

**VILLAGE OF CHENEQUA
ORDINANCE NO. 2021-02-08-02**

**AN ORDINANCE AMENDING SECTION 6.7(4)
MODIFICATIONS TO LEGAL NONCONFORMING STRUCTURES.**

WHEREAS, the Village Board desires to amend Section 6.7(4) pertaining to modifications to Legal Nonconforming Structures, in order to permit rooftop decks and to update and clarify the definitions and standards pertaining to Legal Nonconforming Structures; and

WHEREAS, the foregoing revisions to the Zoning Code do not change the allowable use of any property within the Village.

NOW, THEREFORE, BE IT ORDAINED, that Section 6.7(4) of the Zoning Code is amended to read as follows:

6.7 “(4) MODIFICATIONS TO LEGAL NONCONFORMING STRUCTURES.

A modification to a legal nonconforming structure, other than a modification which makes it a conforming structure, shall be subject to the following conditions:

- (a) A legal nonconforming structure which is not located in whole or in part within the shoreline buffer zone may be modified to increase the footprint, living area or height where the modifications fully comply with all setback, living area and height requirements of this Chapter, all other applicable provisions of this Code and other applicable laws.

- (b) A legal nonconforming structure that is located within the shoreline buffer zone or seventy-five (75) feet or less from the ordinary high-water mark of any navigable water, lake, pond, flowage, river or stream may, at the option of the owner, be modified, during its lifetime so long as such modification does not increase the footprint, living area or height of the structure. The roof of a legal nonconforming structure that is located within the shoreline buffer zone may be used as a deck if the structure has a flat roof with no side walls or screens; provided that the roof must pitch away from the lake and that open handrails under three and one-half (3½) feet tall may be constructed on the roof of the structure. Notwithstanding anything to the contrary herein, an owner may increase the height of a nonconforming accessory structure if necessary to address modifications or repairs to the accessory structure's roof so long as such modification or repair does not increase the accessory structure's useable area.


- (c) In addition, a legal nonconforming structure which is nonconforming solely because it is located in part within the shoreline buffer zone and because portions of it are seventy-five (75) feet or less from the ordinary high-water mark of any navigable water, lake, pond, flowage, river or stream may be modified to increase either its footprint, living area or height where all

modifications and all changes constituting either a building or structure alteration or reconstruction take place outside of the shoreline buffer zone or more than seventy-five (75) feet from the ordinary high water mark. No such modification shall expand the nonconformity within the shoreline buffer zone.


- (d) No modification shall extend or increase a structure's existing level of encroachment with respect to any setback requirements.
- (e) Any modification of a legal nonconforming structure must comply with all other applicable provisions of this Code.
- (f) Repairs to or maintenance of a legal nonconforming structure which do not constitute a modification are subject to the requirements of this Chapter."

Adopted this 8th day of February, 2021.

VILLAGE OF CHENEQUA

By: 
Jo Ann Villavicencio
Village President

ATTEST:


Pamela Ann Little
Village Clerk – Treasurer

Date Adopted: February 8, 2021

Date Posted: February 8, 2021

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