

CHAPTER 741
Short-Term Rental Regulations

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CROSS REFERENCES
Short-term rental tax - see ADM. Ch. 185

741.01 PURPOSE AND INTENT.

(a) This Chapter is intended to protect and promote the health, safety, and general welfare of all of the citizens of Village of Peninsula and preserve the small-town character of the Village by requiring the registration and certification of short-term rentals within the Village. It is also the intent of this chapter to protect the integrity of the residential neighborhoods while allowing property owners to receive remuneration from renting a dwelling or portions of a dwelling to help maintain the dwelling.

(b) Short-term rentals shall be limited as set forth in this chapter in the R-1 Rural Residential District, R-2 "Small Town" Residential District, the C Commercial District, and the MU Mixed Use District within the Village. The purpose of this chapter is to regulate and limit short term rentals in order to:

- (1) Establish minimum standards and conditions for Short-term Home rentals and Owner-occupied Short-term rentals that reflect the goals and policies of the Long Range Plan and the Planning and Zoning Code;
- (2) Reinforce the purpose of the R-1 Rural Residential District by retaining a rural living environment in the district, maintaining suitable neighborhoods for families and children, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood; and

- (3) Acknowledge that the R-2 "Small Town" Residential District is intended to be more eclectic in its design, character, and size of housing, resulting in varied neighborhoods in close proximity to commercial and tourist attractions, while controlling the density of short-term rentals, preventing congestion on public streets, and reducing hazards to life and property. (Ord. 18-2019. Passed 9-9-19.)

741.02 DEFINITIONS.

Caretaker. A caretaker is an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

Certificate. A short term rental certificate duly issued by the Village.

Owner-Occupied Short-Term Rental. A rental for less than thirty (30) consecutive days in which the owner is concurrently, personally occupying the premises with the renter. One or more renters may occupy a single room or multiple rooms in the main dwelling unit or an accessory building provided the accessory building has separate bathroom facilities and meets health and safety standards.

Parking Space. For purposes of this chapter, a parking space shall be a minimum of nine (9) feet by eighteen (18) feet, located off-street, outside of a road right-of-way, and in one of the following locations on the same lot as the short term rental:

- in a garage or carport;
- within a paved or gravel driveway; or
- within a paved or gravel parking pad.

Renter. As used in this Chapter, a renter is an occupant or renter of a short-term rental pursuant to a rental agreement. The term "renter", as used herein, does not include guests of the occupant or renters who are visiting between the hours of 7:00 a.m. and 11:00 p.m., provided the total number of visiting guests does not exceed the total number of renters permitted by the certificate.

Septic System Operations Permit. As used in this chapter, septic system operations permit means a valid permit issued by Summit County Public Health for the on-site septic system.

Short-term Home Rental. For purposes of this chapter, Short-term Home rental means any dwelling that is rented in its entirety for less than thirty (30) consecutive days by persons other than the owner from which the owner receives monetary compensation and the owner is not present and personally living on the premises during the time of the rental.

Special Event. In association with a short-term rental, special event means a wedding, party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short-term rental certificate. (Ord. 18-2019. Passed 9-9-19.)

741.03 APPLICABILITY.

(a) This chapter applies to all residential dwellings and owners of those dwellings wherein the entire dwelling or portion of a dwelling is rented for a period of less than thirty (30) days.

- (1) Certificate Required. A certificate is required prior to the rental of any dwelling or portion of any dwelling for a period of less than thirty (30) days.
- A. A certificate issued by the Village shall be valid for a period of one (1) year, beginning January to December of each year, or until the dwelling is sold.
 - B. A certificate will be issued within thirty (30) days of receipt of a complete application, provided the information on the application is accurate and is verified by an inspection of the property by the Village.
 - C. The certificate shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in Section 741.04 of this chapter.
 - D. A certificate and certificate holder shall be subject to all of the standards and penalties of this Chapter.
- (2) Application. An application provided by the Village for a short-term rental certificate shall, at a minimum, include the following:
- A. Address of property.
 - B. Property owner name(s). If the owner does not reside within a thirty (30) minute drive time of the Short-term Home rental property, they shall designate a caretaker that meets the thirty (30) minute drive time requirement.
 - C. Signature of property owner(s) and caretaker, if any.
 - D. Number of bedrooms in the dwelling. For Owner-occupied Short-term rentals, the number of available rooms to be rented.
 - E. Number of parking spaces as defined under Section 741.02.
 - F. Sketch of the property, indicating location of the dwelling, driveway, or other point of access, and designated parking spaces meeting the definition of a parking space under Section 741.02.
 - G. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker.
 - 1. This information must be kept up to date in the Village's records.
 - 2. It is the certificate holder's responsibility to inform the Village of any change in caretaker or contact information for the certificate holder or caretaker.
 - H. Proof of insurance as required by Section 741.04.
 - I. Proof of a valid Operations Permit for the septic system.
- (3) Renewal of Certificates.
- A. All certificates for both Owner-occupied and Short-term Home Rentals shall be renewed annually. No rental shall occur until the rental certificate is renewed. The fee for each certificate shall not be prorated should a partial year permit be requested.
 - B. Renewal applications shall contain the same information as required for the initial application.
 - C. Short-term Home Rental certificate holders shall be required to provide evidence that their rental has been occupied for a minimum of ninety (90) days in the previous calendar year to be permitted to renew their certificate. (Ord. 18-2019. Passed 9-9-19.)

741.04 STANDARDS.

(a) **Short-Term Home Rental Standards.** All Short-term Home rentals shall be subject to the following standards, in addition to the requirements set forth in Sections 741.05 and 741.06 of this Chapter.

- (1) **Parking.** Parking for guests in a Short-term Home rental shall only be in identified parking spaces as defined in this chapter. No on-street parking shall be permitted in association with a short-term rental. A minimum of one (1) parking space per bedroom shall be provided, plus one (1) additional space. The maximum number of spaces shall not exceed two (2) per bedroom. If the Short-term Home rental location cannot meet the requirement of one (1) per bedroom, the applicant shall indicate the number of spaces provided and restrict guests to that number of vehicles.
- (2) **Accessory Buildings.** No Short-term Home renters shall be permitted to sleep in any accessory building to the primary building on the site. Nor shall sleeping be permitted outside or in tents, campers, or other similar temporary structures outside of the main dwelling.
- (3) **Trash.** Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids and shall be regularly picked up by a licensed waste hauler.
- (4) **Safety Standards.** The Short-term Home rental owner shall provide an affidavit stating the short-term rental is in compliance with all applicable local, state, and federal laws and regulations.
- (5) **Special Events.** Special events, as defined in this chapter, are not permitted.
- (6) **Capacity Limit.** The maximum number of renters to be accommodated shall be equal to the number of bedrooms multiplied by a factor of two (2).
 - A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit.
 - B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.
- (7) **Contact.** The certificate holder, or a caretaker representing the property owner, must be available by telephone at all times and be physically located within a thirty (30) minute drive time of the property in the event of an emergency or an issue that requires immediate attention.
- (8) **Certificate Number.** The unique Short-term Home rental certificate number issued by the Village shall be:
 - A. Included in any advertisement for the rental; and
 - B. Posted on the property.
- (9) **Quiet Hours.** Short-term Home rentals shall observe quiet hours between 10:00 p.m. and 7:00 a.m.
- (10) **Pets.** Pets shall be secured on the premises or on a leash at all times.
- (11) **Applicable Rules.** Renters shall be made aware of the rules applicable to the renters under this Chapter.
- (12) **Signs.** Signs shall conform to the requirements of Chapter 1133 of the Village of Peninsula Zoning Ordinance.

- (13) **Insurance.** A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ten (10) days prior to cancellation.
- (14) **Short-term Rental Tax.** Each Short-term Home rental shall charge the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.
- (15) **Advertising.** No person shall allow a dwelling to be listed or advertised as a short-term rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied.
- (16) **Septic System.** No Short-term Home rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to the number of bedrooms approved by Summit County Public Health on the valid Operations Permit.
- (17) **Record Keeping.** All Short-term Home rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials, records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the Short-term Home rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a Short-term Home rental.

(b) **Owner-occupied Short-term Rental Standards.** Owner-occupied Short-term rentals shall be permitted in any zoning district. All Owner-occupied Short-term Rentals shall comply with the following standards.

- (1) **Parking.** Parking for guests shall be on the same lot as the dwelling. No on-street parking shall be permitted in association with the rental.
- (2) **Accessory buildings.** If the rental unit is within an accessory building it shall provide bathroom facilities within that building.
- (3) **Safety Standards.** The Owner shall provide an affidavit stating that the rental is in compliance with applicable local, state and federal laws and regulations.
- (4) **Capacity Limit.** The maximum number of renters to be accommodated shall be equal to the number of bedrooms available for rent multiplied by a factor of two (2).
 - A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village and in no event shall exceed the number of bedrooms permitted by the Summit County Public Health Septic System Operations Permit, minus the number of bedrooms occupied by the permanent residents.
 - B. The certificate issued by the Village shall indicate the maximum number of renters that may be accommodated as calculated under these standards.

- (5) Certificate Number. The unique short-term rental certificate number issued by the Village shall be:
 - A. Included in any advertisement for the rental; and
 - B. Posted on the property.
- (6) Insurance. A general liability insurance policy or certificate that shall provide minimum liability insurance coverage of not less than three hundred thousand dollars (\$300,000) issued by an insurance company licensed to conduct business in the State of Ohio shall be provided. The policy or certificate shall provide notice of cancellation of insurance to the Village at least ten (10) days prior to cancellation.
- (7) Short-term Rental Tax. Each Owner-occupied Short-term rental shall charge the Short-Term Rental Tax on every rental and remit same to the Village in compliance with the requirements of Chapter 185 of the Village of Peninsula Codified Ordinances.
- (8) Advertising. No person shall allow a dwelling to be listed or advertised as a short-term rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied.
- (9) Septic System. No Owner-occupied Short-term rental shall be permitted unless a valid Septic System Operations Permit from Summit County Public Health is provided. The number of bedrooms certified on the certificate shall be limited to less than the number of bedrooms approved by Summit County Public Health on the valid Operations Permit.
- (10) Record Keeping. All Owner-occupied Short-term rental property owners shall retain, and upon request, make available to the Zoning Officer or law enforcement officials, records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates of the rental, price per night, and duration of stay in a short-term rental. (Ord. 18-2019. Passed 9-9-19.)

**741.05 SPECIAL REQUIREMENTS IN THE R-2 "SMALL TOWN"
RESIDENTIAL, COMMERCIAL, AND MIXED USE DISTRICTS FOR
SHORT-TERM HOME RENTALS.**

(a) Short-term Home rentals shall be permitted in the R-2 "Small Town" Residential District, the Commercial District, and the Mixed Use District provided the total number of short-term rentals within all of those districts combined does not exceed fifteen (15) units.

(b) Short-term Home rentals that show proof of being in existence as of the date of adoption of this chapter shall have sixty (60) days to obtain a short-term rental certificate, provided they are able to comply with the requirements of this chapter. After sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short-term Home Rentals. (Ord. 18-2019. Passed 9-9-19.)

**741.06 SPECIAL REQUIREMENTS IN THE R-1 RURAL RESIDENTIAL
DISTRICT FOR SHORT-TERM HOME RENTALS.**

(a) Short-term Home rentals shall be permitted in the R-1 Rural Residential District, provided that the total number of Short-term Home rentals in that district does not exceed five (5) units.

(b) Short-term Home rentals shall not be located closer than six hundred (600) feet to another Short-term Home rental in this District measured by the closest property line from one parcel to the closest property line to the other parcel.

(c) Short-term Home rentals that show proof of being in existence as of the date of adoption of this chapter shall have sixty (60) days to obtain a short-term rental certificate, provided they are able to comply with the requirements of this chapter. After sixty (60) days from the date of adoption of this chapter, the Village will accept applications for new Short-term Home rentals. (Ord. 18-2019. Passed 9-9-19.)

741.07 SHORT-TERM RENTAL TAX.

(a) The Short-Term Rental Tax shall be 3% of the listing price, including any fees, for reservations twenty-nine (29) nights and shorter.

(b) The tax shall be collected and administered in conformance with Chapter 185 of the Village of Peninsula Codified Ordinances. (Ord. 18-2019. Passed 9-9-19.)

741.08 FEES.

(a) Each application for a Short-term Home Rental certificate shall be accompanied by a fee of one hundred fifty dollars (\$150.00).

(b) Each application for an Owner-occupied Short-term Rental shall be accompanied by a fee of fifty dollars (\$50.00). (Ord. 18-2019. Passed 9-9-19.)

741.09 VIOLATIONS, REVOCATION OF CERTIFICATE, AND PENALTY.

- (a) Any of the following will be considered a violation of this chapter:
- (1) Failure to update information with the Village such as the caretaker's or owner's contact information in a timely manner.
 - (2) Advertising either an Owner-occupied or Short-term Home rental for a capacity in excess of that allowed under the certificate issued by the Village.
 - (3) Permitting a number of persons in excess of that allowed under the certificate issued by the Village to stay at the premises.
 - (4) Failure of the certificate holder or his/her designated caretaker to be available at any time during the tenure of an active Short-term Home rental, or failure of a home owner to be present during the rental of an Owner-occupied Short-term rental.
 - (5) Providing false or misleading information on the application for any short-term rental certificate.
 - (6) Failure to obtain a short-term rental certificate when operating either an Owner-Occupied Short-term rental or a Short-term Home rental.
 - (7) Failure to comply with any of the standards listed in Section 741.04.

(b) Penalties.

- (1) Any violation of this Ordinance shall be subject to the penalties specified in Section 1149.12 of the Planning and Zoning Code.
- (2) In addition or as an alternative to the penalties set forth herein, when the Village becomes aware of a violation of this chapter, the Village may send a written notice to the property owner and/or caretaker of the property in violation that describes the location of the property, the nature of the violation, and the specific provisions of this chapter being violated, giving the owner and/or caretaker of the property no less than thirty (30) days to eliminate the violation before action is taken by the Village to cancel the Certificate. The thirty (30) day notice requirement shall not apply when the Village has previously cited the certificate holder for, or provided notice to the certificate holder of, the same type of violation within the past three hundred sixty-five (365) days.
(Ord. 18-2019. Passed 9-9-19.)