

VILLAGE OF LILY LAKE

ORDINANCE NO. 2008-07

**AN ORDINANCE AMENDING ORD. NO. 1995-01
(SUBDIVISION CONTROL ORDINANCE)**

**ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LILY LAKE**

April 21, 2008

Published in pamphlet form by authority of the President and Board of Trustees of the
Village of Lily Lake, Kane County, Illinois
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ORDINANCE NO. 2008-07**AN ORDINANCE AMENDING ORD. NO. 1995-01
(SUBDIVISION CONTROL ORDINANCE)**

BE IT ORDAINED by the President and the Board of Trustees of the Village of Lily Lake, Kane County, Illinois, that Subdivision Control Ordinance (Ord. No. 1995-01), as amended be further amended as follows:

§ 1. Amendments

The Subdivision Control Ordinance (Ord. No. 1995-01), as amended, is further amended as follows:

(a) §306(a). The typographical error in the word “plat” in the first line is corrected.

(b) §306(b). The typographical error in the word “plat” in the third line is corrected.

(c) §307. Add the following to the end of §307: “Escrow Deposit. The Sub divider shall deposit cash for an escrow account in an amount to be determined by the Village President OR Public Works Director to cover Village out of pocket expenses including all costs directly attributable to recording testimony of all witnesses at public hearings, reproduction costs, public notice mailing costs, newspaper publication charges and all expenses for professional consultants including, but not limited to, attorneys, engineers, traffic engineers, planners, wetland consultants or other professionals outside the employee staff. The Sub divider shall replenish the escrow account to its original amount within 30 days of written notice from the Village. If the escrow isn’t replenished, the Village can immediately stop the development process.

(d) §4. Add the following at the end of §4: “Three years after the date of the Village engineer's original estimate of cost, and every two years thereafter, if the public improvements for such phase have not been completed and accepted by the Village, a new estimate will be made and if the amount so calculated is more than 120% of the original estimate of the cost to complete the remaining improvements, the amount of the construction guarantee shall be adjusted so as to equal 120% of the new estimate.”

(e) §603(g) and (h). Replace (g) with “Illinois Urban Manual,' latest edition” and delete (h). Renumber the following subsections accordingly.

- (f) §607(o)(iii)(3). Replace "IDOT Superpave method" with "IDOT Hot-Mix Asphalt specifications".
- (g) §607(o)(vii)(3). Replace "Superpave, IL-19.0, N50)" with "Hot-Mix Asphalt Binder Course, IL-19.0, N50".
- (h) §607(o)(vii)(5)(b). Replace "Superpave, Mix "C", N50" with "Hot-Mix Asphalt Surface Course, Mix "C", N50".
- (i) §607(o)(viii)(3). Replace "Section 408" with "Section 420".
- (j) §607(o)(xi)(7). Replace "Sections 616 and 504" with "Section 606" and replace "Class "X" with "Class "SI".
- (k) Table 6-1. Replace "Superpave" with "Hot-Mix Asphalt".
- (l) §607(t)(i). Change the first sentence to read: "Street signs shall be furnished and installed by the Subdivider at all Street intersections at the Subdivider's expense."
- (m) §612. Strike the last paragraph and replace with the following: "These submissions shall be prepared in accordance with the standards and requirements contained in the Illinois Urban Manual, latest edition, which standards and requirements are hereby incorporated into this ordinance by reference. The plan commission may waive specific requirements for the content of submission upon finding that the information submitted is sufficient to show the work will comply with the objectives and principles of this ordinance."
- (n) Strike "Subdivision Enforcement Officer" wherever it appears and replace it with "The Village of Lily Lake Public Works Director".
- (o) Strike all references to ash trees from the list of permitted trees in the ordinance.
- (p) §5-3. Add "If no request for an extension is made after the (2) year time frame the Village will act in accordance with section 7-2, Penalty Enforcement."
- (q) §7-2. Change the first paragraph to read: "Any person or entity who violates, disobeys, omits, neglects, refuses to comply with, or who resists enforcement of any of the provisions of this Subdivision Control Ordinance shall be notified in writing within 30 days on the first offense. The second offense be in written form, a \$500 fine and a stop work order given. The third offense be in written form, a \$1000 fine, a stop work order given and present themselves to the Village Board for explanation. Each day that a violation is permitted to exist shall constitute a separate offense." Add the following as the second paragraph: "Any billing discrepancies between engineers and developers be resolved within 30 days of dated correspondence. The Village will

deduct from escrow any costs associated with having to intervene to resolve any billing related matters. additionally the above-mentioned fines will be accessed."

(r) §607(t)(ii) . In the first sentence, change "will be furnished and installed by the Village at the expense of the Subdivider" to "will be furnished and installed by the Sub divider."

(s) §607(t). Add the following as (iii): "All signage will be in accordance with the latest edition of the MUTCD manual."

(t) §607(o)(vii)(3)(b). Change "2½ inches" to "3 inches".

(u) §607(o)(vii)(3)(c). Change "2½ inches" to "4 inches".

(v) §607(o)(vii)(3)(d). Change "3 inches" to "4 inches".

(w) §607(o)(viii)(2). Change "4 inch" to "6 inch".

(x) §607(o)(viii)(3). Add the following after "Specifications": "or the most current IDOT Supplemental Provisions."

(y) Appendix B. Change (e)(9) to read as follows: "Signs to be placed on a 2" x 2" galvanized telespar bar with telespar base and j-bolt and rivet hardware."

(z) Appendix B. In (e) (10) change "adopted January 1, 2002" to "adopted January 1, 2007 or most recent edition."

(aa) §607(r). Replace with the following:

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 recognize the need to preserve rural character, aesthetic value, and the unique quality of life of Lily Lake residents by preserving and enhancing the ability to view the night sky; and

WHEREAS, the corporate authorities and the comprehensive plan of the Village 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.

§ 1. Applicability

(a) All zoning lots in the all zoning districts shall comply with the provisions of this ordinance as of its effective date unless otherwise exempted herein.

(b) Unless specifically exempted within this ordinance, zoning lots within all future residential, commercial, and industrial zoning districts created after the effective date of this ordinance shall comply with the provisions of this ordinance.

(c) For clarity and organization, references are made within this ordinance to Residential Lighting Zones and Commercial Lighting Zones. These lighting zones are defined in the Definitions section of this ordinance.

§ 2. Conformance

(a) Any existing luminaire or lighting installation used for outdoor lighting in any zoning district on the effective date of this ordinance that does not comply with the requirements of this ordinance shall be considered a non-conforming use. Except as otherwise stated herein, such uses shall be made to comply with the requirements of this ordinance or be removed within such time period as established in Section 10.2-5 b. of the Village of Homer Glen Zoning ordinance adopted October 24, 2006, effective November 10, 2006.

(b) Any non-conforming luminaire or light installation existing on any zoning lot in any zoning district as of the effective date of this ordinance shall be removed within 365 days if it is deemed by the Village to create a hazard or nuisance or made to comply with the requirements of this ordinance 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.

(c) All non-conforming luminaires existing on any zoning lot in any zoning district as of the effective date of this ordinance shall be made to comply with the requirements of this ordinance or be removed within 30 days if any of the following criteria are met:

(1) A cumulative total of twenty-five percent (25%) or more of the nonconforming 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. Illumination standards

(a) Gross emission of light – commercial 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, and outdoor lighting of playing fields on public property, shall not exceed 100,000 lumens per net acre. Street lighting improvements where required shall be installed to service all property developed. Such improvements shall be of the individual service utilizing the standard luminaries of the constant wattage type to provide lighting levels as hereinafter set forth. The design shall be in accordance with the Illuminating Engineering Society's Lighting Handbook, Latest Edition. Fiberglass poles shall not be allowed. All street light placement shall be one light at each intersection and one light in each cul-de-sac shown on the preliminary plan for Village review. Upon review the Village may request additional lights if deemed necessary for safety.

(b) Light intensity and uniformity – commercial lighting zones. During permitted hours of operation as defined within this ordinance, outdoor lighting on any zoning lot in a commercial lighting zone shall meet the following requirements for light level as measured in the plane of the illuminated surface:

Illuminated Surface	Minimum Light Level	Maximum Light Level
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 Other Merchandise Areas		20 footcandles 10 footcandles
Public Parking Areas*	0.25 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 Pedestrian Pathways*	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.

(c) Light direction & control

(1) Residential Lighting Zones and Commercial Lighting Zones. Any luminaire which is used for uplighting on any zoning lot in a residential or commercial 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:

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

* 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.

(2) Residential Lighting Zones

(A) 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.

(B) 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.

(3) Commercial Lighting Zones. Except as otherwise stated herein, any luminaire on any zoning lot in a commercial 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.

(d) 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:

Emitting Zoning Lot	Impacted Zoning Lot	Maximum Light Level
Residential Lighting Zone	Residential Lighting Zone	0.1 footcandles
Residential Lighting Zone	Commercial Lighting Zone	0.5 footcandles

Commercial Lighting Zone	Residential Lighting Zone	0.1 footcandles
Commercial Lighting Zone	Commercial Lighting Zone	0.5 footcandles

(e) Permitted hours for outdoor lighting

(1) Commercial Lighting Zones. Except for street lighting, outdoor lighting on any zoning lot in a commercial 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.

(2) 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 10:00p.m.

§ 4. Luminaire standards

(a) Full-cutoff requirement.

(1) Commercial lighting zones. Except for uplighting applications permitted within this ordinance, any luminaire used for outdoor lighting in a commercial 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.

(2) Street lighting. Any luminaire used for street lighting 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. Said luminaire, as well as any poles, brackets, supports, and mounting hardware shall comply with current Village design standards.

(b) 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 Lighting Zone	25 ft
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*A maximum installed height of 50 ft shall be permitted for lighting of playing fields on public property.

§ 5. Prohibited outdoor lighting

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

- (a) The use of laser light source;
- (b) The use of flickering, flashing, blinking, scrolling, or rotating lights and any illumination that changes intensity;
- (c) The use of upward directed lighting, except as otherwise permitted herein;
- (d) Architectural lighting of any portion of a building or structure with a polished or glass exterior surface that uses uplighting;
- (e) The use of searchlights;
- (f) The use of neon light to accent buildings or architectural features;
- (g) 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;
- (h) The use of Metal Halide light source for new public-parking-lot lighting installations; and
- (i) Any luminaire creating glare that is deemed by the Village to create a hazard or nuisance.

§ 6. Exempt outdoor lighting

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

- (a) Underwater lighting used for the illumination of swimming pools and fountains;
- (b) Lighting required by county, state, or federal law;
- (c) Temporary lighting used for holiday decoration;
- (d) Decorative yard lighting characterized by a flame source;

(e) Portable lighting temporarily used for maintenance or repair that is not deemed by the Village to create a hazard or nuisance;

(f) Emergency lighting used by police, firefighting, emergency management, or medical personnel at their discretion as long as the emergency exists;

(g) Lighting approved by the Village for temporary events such as carnivals, circuses, festivals, picnics, fairs, civic events, and exhibitions; and

(h) Temporary lighting required for road construction or other public improvements.

§ 7. Procedural requirements

(a) 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.

(b) 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.

(c) 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.

§ 8. Definitions

In this ordinance—

(a) *Abandonment* means 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 24 months or longer, shall be considered to be abandoned.

(b) *Architectural lighting* means outdoor lighting directed at buildings, facades, structures, monuments, and other architectural features;

(c) *Automobile service station (gas station)* means 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;

(d) *Automobile service station pumping area* means the drivable surface of an automobile service station, in the immediate vicinity of a fuel pump, where vehicles are parked during fueling;

(e) *Billboard* means 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;

(f) *Commercial lighting zone* means 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, or land used for "Agriculture," as defined in the Village of Homer Glen Zoning Ordinance;

(g) *Directionally shielded* means a luminaire which uses shielding, lenses, or other means to provide a distinct focused beam of emitted light;

(h) *Footcandle* means a unit of measure of luminous flux;

(i) *Full-cutoff luminaire* means a luminaire having a light distribution (excluding incidental reflection 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. A luminaire that meets the Illumination Engineering Society of North America (IESNA) full-cutoff definition shall be considered full cutoff for the purposes of this ordinance;

(j) *Glare* means 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;

(k) *Hid lighting* means a high-intensity discharge family of lighting that includes high-pressure sodium, fluorescent, mercury vapor, and metal halide type bulbs;

(l) *Iesna* means Illumination Engineering Society of North America;

(m) *Illuminance* means 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);

(n) *Installed height* means the height above grade of the lowest point on an installed luminaire;

(o) *Internally illuminated sign* means 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;

(p) *Lamp* means the source of light being emitted from a luminaire, such as a bulb;

(q) *Landscape lighting* means outdoor lighting directed at trees, shrubs, plants, flower beds, fountains, gardens, and other natural or landscaped features;

(r) *Light* means electromagnetic radiation within a range of wavelengths sufficient for visual perception by the normal unaided human eye;

(s) *Light level* means the illuminance as measured in accordance with the practices contained in the IESNA Lighting Handbook, Eight Edition;

(t) *Light output* means Luminous Flux (see definition for Luminous Flux);

(u) *Lighting installation* means an arrangement of one or more luminaires including any mounting hardware, brackets, and supporting structures;

(v) *Lumen* means a unit of measure of luminous flux. For the purposes of this ordinance, “lumens” denotes initial lumens for HID lighting applications;

(w) *Luminaire* means 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;

(x) *Luminous flux* means 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;

(y) *Motion-activated sensor* means 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;

(z) *Nadir* means 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;

(aa) *Neon light* means 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;

(bb) *Net acreage* means "Net Acreage" as defined in the Village of Homer Glen Zoning Ordinance;

(cc) *Outdoor display lot* means an outdoor area whose primary function is the sale of displayed merchandise, often requiring accurate color perception by customers;

(dd) *Organized sporting event* means a prearranged sports or recreational event involving at least one group or team with a published roster and schedule;

(ee) *Outdoor lighting* means 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;

(ff) *Playing field* means an open outdoor field or court used for playing sports such as baseball, soccer, football, tennis, volleyball, and basketball;

(gg) *Public parking area* means a drivable surface intended for use by the general public for parking of motorized vehicles;

(hh) *Residential lighting zone* means 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;

(ii) *Searchlight* means 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;

(jj) *Street lighting* means one or more luminaires or light installations designed to illuminate a public roadway or intersection;

(kk) *Uplighting* means lighting applications which direct light above a horizontal plane;

(ll) *Visible light* See "Light"; and

(mm) *Zoning lot* means "Zoning Lot" as defined in the Village of Homer Glen Zoning Ordinance.

§ 9. 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.

§ 10. 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.

§ 11. 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- 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.

§ 2. Repealer

The carious 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.

§ 3. 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.

§ 4. Effective Date

This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

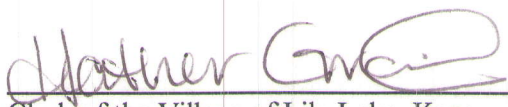
Adopted on April 21, 2008 pursuant to a roll call vote as follows:

[Signature page follows.]

<i>Trustee</i>	<i>Aye</i>	<i>Nay</i>	<i>Absent</i>	<i>Abstain</i>
Damisch	✓			
Dekker	✓			
Goddard	✓			
Lonigro	✓			
Wacker				
Heffernan	✓			
Totals	5			

Approved April 21, 2008.



PresidentAttested, Filed in my office, and published in
pamphlet form on April 21, 2008.

Clerk of the Village of Lily Lake, Kane
County, Illinois