

RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION
April 22, 2019 REGULAR MEETING

Call to Order: The Meeting was called to order by Chairperson Karen Walters at 7:07 p.m.

Roll Call:

In Attendance:

Karen Walters – Chairperson, left ill at 8:27 p.m.

Kevin Royer, arrived late at 7:34 p.m.

Doug Mayer- Mayor

Chris Weigand

Absent: Greg Canda

Others Present:

Brad Bryan – Village Solicitor

Rita McMahon, Aislinn Consulting LLC

Nancy Holdsworth, Clerk

Attachments:

DRAFT - Chapter 185 Short-Term Rental Tax

DRAFT - Historic Preservation Overlay District

DRAFT - County of Summit GIS Historic District Map

DRAFT – R1/ R2 Peninsula Map Overview

Consideration of Minutes:

March 4, 2019 Long Range Plan Meeting

Mayor Mayer made a motion to approve the Minutes of the March 4, 2019 Long Range Plan Meeting that was seconded by Ms. Walters.

Roll call vote: Mr. Mayer, yes; Ms. Walters, yes; Chris Weigand, abstain. The March 4, 2019 Long Range Plan Minutes were approved.

March 25, 2019 Planning Commission Meeting

Mayor Mayer made a motion to approve the Minutes of the March 25, 2019 Planning Commission Meeting that was seconded by Ms. Walters.

Roll call vote: Mr. Mayer, yes; Ms. Walters, yes; Chris Weigand, abstain. The March 25, 2019 Planning Commission Meeting Minutes were approved.

April 1, 2019 Long Range Plan Meeting

Mayor Mayer made a motion to approve the Minutes of the April 1, 2019 Long Range Plan Meeting that was seconded by Ms. Walters.

Roll call vote: Mr. Mayer, yes; Ms. Walters, yes; Chris Weigand, abstain. The April 1, 2019 Long Range Plan Meeting Minutes were approved.

Citizens Participation: Several residents expressed their concerns over the property located at 6287 Riverview Rd, Winding River Farm Air B&B. The property owner has been remodeling the barn structure. According to Mr. Dembkowski, Summit County Public Health issued a permit to install a bathroom in the barn that would be tied into the current septic system. That approval was based on the information provided by owner. Residents expressed concerns that the stated use for the barn in the renovation permit application might be different than the ultimate use of the barn once the project is completed. Information concerning the property and the listing information for the property was provided to the Commission by Mr. Dembkowski.

Ms. Holody raised concerns about the size of the sign on the property and how the Village can manage construction noise in residential areas.

Mayor's Report: The Mayor stated he had nothing to report.

Council Report: Mr. Weigand reported the Canal Street house was originally scheduled to be demolished the week of May 5. Due to the logistics of the demolition salvage materials and the need for a contract and procedures to be drawn up by Mr. Bryan, the demolition will be postponed.

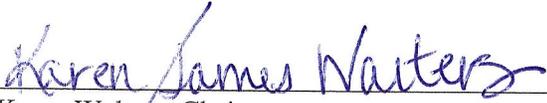
Old Business:

Continuation of Review of Proposed Historic Overlay District Ordinance: Ms. McMahon presented a revised version of the proposed Historic Preservation Overlay District Ordinance, including maps dated April 3, 2019. See Attachment. Mr. Bryan and Ms. McMahon will revise Proposed Historic Overlay District Ordinance prior to the Long Range Plan meeting based upon the Commission's comments and request to modify the District Map.

Short Term Rentals: Ms. McMahon presented and discussed the proposed draft of the Short-Term Rental Ordinance that was previously emailed to the Commission members. She also passed out an additional code section relating to the tax associated with the proposed ordinance. Issues related to the ideal number of permits allocated for the R-1 and R-2 Districts, whether to allow permits in the R-1 District, and how to handle persons renting single rooms in houses occupied by permanent residents were discussed. After the Commission's discussions, Ms. McMahon agreed that she will make adjustments to the regulations in consultation with Mr. Bryan, and a revised draft will be prepared so that it can be reviewed and discussed at the Long-Range Plan meeting on May 6, 2019.

Traffic Engineer Interviews: This topic will be discussed at a later meeting.

Adjournment: Mayor Mayer made a motion to adjourn that was seconded by Mr. Weigand. All were in favor of the motion; none were opposed. The Meeting was adjourned 9:31 p.m.


Karen Walters, Chairperson


Date

CHAPTER 185

SHORT-TERM RENTAL TAX

185.01 INTENT OF TAX

It is the intent of the Village to levy an excise tax of three percent (3%) on transactions by which lodging is or is to be furnished by a hotel to transient guests as referred to and authorized by RC 5739.02(C). Accordingly, this chapter shall be construed to effectuate that purpose and so as to be consistent with any requirement of law, compliance with which is a prerequisite to the validity of the tax intended to be levied hereby.

185.02 DEFINITIONS

As used in this chapter:

(a) "Administrator" means the means the individual charged with direct responsibility for administration of a tax levied by the Village of Peninsula, Ohio in accordance with this chapter.

(b) "Booking agent" means any person or entity that facilitates reservations or collects payment for hotel accommodations on behalf of or for a vendor. Merely publishing an advertisement for accommodations does not make the publisher a booking agent.

(c) "Hotel" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where lodging is offered to guests in one (1) or more rooms, regardless of use of keyed entry, whether such rooms are in one (1) or several structures, and whether the rooms are located in different structures or on different parcels of land if the structures are not identified in advertisements of the accommodations as distinct establishments.

(d) "Transaction price" means the total amount of consideration, including money or any other value, paid, or to be paid, or given by, or on behalf of, a transient guest to a hotel or booking agent in exchange for lodging. The transaction price is the amount advertised or published to the public inclusive of any fees built into the advertised or published price; however, service fees or booking fees, if separately stated, shall not be included in the transaction price.

(e) "Transient guest" or "transient guests" means a person or persons occupying a room or rooms for lodging for less than thirty (30) consecutive days.

(f) "Vendor" means the person who is the owner or operator of the hotel and who furnishes the lodging.

185.03 PURPOSE, RATE AND APPLICATION OF TAX

(a) There is hereby levied an excise tax of three percent (3%) on transactions by which lodging by a hotel is, or is to be, furnished to transient guests.

(b) The excise tax levied under this chapter shall provide revenue for the purposes of general municipal operations, procurement of fixed assets or permanent improvements, payment of debt charges, the elimination of deficits in Village funds and for all other lawful purposes. To carry out such purposes, the receipts of the tax levied under this chapter shall be deposited to the credit of the General Fund.

(c) The tax, which shall be known as the short-term rental tax, applies and is collectible at the time the lodging is furnished, regardless of the time when the price is paid. The tax shall not apply to transactions by which lodging is furnished to:

(1) the Federal government, the State or any of its political subdivisions; or

(2) a person maintaining occupancy for a period of thirty (30) or more consecutive days; provided, however, that except in the case of employees of the same employer, no occupancy may be used in combination with the occupancy of another, regardless of the source of payment, to exempt a transaction under this division.

(d) For the purpose of the proper administration of this chapter and to prevent the evasion of the tax, it shall be presumed that all lodging furnished by hotels in the Village to transient guests is subject to the tax until the contrary is established.

185.04 TRANSIENT GUEST TO PAY THE TAX

(a) The short-term rental tax shall be paid by the transient guest to the vendor unless division (b) of this section applies. Each vendor shall collect from the transient guest the full and exact amount of the tax payable on the taxable price for each taxable lodging. The tax required to be collected under this chapter shall be deemed to be held in trust by the vendor or the Village until paid to the Administrator, as provided in Section 185.07 of this chapter. If for any reason the tax due is not paid to the vendor, the Administrator may require the transient guest to pay such tax directly to the Administrator.

(b) A booking agent collecting for a vendor may collect and remit the short-term rental tax, and the vendor shall not be responsible for collecting the short-term rental tax on any transaction for which the vendor has received confirmation that the booking agent has collected and remitted the tax.

(c) No exemption shall be granted except upon a claim therefor made at the time the lodging is furnished and, under penalty of perjury, upon a form and in the manner prescribed by the Administrator.

185.05 RECORDS INSPECTION AND PRESERVATION

Each vendor and booking agent shall maintain complete and accurate records of lodging furnished, together with a record of the tax collected thereon. Such records shall be open and accessible to the inspection of the Administrator within the Village within fifteen (15) days upon

notification in writing to the vendor or booking agent and shall be preserved for a period of three (3) years, unless the Administrator in writing consents to their destruction within that period, or by order requires that they be kept longer.

185.06 TAX TO BE SEPARATELY STATED AND CHARGED

(a) The vendor or booking agent collecting for a vendor shall state and charge the short-term rental tax to the transient guest separately from the charge for the lodging and on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and upon every evidence of occupancy or any bill or statement or charge made for occupancy issued or delivered by the vendor.

(b) No vendor or booking agent shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the vendor or booking agent, or that the tax will not be added to the amount charged for the lodging, or that, if added, any part will be refunded except in the manner provided in this chapter.

185.07 REGULATIONS FOR FILING RETURNS

(a) Each vendor or booking agent collecting for a vendor shall on or before the last day of the quarter make and file a return for the preceding quarter, on forms prescribed by the Administrator, showing the receipts from furnishing lodging, the amount of tax due from the vendor or booking agent collecting for a vendor to the Village for the period covered by the return, and such other information as the Administrator deems necessary for the proper administration of this chapter. All returns shall be signed by the vendor, its authorized agent, or booking agent collecting for a vendor. The Administrator may extend the time for making and filing returns. Returns shall be filed by delivering or mailing the same to the Administrator together with payment of the full amount of tax shown to be due thereon.

(b) The Administrator may authorize vendors or booking agents collecting for vendors whose tax liabilities are not such as to merit quarterly returns, as determined by the Administrator upon the basis of administrative costs of the Village, to make and file returns at less frequent intervals. Such authorization shall be in writing and shall indicate the intervals at which returns are to be filed.

(c) Each vendor or booking agent collecting for a vendor shall file all claims for exemption from tax filed by the transient guests with the vendor during the reporting period with the return.

(d) The Administrator shall treat all returns and payments submitted by vendors and booking agents collecting for vendors as confidential and shall not release them except upon order of a court of competent jurisdiction or to an officer or agent of the United States, the State, the County, the Village, for official use only, or except as required by law.

(e) The Administrator, if he or she deems it necessary in order to insure the payment of the tax imposed by this chapter, may require returns and payments to be made and filed for periods longer or shorter than a quarter.

185.08 REFUNDS

The Administrator shall refund or grant credits to vendors or booking agents collecting for vendors for the amount of tax paid illegally or erroneously or paid on any illegal or erroneous assessment where the vendor or booking agent has not reimbursed itself from the transient guest. As between a vendor and a booking agent, the request for refund shall be made by the party that filed the return containing the illegal or erroneous assessment. A transient guest may obtain a refund or credit for the amount of taxes paid illegally or erroneously, but only when the tax was paid by the transient guest directly to the Administrator. No refund shall be paid unless the claimant establishes a right thereto by written records showing entitlement thereto and makes a claim filed within three (3) years of the date of payment in the manner and on forms prescribed and furnished by the Administrator, and stating under penalty of perjury, the specific grounds upon which the claim is founded.

185.09 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION BY ADMINISTRATOR

(a) If any vendor fails or refuses to collect the short-term rental tax or to file a return or remit the tax or any portion thereof, as required by this chapter, and the vendor has not received confirmation that a booking agent has collected and remitted the tax, the Administrator shall proceed in such manner as he or she may deem best to obtain information on which to base an assessment of the tax due. When the Administrator has obtained such information as he or she is able, he or she shall proceed to determine and assess against such vendor the tax and penalty provided for in this chapter.

(b) In case such determination is made, the Administrator shall serve notice upon the vendor of the amount so assessed, either by personal service or by registered or certified mail. Such vendor may, within ten (10) days after the serving or mailing of such notice, apply in writing to the Administrator for a hearing on the correctness of that amount assessed. If the vendor does not apply within the time prescribed, the tax and penalty determined by the Administrator shall become final and conclusive and immediately due and payable. If the vendor makes timely application, the Administrator shall give the vendor written notice not less than five (5) days in advance in the manner prescribed in this section, to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for such tax and penalty. At any such hearing, the vendor may appear and offer evidence why such specified tax and penalty should not be so fixed.

(c) After such hearing, the Administrator shall determine the proper amount of tax due and shall thereafter give written notice to the vendor in the manner prescribed in this section, of such

(c) After such hearing, the Administrator shall determine the proper amount of tax due and shall thereafter give written notice to the vendor in the manner prescribed in this section, of such determination and the amount of such tax and penalty. The amount determined to be due shall be payable after fifteen (15) days.

185.10 APPEALS

Appeals from any ruling or determination of the Administrator with respect to the amount of such tax and penalty shall be made Board of Tax Review as establish and in conformance with Section 181.21 of the Village Code of Ordinances.

185.11 ACTIONS TO COLLECT

Any tax required to be paid by a transient guest under the provisions of this chapter shall be deemed a debt owed by the transient guest to the Village. Any such tax collected by a vendor or a booking agent collecting for a vendor and not paid to the Village shall be deemed a debt owed by the vendor or booking agent to the Village. Any person owing money to the Village under the provisions of this chapter shall be liable to an action brought in the name of the Village for the recovery of such an amount.

185.12 INTEREST ON UNPAID TAX

The tax imposed and collected or required to be collected under the provisions of this chapter and remaining unpaid to the Village after the tax becomes due shall bear interest at the rate of one and one-half percent (1.5%) per month or fraction thereof.

185.121 BOOKING AGENTS

(a) Any booking agent, that facilitates transactions for one (1) or more hotels in the Village and that does not collect or remit the tax on behalf of all the vendors of such hotels, shall provide the Village quarterly within thirty (30) days of the end of each calendar quarter a transaction report. The transaction report shall consist of all listings by the vendors during the preceding calendar quarter, including, but not limited to, the dates of occupancy for each lodging and the amount paid for each completed transaction, if any.

(b) Any booking agent that lists one (1) or more hotels in the Village shall:

(1) at the time any vendor first obtains a short-term rental certificate shall notify the vendor of the vendor's tax and obligations to the Village; and

(2) annually provide all vendors of one (1) or more hotels with a reminder of their tax and license obligations to the Village.

In both cases, the booking agent shall use language provided or approved by the Administrator.

185.13 PENALTIES ON UNPAID TAX

(a) Any vendor or booking agent collecting for a vendor who fails to remit any tax imposed by this chapter within thirty (30) days after the date required shall pay, in addition to the tax, a penalty equal to ten percent (10%) of the amount of the tax;

(b) Any vendor or booking agent collecting for a vendor who fails to remit any tax imposed by this chapter within sixty (60) days after the date required shall pay, in addition to the tax, a penalty equal to fifteen percent (15%) of the amount of the tax;

(c) Any vendor or booking agent collecting for a vendor who fails to remit any tax imposed by this chapter within ninety (90) days required or upon a second delinquency shall pay, in addition to the tax, a penalty equal to twenty percent (20%) of the amount of the tax;

(d) Any vendor or booking agent collecting for a vendor who fails to remit any tax imposed by this chapter within one hundred twenty (120) days or more or upon a third or later delinquency shall pay, in addition to the tax, a penalty equal to twenty-five percent (25%) of the amount of the tax.

185.14 RULES AND REGULATIONS

The Administrator shall have the power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the short-term rental tax. A copy of such rules and regulations shall be published in the Village Record at least once before they shall become effective. Copies shall be printed and made available in the office of the Administrator.

185.99 PENALTY

(a) Any booking agent or vendor who fails to file any return or report required under this chapter shall be subject to a maximum fine of two thousand dollars (\$2,000.00) per occurrence. A separate offense shall be deemed to occur on the first day of each month the failure to file continues.

(b) Whoever violates any other provision of this chapter shall be fined not more than five hundred dollars (\$500.00).

HISTORIC PRESERVATION OVERLAY DISTRICT

1. HISTORIC PRESERVATION OVERLAY DISTRICT.

(a) Purpose and Intent. In order to promote the economic and general welfare of the people of the Village of Peninsula and of the public generally, and to ensure the harmonious, orderly and efficient growth and development of the municipality, it is deemed essential by the Village Council that the qualities relating to the history of the Village and a harmonious outward appearance of structures which preserve property values and attract tourists and residents alike be preserved. Qualities related to the above-stated purpose include: the continued existence and preservation of historic areas and buildings; continued construction of buildings in historic styles and having a general harmony as to style, form, proportion, texture and material between buildings of historic design and those of more modern design; that such purpose is advanced through the preservation and protection of the old historic or architecturally worthy structures and quaint neighborhoods which impart a distinct aspect to the Village and which serve as visible reminders of the historical and cultural heritage of the Village, the State and the nation.

2. HISTORIC PRESERVATION OVERLAY DISTRICT DEFINED

(a) The Historic Preservation Overlay District shall ~~have the boundary as outline in Exhibit A and attached to this Chapter.~~ As an overlay district it shall not restrict any uses or requirements of the underlying zoning district, but shall establish requirements in addition to the district regulations as it related to building and site changes.

3. HISTORIC PESERVATION OVERLAY DISTRICT REVIEW BOARD

(a) Appointment. The Planning Commission shall be the Historic Preservation Overlay Review Board of the Village and shall operate by the rules of procedure adopted by the Commission.

(1) The Historic Preservation Overlay Review Board shall have the following duties and powers with regard to the Historic Preservation Overlay District:

- A. Issue Certificates of Appropriateness
- B. Hear requests for and approve or deny the demolition of building, structure or parts of building or structures in the Historic Preservation Overlay District.

(2) The Historic Preservation Overlay Review Board shall be authorized to hire the necessary technical assistance such as Architects, Engineers, Historians or other professions to assist and provide guidance to the decision-making process of the Board. When the Board

determines expert advice is necessary to evaluate a proposed application relative to the requirements of this Section, Board shall advise the applicant that such assistance is required. Fees for such outside consultants and all administrative and legal costs pertaining to the review and processing of any application, shall be collected in advance of any reviews, inspections or issuance of any permits or approvals.

(3) Interpretation. The Board shall have the power to interpret the design criteria for the district. The interpretation of the Board shall be final. Where questions occur as to the location of any boundary line of a Historic Preservation Overlay District, the Board shall interpret the map in such a way as to carry out the purpose and intent of this chapter.

4. HISTORIC PRESERVATION OVERLAY DISTRICT CERTIFICATE OF APPROPRIATENESS REQUIRED.

(a) Within the boundaries of the Historic Preservation Overlay District, new structures shall not be constructed, nor shall major additions or alterations to existing structures, nor shall existing structures or portions thereof be demolished until a certificate of appropriateness has been issued. For purposes of this chapter major additions or alterations shall be defined as any construction that increases or decreases the square footage of the main structure by 400 sq. ft. or 25% of the structure which ever is less.

(b) However, a certificate of appropriateness shall not be required for:

(1) Accessory structures such as garages and shed, fences or signs;

(2) Ordinary maintenance and repair where the purpose of the work is to correct deterioration to the structure or where no change is made to the appearance of a building or grounds. Ordinary maintenance and repair includes but is not limited to:

- A. Repainting a building in the existing color palette;
- B. Replacement of window and/or glass (but not style or type of windows);
- C. Caulking and weather-stripping;
- D. Landscaping;
- E. Repairs to walks, patios, fences, and driveways as long as replacement materials are compatible with the original or existing materials in style and appearance;
- F. Replacement of small amounts of missing or deteriorated original or existing trim, roof coverings, porch flooring, steps, etc.;

G. Replacement of gutters and downspouts as long as the shape matches the original or existing; roof ventilators on rear slopes and chimney caps;

H. Installation of house numbers and mailboxes;

I. Repair of existing street or yard lighting; and

J. Similar maintenance items.

(3) Any construction, alteration, or demolition duly approved prior to the effective date of this chapter.

(4) Any construction, alteration, or demolition which only affects the interior of the structure.

(5) Any alteration or demolition which is necessary to correct or abate a condition which has been declared unsafe by the Building Official or the Fire Chief after notification of the Historic Preservation Overlay Review Board and Zoning Officer and consultation with the Village staff and where emergency measures have been declared necessary by such departments.

5. HISTORIC PRESERVATION OVERLAY DISTRICT PROCEDURES FOR ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS BY THE HISTORIC PRESERVATION OVERLAY REVIEW BOARD

(a) An application for a certificate of appropriateness shall be made on a form provided by the Zoning Officer.

(1) New construction, ~~major additions or alterations~~ and/or demolitions shall be reviewed by the Historic Preservation Overlay Review Board. The Historic Preservation Overlay Review Board shall meet monthly and review applications that have been received by the Village at least ten working days prior to each regularly scheduled meeting. The Chairperson may call additional meetings from time to time. The applicant shall be informed of the time and place at which the Historic Preservation Overlay Review Board will consider the application and shall be permitted to be heard.

(b) An application for a certificate of appropriateness is not considered complete until all illustrative material necessary to adequately describe the proposed project has been submitted. The Historic Preservation Overlay Review Board may refuse to consider an application for a certificate of appropriateness if it judges that insufficient information has been provided by the applicant.

(c) Every application or review involving major alterations or additions to existing structures in the Historic Preservation Overlay District, or the erection of any new structure within the Historic Preservation Overlay District, shall be accompanied by drawings of the proposed alterations, additions, or changes, and for new construction of buildings and other site improvements. Such drawings shall comply with the standards of Section 1149.04 of this Zoning Code. In addition, such plans shall be accompanied by samples of materials for review and clarification. Such documents shall be filed, in sufficient number, with the Village for the Historic Preservation Overlay Review Board with the appropriate fees and deposit, if required.

(d) Prior to either the preparation of working drawings and specifications or calling for proposals or bids from contractors, applicants are encouraged to prepare preliminary scale drawings and outline specifications, including samples, for review and informal discussion with the Historic Preservation Overlay Review Board. The purpose of this review shall be to identify any inconsistencies between the proposed work and the design guidelines, and allow for discussion of alternate treatments.

(e) In reviewing an application for a certificate of appropriateness, the Historic Preservation Overlay Review Board shall follow these procedures and criteria:

- 1) The Historic Preservation Overlay Review Board shall state basis for determination and make findings for the proposed work:
 - a. Proposed work is consistent with the historic and architectural character of building, structure, appurtenance or site will be properly preserved and complies with standards established by Section 6.
 - b. Project will not have a detrimental impact on historical or architectural character of the property or site.
- 2) If structure does not receive a positive review from the Historic Preservation Overlay Review Board, then a certificate of appropriateness shall not be issued unless:
 - a. Proposed alterations are necessary for the continued viability of the structure and the costs of making the improvements in such a manner to meet the above findings render the building incapable of earning an economic return upon its value at the time or upon future sale of the property.
 - b. Proposed project is required for the physical functioning of the building or health or safety reasons with no reasonable alternative available.
 - c. If Historic Preservation Overlay Review Board finds that either of the latter two circumstances exists, every effort shall be made to minimize the adverse impact of the work and to allow for the work to be reversed in the future.
- 3) Requests for approval of demolition shall follow the procedures established in Section 7.

(f) In reviewing an application for a certificate of appropriateness, the Historic Preservation Overlay Review Board shall not consider interior arrangement, detailed design, or features not subject to public view and/or view from surrounding properties and shall not make any requirements except for the purpose of preventing developments that are architecturally incompatible with the historic aspects of the Historic Preservation Overlay District.

(g) If the Historic Preservation Overlay Review Board approve an application, it shall issue a certificate of appropriateness which shall be signed by the Chairman, or Vice Chairman, attached to the application and transferred to the office of the Zoning Official. All prints approved by the Historic Preservation Overlay Review Board shall be stamped accordingly. The Zoning Official shall thereupon process the application in the usual manner.

(h) If the Historic Preservation Overlay Review Board disapprove such plans, it shall state its reason for doing so and shall transmit a record of such action and reason to the Zoning Official and to the applicant. No further action shall be taken by the Zoning Official on the application. The applicant may modify the application to make it acceptable to the Historic Preservation Overlay Review Board and/or Administrator and shall have the right to resubmit the application at any time or may appeal the decision to the Board of Zoning Appeals. The appeal shall be filed on the appropriate forms within ten days of receipt of the decision of the Historic Preservation Overlay Review Board.

(i) The Historic Preservation Overlay Review Board shall act within 60 days of receipt of a complete application. The failure of the Historic Preservation Overlay Review Board to approve or disapprove such application within such time, unless mutually agreed upon by the applicant and the Historic Preservation Overlay Review Board, shall be deemed to constitute approval and the Zoning Officer shall thereupon process the application without regard to the certificate of appropriateness.

(j) After the permit has been processed by the Zoning Official, in accordance with these procedures, the project shall, from time to time, be inspected in the field to review the construction, reconstruction, alteration, maintenance or repair. Necessary action shall be taken to assure compliance with the approved application.

6. HISTORIC PRESERVATION OVERLAY DISTRICT DESIGN CRITERIA

The United States Secretary of the Interior Standards for the Treatment of Historic Properties may be used as a guide to assist the Historic Preservation Overlay Review Board in the issuance of certificates of appropriateness.

(a) GENERAL STANDARDS

- 1) Building proportion (height, depth, and width) for new construction shall be such that it is similar to any immediately adjacent structures on the same street, or streets of a corner lot. Any exterior modifications or additions to existing structures shall maintain the proportions of wall height and length, window and door opening sizes, and roof height and slope as the original structure. New principal structures shall conform in these regards to the proportions of adjoining structures. All existing and new principal structures shall maintain a rhythm of the masses to openings.
- 2) Materials utilized in exterior renovations, additions and construction of new principal structures shall either match the appearance of the materials used in construction of the original buildings or shall be modern construction materials which create the same effect and shall not be a cosmetic treatment which simulates original fabric.
- 3) All exterior colors shall be appropriate to the architectural style and time period in which the structure was built. Visual relationships of the streetscape shall be maintained.
- 4) Decorative detail items of new construction or major additions or alterations such as chimneys, gutters, downspouts, gables, soffits, hardware, light fixtures, and shutters shall be compatible with the architectural style of the principal structure. Materials used for and design of decorative details may be modern reproductions, which create the same effect.
- 5) Techniques utilized in the rehabilitation of existing exterior surfaces shall be sympathetic to the surface materials.

(a) **STANDARDS FOR MAJOR ADDITIONS OR ALTERATIONS.**

- 1) Every reasonable effort shall be made to use the property for its originally intended purpose or to provide a compatible use requiring minimal alteration.
- 2) Each property shall be recognized as a product of its own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- 3) Deteriorated architectural features shall be repaired rather than replaced whenever possible, substantiated by historic, physical or pictorial evidence.
- 4) The gentlest means possible shall be used to clean the property's surface if necessary. Sandblasting and other cleaning methods that will damage the historic building material are prohibited unless specifically approved by the Historic Preservation Overlay Review Board.
- 5) Archaeological resources affected by or adjacent to any alteration shall be protected and preserved.

- 6) Contemporary design for alteration to a property shall not be discouraged when such alteration does not destroy significant, historical, architectural or cultural material and character of the property, its environment and surrounding contributing properties.
- 7) Whenever possible, a new major addition or alteration shall be so accomplished so that its future removal will not impair the essential form and integrity of the structure.
- 8) Materials utilized in exterior renovations and additions to the principle structures shall either match the appearance of that used in construction of the original buildings or shall be modern construction materials which create the same effect and shall not be a cosmetic treatment which simulates original fabric. Decorative detail items such as chimneys, gutters, downspouts, gables, soffits, hardware, light fixtures, signs and shutters shall be compatible with the architectural style of the principal structure.
- 9) In passing upon appropriateness, the Historic Preservation Overlay Review Board shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the District, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other contributing properties in the immediate neighborhood.

(b) STANDARDS FOR NEW CONSTRUCTION.

- 1) New structures should look new, reflecting contemporary design standards while using contemporary design elements that relate to existing contributing properties surrounding the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.
- 2) Physical size and scale shall be compatible to existing contributing properties without overwhelming them.
- 3) The proportion of openings, width and height of windows, doors and entries, shall be visually compatible with adjacent contributing properties and open space.
- 4) The rhythm or relationship of solid spaces to voids (i.e., walls to windows and doors), in the facade of a structure shall be visually compatible with adjacent contributing properties and open spaces in its environment.
- 5) The rhythm of spacing, the relationship of a structure to the open space between it and adjoining structures, shall respect the surrounding environment.

- 6) The rhythm of projections, the relationship of entrances, porches and other projections to sidewalks or streets, shall be guided by the streetscape provided by adjacent and visually related structures and open spaces.
- 7) The choice of material, texture and color for the facade of the structure should relate attractively to and be tempered by the predominant material, texture and color of adjacent and visually related structures.
- 8) Preservation and allocation of appropriate green spaces shall be encouraged and respective of the rhythm or relationship of solid spaces to voids.
- 9) Scale, the size and mass of structures in relation to open spaces, openings and projections, shall be compatible with adjacent, visually related structures and open spaces.
- 10) A structure that has frontage on more than one street or alley resulting in multiple facades shall require application of compatibility standards to each facade.
- 11) The Historic Preservation Overlay Review Board shall consider, in addition to any other pertinent factor, the architectural characteristics typical of structures in the district, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the architectural feature involved and its relation to the architectural features of other structures in the immediate neighborhood.

7. HISTORIC PRESERVATION OVERLAY DISTRICTS DEMOLITION AND MOVING OF STRUCTURES.

- (a) The demolition of all or part of a designated historic structure or of an existing building within a designated Historic Preservation Overlay District shall require the approval of the Historic Preservation Overlay Review Board, in accordance with the following procedures, upon application by a property owner.
- (b) The Historic Review Board shall then have up to 60 days from the date of the referral to determine whether the structure is historically significant. The Historic Review Board may engage the assistance of organizations with expertise in this area to assist it in making its determination.
- (c) If the Planning Commission finds that the structure or part of the structure to be demolished is not historically significant, and that the demolition will not adversely affect the character of the area, including the appearance of the streetscape in terms of the overall scale, rhythm, design or unity then a Certificate of Appropriateness may be issued and the demolition permit may be granted.

relocating the remaining structure in an appropriate setting or preserving of the salvageable architectural materials.

(g) As an alternative to demolition which has been approved pursuant to this section, the Historic Preservation Overlay Review Board may approve the moving of an existing building where:

- 1) The new surroundings would be harmonious with the historical and architectural character of the building; and
- 2) The relocation would help preserve and protect a building of historical interest.

8. HISTORIC PRESERVATION OVERLAY DISTRICTS PROTECTIVE MAINTENANCE REQUIRED EMERGENCY CONDITIONS.

All contributing buildings and structures in the Historic Preservation Overlay District shall be properly maintained and repaired at the same level required elsewhere in the Village. Should an owner deliberately omit essential maintenance and repairs, which would eventually result in the building becoming so run down that it would be constitutionally unreasonable for the Village to refuse to allow the owner to demolish the building, the Historic Preservation Overlay Review Board shall bring this matter to the attention of the Zoning Official, who shall immediately require of the owner or agent protective maintenance and repair to further the economic, health, safety and general welfare of the Village, and nothing in this chapter shall be construed to prevent ordinary maintenance or repairs of any structures.

9. FEES.

All applications for certificates of appropriateness and appeals shall be accompanied by the following fees:

Certificate of Appropriateness: \$25

Deposit for Technical Assistance: As determined by the Historic Preservation Overlay Review Board.

DRAFT

April 3, 2019

EXHIBIT A

County of Summit GIS

Draft Historic District

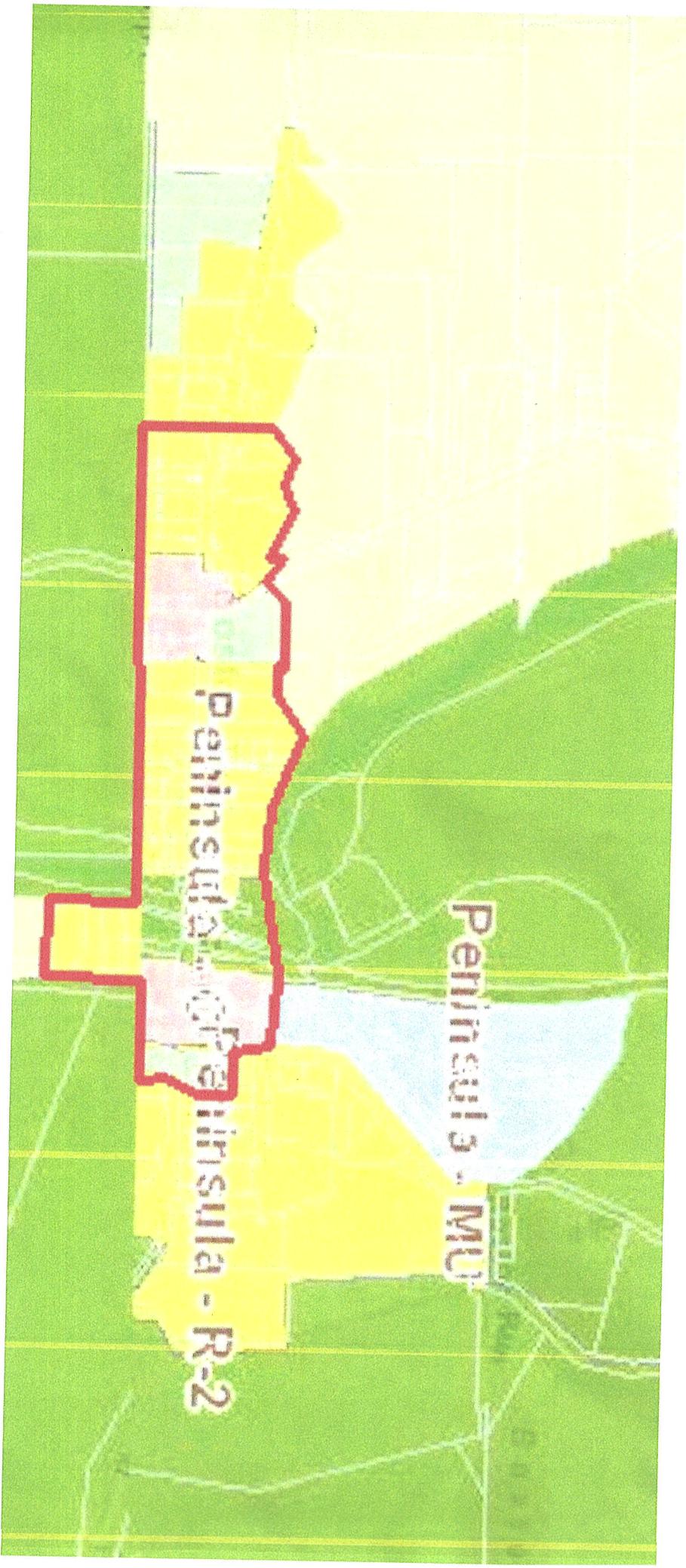


4/1/2019, 11:12:50 AM

- Summit County Municipal Outlines
- Parcels

0.521 0.55 0.1 MI 1:4,514

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Peninsula - MU

Peninsula - R-2



