

CHAPTER 1

TITLE, PURPOSE AND INTERPRETATION

SECTION:

- 6-1-1: Title
- 6-1-2: Purpose and Intent
- 6-1-3: Interpretation
- 6-1-4: Separability
- 6-1-5: Penalties

6-1-1: **TITLE:** This Title, consisting of the Zoning ordinance of the Village and all amendments thereto, THE LINCOLNSHIRE ZONING CODE.¹

6-1-2: **PURPOSE AND INTENT:** This Zoning Code is adopted for the purpose of:

- A. Promoting the public health, safety, comfort, morals, convenience, and general welfare;
- B. Securing adequate light, pure air, and safety from fire and other dangers;
- C. Conserving the taxable value of land and building throughout the Village;
- D. Dividing the entire Village into districts and restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land, whether for residence, business, manufacturing, or other specified uses;
- E. Avoiding or lessening congestion in the public streets;

¹ Ordinance 75-415-45, passed November 11, 1975, re-enacted the Lincolnshire Zoning Code, by stating in part "The Lincolnshire Zoning Code, as amended, be and is hereby re-enacted and repassed pursuant to the home rule powers of the Village of Lincolnshire, Lake County, Illinois,...".

- F. Preventing the overcrowding of land by regulating and limiting the height;
- G. Establishing, regulating, and limiting the building or setback lines on or along streets, alleys or property lines;
- H. Regulating and limiting the intensity of the use of lot areas, and regulating and determining the area of open spaces within the surrounding buildings;
- I. Establishing standards to which buildings or structures shall conform;
- J. Prohibiting uses, buildings or structures incompatible with the character of the residence, designated districts, business, manufacturing, farming, or other;
- K. Preventing additions to and alterations or remodeling of existing buildings or structures in such a way as to avoid the restrictions and limitations imposed hereunder;
- L. Providing for the gradual elimination of business, commercial and manufacturing uses, buildings, and structures which are incompatible with the character of the districts in which they are located; including, without being limited thereto:
 - 1. Elimination of such uses of unimproved lands or lots when the existing rights of the persons in possession thereof are terminated or when the uses to which they are devoted are discontinued.
 - 2. Elimination of uses to which such buildings and structures are devoted, if they are adaptable for permitted uses.
 - 3. Elimination of such buildings and structures when they are destroyed or damaged in major part, or when they have reached the age fixed by the corporate authorities of the Municipality as the normal useful life of such buildings or structures.
- M. Defining and limiting the powers and duties of the administrative officers and bodies as provided hereinafter; and
- N. Prescribing penalties for the violation of the provisions of this Zoning Code, or of any amendment thereto.

6-1-3: INTERPRETATION:

- A. In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements for the promotion of the public health, safety, morals, and welfare.
- B. Where the condition imposed by any provision of this Zoning Code upon the (1) use, (2) floor area requirements, (3) bulk, (4) lot area requirements, (5) yard requirements, or (6) signs, are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Zoning Code or of any other law, ordinance, resolution, rule, or regulation of any duly constituted public agency, having jurisdiction, the regulation which is more restrictive or which imposes higher standards of requirements shall govern.
- C. This Zoning Code is not intended to abrogate any easement, covenant, or other private agreement; provided, that where the regulations of this Zoning Code are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, the requirements of this Zoning Code shall govern.
- D. No building, structure, or use not lawfully existing at the time of the adoption of this Zoning Code shall become or be made lawful solely by reason of the adoption of this Zoning Code; and to the extent that, and in any manner that, such unlawful building structure or use is in conflict with the requirements of this Zoning Code, such building, structure, or use, remains unlawful hereunder.

6-1-4: SEPARABILITY: It is hereby declared to be the intention of the Mayor and Board of Trustees of the Village that the several provisions of this Zoning Code are separable, in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Zoning Code to be invalid, such judgment shall not affect any other provision of this Zoning Code not specifically included in said judgment; and
- B. If any court of competent jurisdiction shall invalidate the application of any provision of this Zoning Code to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

6-1-5: PENALTIES:

- A. Except as provided below, a person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of the provisions of this Zoning Code shall be guilty of a misdemeanor, punishable by the fine set forth in the Comprehensive Fine Schedule of the Code described in 17-1. Each day such a violation or failure to comply is continued, or permitted to exist, after notification thereof, shall constitute a separate offense. (Ord. Amd. 10-3131-08, eff. 3/22/10)

- B. The penalties provided in this Section shall not apply to any person, corporation, or association who neglects to file an affidavit or an application for a zoning exemption certificate to claim a lawful non-conforming use as required under Section 6-13-4-3. (Ord. 65-138-15)