

PART 21

LEGAL PROVISIONS

Section 21.1 Conflict With Other Laws

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. Notwithstanding, whenever the regulations of this Ordinance require a greater width or size of yards, or other open space, or require a lower height of buildings or fewer number of stories or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statute or agreement, the regulations and requirements of this Ordinance shall govern.

Whenever the provisions of any other statute or agreement require more restrictive standards than are required by this Ordinance, the provisions of such statute or agreement shall govern except that 20.1.8 (d) of this Ordinance shall be construed as written.

This Ordinance is in part carried forward by re-enactment of some of the provisions of the Zoning Ordinance of the City of Lincolnton (adopted by the City Council on November 1, 1990, as amended) and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Zoning Ordinance of the City of Lincolnton enacted on November 1, 1990, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Zoning Ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance had not been adopted, and any and all violations of the existing Zoning Ordinance, prosecutions for which have not yet been initiated, may be hereafter filed and prosecuted. Nothing in this Ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

This Ordinance is in part carried forward by re-enactment of some of the provisions of the Subdivision Ordinance of the City of Lincolnton (adopted by the City Council on January 10, 1991, as amended) and it is not the intention to repeal but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Ordinance of the City of Lincolnton enacted in January 10, 1991, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of any Subdivision Ordinance heretofore in effect, which are now pending in any of the courts of this State or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance had not been adopted, and any and all violations of the existing Subdivision Ordinance, prosecutions for which have not yet been initiated, may be hereafter filed and prosecuted. Nothing in this Ordinance shall be construed as to abandon, abate or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

Section 21.2 Separability

Should any section or provisions of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 21.3 Effective Date

This Ordinance shall take effect and be enforced as of the 7th day of October 2004.

This Ordinance is hereby adopted by the City Council of the City of Lincolnton on this the 7th day of October 2004.

MAYOR, CITY OF LINCOLNTON

ATTEST:

CITY CLERK