

ARTICLE I – ENACTING CLAUSE, TITLE,
PURPOSES, APPLICATION & VALIDITY

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AND VALIDITY**

SECTION 101 ENACTING CLAUSE

Pursuant to the authority conferred by Article 16 of the Town Law of the State of New York, the Town Board of the Town of Alexander hereby adopts and enacts as follows:

SECTION 102 TITLE

This Ordinance shall be known as the "Zoning Ordinance of the Town of Alexander".

SECTION 103 PURPOSES

This Ordinance is adopted for the protection and promotion of the public health, safety, morals and general welfare of the community, as follows:

- A. To guide the future growth and development of the Town in accordance with a comprehensive land use and population density that represents the most beneficial and convenient relationships among the residential, nonresidential and public areas within the Town, considering the suitability of each area for such uses, as indicated by existing conditions; trends in population and mode of living, and having regard for the use of land, building development and economic activity, considering such conditions and trends both within the Town and with respect to the relation of the Town to areas outside thereof.
- B. To provide adequate light, air and privacy; to promote safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of the population.
- C. To protect and conserve the value of the land throughout the Town and the value of buildings appropriate to the various districts established by this Ordinance.
- D. To protect the character and the social and economic stability of all parts of the Town, and to encourage the orderly and beneficial development of all parts of the Town.
- E. To bring about the gradual conformity of the uses of land and buildings

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through the comprehensive zoning plan set forth in this Ordinance, and to minimize the conflicts among the uses of land and buildings.

- F. To promote the most beneficial relation between the uses of land and buildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and the provision of safe and convenient vehicular and pedestrian traffic movement appropriate to the various uses of land and buildings throughout the Town.
- G. To provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town.
- H. To limit concentrated development to an amount equal to the availability and capacity of public facilities and services.
- I. To prevent the pollution of streams and ponds; to safeguard the water table, and to encourage the wise use and sound management of the natural resources throughout the Town in order to preserve the integrity, stability and beauty of the community and the value of the land.

SECTION 104 APPLICATION OF REGULATIONS

No building shall be erected, constructed, moved, altered, rebuilt or enlarged, nor shall any land, water or building be used, designed or arranged to be used for any purpose except in conformity with this Ordinance. No building, land, water, structure, or premises shall be used, and no building or other structure shall be erected which is intended, arranged or designed to be used for any trade, industry, business or purpose of any kind, that is noxious by reason of the emission of odor, dust, refuse matter, garbage, smoke, fumes, gas, noise or vibration, or that is dangerous to the health or safety of the community.

In interpreting and applying this Ordinance, the requirements contained herein are declared to be the minimum requirements for the protection and promotion of the public safety, health, morals and general welfare. This Ordinance shall not be deemed to affect in any manner whatsoever any easements, covenants or other agreements between parties; however, where this Ordinance imposes greater restrictions than are imposed by other ordinances, rules, regulations, licenses, certificates or other authorizations, or by easements, or covenants, or agreements, then the provisions of this Ordinance shall prevail.

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This Ordinance shall not apply to uses which were legal, prior, existing, nonconforming uses as defined herein.

Nothing herein contained shall require any change in plans or construction of a building for which a zoning permit has been issued.

All buildings under construction at the time this Ordinance is adopted shall conform to the Zoning Ordinance in effect at the time construction was commenced for purposes of issuance of the initial Certificate of Compliance. The regulations contained in this Ordinance shall govern all future activities undertaken in such buildings.

SECTION 105 VALIDITY

The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

SECTION 106 EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect only after a summary thereof is published in the Batavia Daily News. The existing Zoning Ordinance of the Town of Alexander, its Ordinance Regulating Mobile Home Parks in the Town of Alexander, New York, and any other enactments of the Town Board of the Town of Alexander which are inconsistent with the provisions of this Ordinance are hereby repealed.