminaires or their supporting structures are changed, replaced (excluding routine maintenance and bulb replacement of equal light output), or relocated; or
2. A "Principal Structure" (as defined in the Village of Homer Glen Zoning Ordinance) on said zoning lot is expanded by an amount equal to or greater than 25% of the total square footage of the structure immediately prior to such expansion; or
3. There is a change in zoning of said zoning lot.

### 3.0 ILLUMINATION STANDARDS

#### 3.1 GROSS EMISSION OF LIGHT

##### Commercial and Industrial Lighting Zones

The total light output from all luminaires used for outdoor lighting on any zoning lot in a commercial lighting zone, except for street lighting, outdoor display lots, lighting installations for non-internally illuminated signage not exceeding 800 lumens, and outdoor lighting of playing fields on public property, shall not exceed 100,000 lumens per net acre. Lighting installations located under canopies shall only contribute fifty percent (50%) toward this limit. For the purpose of this ordinance the lamp lumen output is defined as the initial lumen rating declared by the manufacturer, which consist of the lumen rating of a lamp at the end of 100 hours of operation.

##### Exemptions

1. Lighting for outdoor athletic fields, courts or tracks and outdoor display lots shall be exempt from the lumen per acre limits of Section 4.1.

#### 3.2 LIGHT INTENSITY AND UNIFORMITY

##### 3.2.1 Commercial and Industrial Lighting Zones

During permitted hours of operation as defined within this Ordinance, outdoor lighting on any zoning lot in a commercial or industrial lighting zone shall meet the following requirements for light level as measured in the plane of the illuminated surface:

<b>Illuminated Surface</b>	<b>Minimum Light Level</b>	<b>Maximum Light Level</b>
Non-Internally-Illuminated Signs, Buildings, & Ground – (light color)	---	5.0 footcandles
Non-Internally-Illuminated Signs, Buildings, & Ground – (medium color)	---	10.0 footcandles
Non-Internally-Illuminated Signs, Buildings, & Ground – (dark color)	---	15.0 footcandles
Auto Dealerships: Front Row & Feature Displays	---	20
Other Merchandise Areas	---	10
Public Parking Areas*	0.2 footcandles	4.5 footcandles
Vehicular Entrances from Right-of-Way*	1.0 footcandles	4.5 footcandles
Playing Fields	---	IESNA **
Automobile Service-Station Pumping Areas	10 footcandles	30 footcandles
Drive-In/Drive-Through Canopies	---	15 footcandles
Building Entrance and Exit *	1.0 footcandles	5.0 footcandles
Stairways and Steps*	1.0 footcandles	5.0 footcandles

- \*Maximum-to-minimum light level ratio shall not exceed 15:1.
- \*\*Illuminance level specified in Table 7 of IESNA document RP-6-01.

### 3.2.2 Outdoor Dynamic Display

The luminance for any outdoor dynamic display shall not exceed 5000 Nits during daylight hours or 150 Nits at all other times. Brightness must be measured from the brightest element of the sign’s face. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set so that it will not exceed the luminance levels for day and night.

## 3.3 LIGHT DIRECTION & CONTROL

### Residential, Commercial, and Industrial Lighting Zones

Any luminaire which is used for uplighting on any zoning lot in a residential, commercial, or industrial lighting zone shall have the necessary shielding and/or beam-angle control and/or shall be aimed to substantially confine the directed light to the object intending to be illuminated. Uplighting shall only be permitted for landscape lighting, architectural lighting, flag lighting, and lighting of ground-mounted signs that are not internally illuminated. Uplighting applications shall meet the following requirements:

<b>Uplighting Application</b>	<b>Maximum Inclination</b>	<b>Maximum Light Output</b>
Landscape Lighting	60°	1100 lumens <sup>†</sup> (up to 45°) 800 lumens <sup>††</sup> (up to 60°)
Architectural Lighting	45°	1100 lumens <sup>†</sup>
Flag Lighting*	60°	1100 lumens <sup>†</sup> (up to 45°) 800 lumens <sup>††</sup> (up to 60°)
Sign Lighting **	45°	1100 lumens <sup>†</sup>

\* The tradition of lowering flags at sunset is encouraged to avoid the need for lighting.

\*\* Ground-mounted, non-internally-illuminated signs only.

† Typical 75W incandescent bulb or 50W low-voltage halogen landscape bulb.

†† Typical 60W incandescent bulb or 35W low-voltage halogen landscape bulb.

### Residential Lighting Zones

Any luminaire with a light output exceeding 1100 lumens which is used for outdoor lighting on any zoning lot in a residential lighting zone shall have the necessary shielding and/or beam-angle control and/or shall be aimed so that the direction of all directly emitted light is at or below horizontal. If a motion-activated sensor that illuminates the luminaire for no more than 5 minutes upon activation is used, however, said luminaire may have a light output of up to 2200 lumens.

Any luminaire with a light output exceeding 2200 lumens which is used for outdoor lighting on any zoning lot in a residential lighting zone shall have the necessary shielding and/or beam-angle control and/or shall be aimed so that the light source is not visible along any property line, as viewed at a height of 60 inches above grade.

Commercial or Industrial Lighting Zones

Except as otherwise stated herein, any luminaire on any zoning lot in a commercial or industrial lighting zone which emits light directed at a building, sign, billboard, or other outdoor feature shall be located at or above the top of said object and aimed and controlled so that the direction of all emitted light is at or below horizontal and the directed light is substantially confined to the object intending to be illuminated.

3.4 LIGHT TRESPASS

Except for street lighting, light emitted from outdoor lighting on any zoning lot shall not cause the light level along any property line, as measured at a height of 60 inches above grade in a plane at any angle of inclination, to exceed the following limits:

<b>Emitting Zoning Lot</b>	<b>Impacted Zoning Lot</b>	<b>Maximum Light Level</b>
Residential Lighting Zone	Residential Lighting Zone	0.1 footcandles
Residential Lighting Zone	Commercial/Industrial Lighting Zone	0.5 footcandles
Commercial/Industrial Lighting Zone	Residential Lighting Zone	0.1 footcandles
Commercial/Industrial Lighting Zone	Commercial/Industrial Lighting Zone	0.5 footcandles

Any property used for governmental, recreational and public purposes shall not exceed 0.1 footcandles at all property lines.

3.5 PERMITTED HOURS FOR OUTDOOR LIGHTING

Commercial and Industrial Lighting Zones

Except for street lighting, outdoor lighting (including, but not limited to, parking lot, area, architectural, landscape, etc.) on any zoning lot in a commercial or industrial lighting zone is permitted to be lighted between one-half hour before sunset and 10:00 p.m. or 1 hour after the close of business based on normal hours of operation of the business, whichever is later. Thereafter, for safety and security purposes, security lighting is permissible at a total light output not greater than 25% of the total light output from all outdoor lighting located on the zoning lot during permitted outdoor lighting hours. During security lighting hours, no luminaire may exceed its light output exhibited during permitted outdoor lighting hours.

Property Used for Governmental & Public Purposes

Any zoning lot in any zoning district used for governmental or public purposes, except for street lighting, shall comply with the permitted hours and security lighting limitations for commercial lighting zones. In addition, outdoor lighting of the playing field of an organized sporting event on public property that is in progress at the close of permitted outdoor lighting hours shall be allowed to remain illuminated until 30 minutes after the conclusion of the event but no later than 11:00 p.m. No outdoor lighting of the playing field for any sport or recreational purpose shall be initiated after 10:00 p.m.

## 4.0 LUMINAIRE STANDARDS

### 4.1 FULL-CUTOFF REQUIREMENT

#### Commercial and Industrial Lighting Zones

Except for uplighting applications permitted within this ordinance, any luminaire used for outdoor lighting in a commercial or industrial lighting zone shall be a full-cutoff luminaire and shall be installed in the proper orientation to achieve full-cutoff performance with respect to a horizontal plane.

#### Street Lighting

Any luminaire used for street lighting shall be a full-cutoff 70 watt high pressure sodium (HPS) luminaire and shall be installed in the proper orientation to achieve full-cutoff performance with respect to a horizontal plane at intersections only. Said luminaire, as well as any poles, brackets, supports, and mounting hardware shall comply with current Village design standards.

### 4.2 INSTALLED HEIGHT

The installed height of any luminaire used for outdoor lighting on any zoning lot, except for street lighting, shall not exceed the following limits:

Zoning Lot	Maximum Installed Height*
Residential Lighting Zone	20 ft
Commercial/Industrial Lighting Zone	25 ft

\* A maximum installed height of 50 ft shall be permitted for lighting of playing fields on public property.

### 5.0 PROHIBITED OUTDOOR LIGHTING

The following outdoor lighting applications are prohibited in all zoning districts:

1. The use of laser light source;
2. The use of flickering, flashing, blinking, scrolling, or rotating lights and any illumination that changes intensity;
3. The use of upward directed lighting, except as otherwise permitted herein;
4. Architectural lighting of any portion of a building or structure with a polished or glass exterior surface that uses uplighting;
5. The use of searchlights;
6. The use of neon light to accent buildings or architectural features;
7. The use of Mercury vapor light source except for existing uses in A-1 or A-2 zoning districts used for "Agriculture" as defined in the Village of Homer Glen Zoning Ordinance;
8. The use of light sources above 3300 degree Kelvin for new lighting installations; except for playing fields, outdoor display lots; and
9. Any luminaire creating glare that is deemed by the Village to create a hazard or nuisance.

## 6.0 EXEMPT OUTDOOR LIGHTING

The following outdoor lighting applications are exempt from all requirements of this ordinance:

1. Underwater lighting used for the illumination of swimming pools and fountains;
2. Lighting required by county, state, or federal law;
3. Temporary lighting used for holiday decoration;
4. Decorative yard lighting characterized by a flame source;
5. Portable lighting temporarily used for maintenance or repair that is not deemed by the Village to create a hazard or nuisance;
6. Emergency lighting used by police, firefighting, emergency management, or medical personnel at their discretion as long as the emergency exists;
7. Lighting approved by the Village for temporary events such as carnivals, circuses, festivals, picnics, fairs, civic events, and exhibitions; and
8. Temporary lighting required for road construction or other public improvements.

## 7.0 PROCEDURAL REQUIREMENTS

### 7.1 PLAN SUBMISSION

For subdivision and land-development applications where outdoor lighting is required or proposed, lighting plans shall be submitted to the Village for review and approval and shall include:

1. A site plan complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and all adjacent uses. The site plan shall show, by location, and identify each existing and proposed luminaire and shall specify its installed height, pole foundation details, and mounting methods;
2. Iso-footcandle plots for individual lighting installations, or 10' x 10' illuminance-grid plots for multi-fixture lighting installations, which demonstrate compliance with all applicable requirements set forth within this Ordinance. The plots shall indicate the location of each existing and proposed luminaire, the installed height of said luminaires, and the overall light levels in foot candles on the entire zoning lot and at the property lines;
3. A summary table identifying the maximum and minimum light levels for all parking areas, entryways, signs, and walkways.
4. A description of each luminaire identified in the site plan including the manufacturer, model number, a photograph or catalog cut, photometric data verifying any compliance requirements specified within this ordinance, light output in initial lumens, shielding or glare reduction devices, lamp type, and on/off control devices.

### 7.2 POST-APPROVAL ALTERATIONS

Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Village for review and approval, with all plan submission requirements set forth within this Ordinance, prior to installation.



### 7.3 RIGHT OF INSPECTION

The Village shall have the right to conduct a post-installation inspection to verify compliance with the requirements of this Ordinance and, if appropriate, to require remedial action at the expense of the applicant.

### 7.4 ADMINISTRATIVE VARIANCE

The Community Development Director or Village Board designee may grant administrative variances only in cases where it is demonstrated that unusual practical difficulties exist on the subject property; therefore, making the full requirements of this Ordinance impractical to implement fully. An administrative variance shall not exceed five percent (5%) of the overall site lighting level requirements. An administrative variance shall not be available or applicable for the following Outdoor Lighting Ordinance requirements:

1. The type of lighting fixtures used;
2. The light trespass requirements;
3. The full cutoff requirement;
4. The installed height of a fixture;
5. An after-the-fact variance request or to correct a zoning violation.

The applicant shall demonstrate with an administrative variance application and supporting evidence that the strict application of the regulations of this ordinance would produce undue hardship on the applicant and subject property.

### 8.0 DEFINITIONS

**ABANDONMENT:** Discontinuance in the usage of a lighting installation, or portion thereof, with no intention to resume the usage of such lighting. A lighting installation or portion thereof, that has not been operated for a period of 180 days or longer, shall be considered to be abandoned.

**ADMINISTRATIVE VARIANCE:** An administrative dispensation, reviewed and approved by the Community Development Director or Village Board designee, permitted on individual parcels or property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property, which, because of unusual or unique circumstances or the regulating standards of other regulating agencies, is denied by the terms of this Ordinance.

**ARCHITECTURAL LIGHTING:** Outdoor lighting directed at buildings, facades, structures, monuments, and other architectural features.

**AUTOMOBILE SERVICE STATION (GAS STATION):** Any building or premises used for dispensing or offering for sale automotive fluids or oils, having pumps and underground storage tanks; also, where battery, tire, and other similar services are rendered, but only if rendered wholly within a building. Automobile service stations shall not include the sales or storage (new or used) of automobiles, trailers, or other vehicles. Automobile service stations may include mini-marts as a Special Use.

**AUTOMOBILE SERVICE STATION PUMPING AREA:** The drivable surface of an automobile service station, in the immediate vicinity of a fuel pump, where vehicles are parked during fueling.

**BILLBOARD:** A surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

**CANOPY:** A roofed structure that is open on at least three sides and typically provides protection from the sun or weather that is associated with the sale of commercial goods or services.

**COMMERCIAL LIGHTING ZONE:** Any zoning lot in any zoning district that does not have as its primary use a single-family residential dwelling, a two-family residential dwelling, land used for "Agriculture," or land used for "Industrial" as defined in the Village of Homer Glen Zoning Ordinance.

**DIRECTIONALLY SHIELDED:** A luminaire which uses shielding, lenses, or other means to provide a distinct focused beam of emitted light.

**FOOTCANDLE:** A unit of measure of luminous flux.

**FULL-CUTOFF LUMINAIRE:** A luminaire having a light distribution (excluding not more than 0.5% incidental uplight from poles, mounting brackets, and other supporting structures), as determined by photometric test and certified by the manufacturer, such that no light is emitted at or above an angle of 90° above nadir in any direction and the luminous flux emitted in the band between 80° and 90° above nadir in all directions is no more than 10% of the total luminous flux for the luminaire.

**GLARE:** A visual disturbance produced by a distinct light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted.

**HID LIGHTING:** A high-intensity discharge family of lighting that includes high-pressure sodium, fluorescent, mercury vapor, and metal halide type bulbs.

**IESNA:** Illumination Engineering Society of North America.

**ILLUMINANCE:** The amount of luminous flux falling onto a unit of surface area, correlating to the perception of brightness by the human eye. Illuminance is typically measured in lumens per square foot (footcandles) or lumens per square meter (lux).

**INDUSTRIAL LIGHTING ZONE:** A lighting area on any zoning lot in an Industrial zoning district that is used typically relating to, concerning or arising from the manufacturing, assembling, fabrication, finishing, packaging, processing of goods.

**INSTALLED HEIGHT:** The height above grade of the lowest point on an installed luminaire.

**INTERNALLY ILLUMINATED SIGN:** A sign illuminated by a light source internal to the sign enclosure which is not directly visible externally. For the purposes of this ordinance, a neon-light sign is considered an internally illuminated sign.

**KELVIN:** A unit increment of temperature and is used as a color temperature scale of a light bulb (symbol "K"),

**LAMP:** The source of light being emitted from a luminaire, such as a bulb.

**LANDSCAPE LIGHTING:** Outdoor lighting directed at trees, shrubs, plants, flower beds, fountains, gardens, and other natural or landscaped features.

**LIGHT:** Electromagnetic radiation within a range of wavelengths sufficient for visual perception by the normal unaided human eye.

**LIGHT LEVEL:** The illuminance as measured in accordance with the practices contained in the IESNA Lighting Handbook, Eight Edition.

**LIGHT OUTPUT:** Luminous Flux (see definition for Luminous Flux).

**LIGHTING INSTALLATION:** An arrangement of one or more luminaires including any mounting hardware, brackets, and supporting structures.

**LUMEN:** A unit of measure of luminous flux. For the purposes of this ordinance, "lumens" denotes initial lumens for HID lighting applications.

**LUMINAIRE:** An individual lighting assembly including the lamp and any housings, reflectors, globes, lenses, shields or other components designed to block or distribute light. For the purposes of this ordinance, an internally illuminated sign is not considered a luminaire.

**LUMINANCE:** A measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the USA (1 nit = 1 cd/m<sup>2</sup>). The nocturnal appearance and environmental effect of objects such as internally lit signs may be analyzed both by total light output (lumens) and by their surface brightness (nits).

**LUMINANCE METER (or nit gun):** A special instrument that directly measures luminance.

**LUMINOUS FLUX:** The power emitted from a source of electromagnetic radiation, such as a light bulb, in the form of visible light. Luminous flux is measured in lumens (or lux) and is typically specified by the manufacturer for a given lamp or luminaire. Typical luminous flux values for incandescent bulbs are 100W: 1550 lumens, 75W: 1080 lumens, 60W: 780 lumens, and 40W: 450 lumens.

**MOTION-ACTIVATED SENSOR:** A sensor which causes a luminaire to become illuminated automatically upon the presence of motion or infrared radiation or a combination thereof within its field of view.

**NADIR:** The direction pointing directly downward from the light source of the luminaire that originates from a horizontal plane at the lowest point on the luminaire.

**NEON LIGHT:** Brightly colored light generated by using electric current to excite a gas or gas mixture (including neon, argon, helium, or other gases) typically contained in a tube which can be bent into various forms for use as decoration or signs. For the purposes of this ordinance, fluorescent tubes are not considered neon light.

**NET ACREAGE:** “Net Acreage” as defined in the Village of Homer Glen Zoning Ordinance.

**NIT(s):** A unit of measure of luminance (see luminance).

**OUTDOOR DISPLAY LOT:** An outdoor area whose primary function is the sale of displayed merchandise, often requiring accurate color perception by customers.

**ORGANIZED SPORTING EVENT:** A prearranged sports or recreational event involving at least one group or team with a published roster and schedule.

**OUTDOOR LIGHTING:** Light generated from an indoor or outdoor source that provides illumination to a surface, building, sign, structure, device, or other outdoor feature which is visible to an observer located outdoors. For the purposes of this ordinance, the light source inside an internally illuminated sign is not considered outdoor lighting.

**PLAYING FIELD:** An open outdoor field or court used for playing sports such as baseball, soccer, football, tennis, skate park, volleyball, and basketball.

**PUBLIC PARKING AREA:** A drivable surface intended for use by the general public for parking of motorized vehicles.

**RESIDENTIAL LIGHTING ZONE:** Any zoning lot in a residential or agricultural zoning district that has as its primary use a single-family residential dwelling or a two-family residential dwelling, as defined in the Village of Homer Glen Zoning Ordinance.

**SEARCHLIGHT:** A lighting installation designed to project a high-intensity beam of approximately parallel rays of light that is typically used to sweep the sky for promotional purposes.

**STREET LIGHTING:** One or more luminaires or light installations designed to illuminate a public roadway or intersection.

**UPLIGHTING:** Lighting applications which direct light above a horizontal plane.

**VARIANCE:** A dispensation permitted on individual parcels or property as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure or property, which, because of unusual or unique circumstances, is denied by the terms of this Ordinance.

**VISIBLE LIGHT:** See "Light"

**ZONING LOT:** "Zoning Lot" as defined in the Village of Homer Glen Zoning Ordinance.

**ZONING OFFICER:** The individual appointed by the Village President, by and with the consent of the Village Board, to administer and enforce the Zoning Ordinance of the Village.

#### APPEALS FOR VARIATIONS

Request for variation from the requirements of this Ordinance may be initiated by written application which seeks to vary the provisions of this Ordinance. The application requesting a variation shall be accompanied by a fee equal to the fee charged for a zoning variation and shall be submitted to the Plan Commission for initial consideration. The Application shall indicate the specific provisions of this Ordinance which the applicant seeks to vary. The Plan Commission will schedule a public hearing concerning the Application. The public hearing will be conducted in accordance with the notice and hearing requirements of Village of the Homer Glen Zoning Ordinance as they pertain to and concern public hearings for variations. The Plan Commission may also establish appropriate procedures and filing requirements for the applicants requesting variations to follow. After the Plan Commission conducts the public hearing it shall make a written, recommendation to the Village Board concerning the requested variation. Without further public hearing, the Village Board may grant, deny or amend the recommendation for variation.

#### CAPTIONS

The section headings appearing in this Ordinance are for convenience of reference only and are not intended, to any extent and for any purpose, to limit or define the text of any section or any subsection hereof.

#### VIOLATION AND PENALTY

Any person, firm, corporation or business entity who violates any provision of this Ordinance shall be subject to a fine of not less than \$250.00 and not more than \$750.00 for each separate offense. A separate offense shall be deemed committed on each day a violation occurs or continues to occur.

#### ENFORCEMENT

The Chief Building Official, Deputy Building Official and such other persons who are duly appointed as Code Enforcement Officers are hereby authorized to inspect luminaires and lighting installations in the zoning districts subject to this Ordinance to determine compliance with the applicable provisions and, if necessary, to issue notices of violation to the owner, operator or other person or entity responsible for maintenance of the luminaire or lighting installation, if the luminaire or lighting installation fails to comply with the

provisions of this Ordinance. The notice of violation shall set forth an appropriate time period of not less than thirty (30) days for compliance. In the event the violation is not corrected within the time limits set forth in the notice of violation, proceedings to enforce compliance with the provisions of this Ordinance may be initiated and conducted in accordance with and pursuant to the provisions of Ordinance 07-051 which is the Village ordinance establishing a code hearing department for building code violations, or by the filing of an appropriate lawsuit seeking legal and equitable relief in a court of competent jurisdiction.

#### REPEALER

All ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed to extent of such conflict or inconsistency.

#### SEVERABILITY

The various provisions of this Ordinance are hereby expressly declared to be severable and if any part or portion of this Ordinance shall be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance, which shall be enforced to the fullest extent possible.

#### EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval.

[INTENTIONALLY LEFT BLANK]

Adopted this 12<sup>th</sup> day of October, 2010 pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Costa	X			
Knaack	X			
Niemiec	X			
Sabo	X			
Ward	X			
Yukich	X			
Daley (Village President)				
TOTAL	6	0	0	

**APPROVED** by the Village President on October 12, 2010.

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James P. Daley  
Village President

ATTEST:

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Gale Skrobuton  
Village Clerk

Published in pamphlet form by authority of the Village President and Trustees of the Village of Homer Glen.