

ORDINANCE NO. 13-57  
INTRODUCED BY: Mr. Lee

First Reading 7-8-13  
(As amended on Second Reading 7-15-13)  
(As Amended on Second Reading 7-22-13)

**AN ORDINANCE**  
**ENACTING NEW CODIFIED ORDINANCE CHAPTER 1158B ENTITLED**  
**CAHOON WEST ATTACHED RESIDENCE DISTRICT,**  
**AND DECLARING AN EMERGENCY**

**WHEREAS**, Cahoon West is an area comprised of five (5) permanent parcel numbers 203-09-017, 203-09-018, 203-09-019, 203-09-020, and 203-09-021; and

**WHEREAS**, due to the proximity of the commercial area and the school, along with the depth of these five (5) parcels, it is in the city’s best interest that these five (5) Cahoon West parcels be rezoned; and

**WHEREAS**, this ordinance will not go into effect unless approved by voters city-wide and in Ward 2 on November 5, 2013, in accordance with Bay Village City Charter Section 7.6, which reads :

**“SECTION 7.6 VOTER APPROVAL OF ZONING CHANGES.**

1. (a) An ordinance or resolution, effecting a change in the zoning classification or district of any property within the City of Bay Village shall not become effective, after the passage, thereof, until Council submits such ordinance or resolution to the electorate at a regularly scheduled election, occurring more than 60 days after the passage of the resolution or ordinance, and such ordinance or resolution is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.

(b) An ordinance, or resolution, effecting a change in the uses permitted in any zoning use classification or district of the City of Bay Village, shall not become effective after the passage thereof, until Council submits such ordinance or resolution to the electorate at a regularly scheduled election, occurring more than 60 days after the passage of the resolution or ordinance and such ordinance or resolution is approved by a majority of the electors voting thereon, in this Municipality and in each ward in which the change is applicable to property in the ward.”

**BE IT ORDAINED** by the Council of the City of Bay Village, Ohio:

**SECTION 1.** That the Codified Ordinances of the City of Bay Village are hereby amended by enacting new Chapter 1158B to read as follows:

**“CHAPTER 1158B**  
**Cahoon West Attached Residence District**

1158B.01	Intent.	1158B.02 Permitted buildings, structures and uses
1158B.02	Definition	1158B.04 Compliance with Attached Residence District
		1158B.05 Compliance with Code

**1158B.01 INTENT.**

Cahoon West Attached Residence District and its regulations are established in order to achieve, among others, the following purposes:

(A) To promote the most desirable and beneficial use of the land based on the Master Plan.

**1158B.02 DEFINITION**

Cahoon West Attached Residence District consists of Permanent Parcel Numbers 203-09-017, 203-09-018, 203-09-019, 203-09-020, and 203-09-021.

**1158B.03 PERMITTED BUILDINGS, STRUCTURES AND USES.**

In Cahoon West Attached Residence District the following buildings, structures and uses are permitted:

(A) Any building, structure or use permitted and as regulated in an Attached Residence District.

**1158B.04 COMPLIANCE WITH ATTACHED RESIDENCE DISTRICT. EXCEPTIONS.**

This chapter is considered to include all the provisions of Chapter 1158, Attached Residence District, with the following exceptions:

(A) Density. The provisions of 1158.07(A) and (B) are modified to provide a minimum area for development of 2.349 acres. The density of new construction shall not exceed eight (8) dwelling units per acre for the total developed area.

**1158B.05 COMPLIANCE WITH CODE**

(A) The provisions of the Riparian Setback in Chapters 1308 and 1309 shall be followed.

(B) All applicable Building Codes shall be followed.

**SECTION 2.** That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

**SECTION 3.** That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to provide for an Cahoon West Attached Residence District so that a rezoning question may be place before the electors of the City in November, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

7/12/2013

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