



AGENDA
REGULAR MEETING OF PLANNING COMMISSION
March 25, 2024 7:00 p.m.
Peninsula Village Hall
1582 Main Street
Peninsula, Ohio 44264

CALL TO ORDER; ROLL CALL

CONSIDERATION OF MINUTES
February 26, 2024 Planning Commission Meeting

CITIZENS PARTICIPATION

MAYOR'S REPORT

COUNCIL LIAISON REPORT

HEARINGS: None

OLD BUSINESS
Wastewater and Water Projects

Area Master Plan

NEW BUSINESS
Review of Short-Term Rental and Short-Term Rental Tax Ordinances

ADJOURNMENT

**RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION**

Held: Monday, February 26, 2024

CALL TO ORDER: Chairperson Walters called the meeting to order at 7:00 p.m.

ROLL CALL

Chairperson Karen Walters	Present
Kevin Royer	Present
Mayor Daniel Schneider, Jr.	Present
Greg Canda	Present
Council Rep. Doug Steidl	Present

OTHERS PRESENT: Village Planner Rita McMahon, Solicitor Brad Bryan, and Zoning Officer Chuck Hemming

CONSIDERATION OF MINUTES

December 18, 2023 Special Planning Commission Meeting

Mr. Canda made a motion to amend the minutes to change Lee Spencer to Hana Spencer in the Citizens Participation portion of the minutes. That motion was seconded by Mayor Schneider. Roll call: Ms. Walters, abstain; Mr. Royer, yes; Mr. Steidl, abstain; Mr. Canda, yes; Mayor Schneider, yes. The motion was approved.

Mr. Canda made a motion to approve the minutes as amended that was seconded by Mayor Schneider. Roll call vote: Ms. Walters, abstain; Mr. Royer, yes; Mr. Steidl, abstain; Mr. Canda, yes; Mayor Schneider, yes. The minutes were approved as amended.

January 22, 2024 Planning Commission Meeting

Mr. Steidl made a motion that was seconded by Mr. Canda to approve the minutes. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Steidl, yes; Mr. Canda, yes; Mayor Schneider, yes. The minutes were approved.

CITIZENS PARTICIPATION

Mo Riggins reported and explained that certain registered short-term rental properties are not in compliance with the Village Ordinance. Mr. Canda stated he attended the Chamber of Commerce short-term rental property tour, and some of the properties on that tour were in violation of the rules.

Amy Frank-Hensley stated the proposed Cuyahoga Valley Scenic Railroad temporary parking lot is not harmonious with the historic district. She felt the stone lot will cause problems for the street, sewers, and surrounding properties. She proposed that additional due diligence be taken with respect to the proposal and the CVSR parking needs in general. She noted the availability of street parking on N. Locust during the day that is a 3 minute walk from the proposed temporary lot. She wondered if an arrangement between the CVSR and Village could be reached with respect to parking in that area instead of the proposed lot.

Jodi Padrutt asked if the items in the meeting packet regarding the CVSR parking lot proposal were all of the documents that were submitted on this matter. The Mayor confirmed those documents were all the Village received. Mr. Bryan and Ms. McMahon confirmed there were several non-compliance issues with what the CVSR is proposing. They will be discussed during the hearing portion of the meeting.

**RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION**

Held: Monday, February 26, 2024

MAYOR'S REPORT

The Mayor provided a brief update regarding the status of the short-term rental renewal process. He shared Mr. Hemming will be able to perform home inspections when the time for doing so arises.

COUNCIL LIAISON REPORT

Mr. Steidl stated the short-term rental ordinance will be the primary focus of the March Planning Commission Meeting. He reported at this month's Council Meeting, Council approved a minor modification to the Village's 2024 contract with the County in connection with the County Road Resurfacing Program relating to repaving portions of Riverview Road.

HEARINGS

Lot Consolidation Request of Gregory Hansen of Rt. 303 Parcel No. 11-10750 (4.005 acres) and Rt. 303 Parcel No. 11-00495 (4.368 acres) (new consolidated parcel will be 8.3671 acres)

Richard Hood, the Builder, discussed this lot consolidation request and the proposed home and outbuilding to be built on the property. Ms. McMahon and Mr. Bryan confirmed the lot consolidation request meets all of the Village requirements. The Mayor made a motion that was seconded by Ms. Walters to approve the lot consolidation request. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Steidl, yes; Mr. Canda, yes; Mayor Schneider, yes. The motion was approved.

Request for Historic District Property Certificate of Appropriateness from Purple Brown Freight Depo and Peninsula Valley Historic & Education Foundation, Inc. for ADA Deck and Ramp and Screening Addition

Due to the fact that Ms. Walters is employed by the Peninsula Foundation, she recused herself and left the dais. Ms. McMahon described the request to add an ADA compliant deck and ramp and screening addition to the old Freight Depo building. She stated no variances are required. Daniel D'Angelo presented the project on behalf of the Peninsula Foundation with the assistance of the store owner, Sasha Miller. Mr. D'Angelo stated and explained how the project is in keeping with the Department of Interior Standards for modifications to historic buildings. The building was erected in 1890. Mr. D'Angelo showed the Commission samples of the red oak wood material that would be used for the deck and ramp and explained why the chosen style of cabling was selected. Ms. Miller stated the deck and ramp were necessary for the store to provide full prepared food service and for disabled residents to safely access her store. The screening is intended to screen out the sight, noise, and smell of the nearby septic treatment facility for persons travelling and seated on the deck.

Mr. Steidl made a motion to approve the request for a certificate of appropriateness for the project that was seconded by Mayor Schneider. Roll call vote: Ms. Walters, abstain; Mr. Royer, yes; Mr. Steidl, yes; Mr. Canda, yes; Mayor Schneider, yes. The request was approved. Mr. Bryan acknowledged he would prepare the certificate of appropriateness and send it to the Foundation.

**RECORD OF PROCEEDINGS
VILLAGE OF PENINSULA PLANNING COMMISSION**

Held: Monday, February 26, 2024

Cuyahoga Valley Scenic Railroad Temporary Gravel Parking Lot Approval Request for Grassy Area between the Garage at 6090 N. Locust and 1600 Mill St. Building

Mr. Bryan welcomed Ms. Walters back to the dais. No CVSR representative was present at the meeting. Ms. McMahon listed several areas of concern with this request, including the Foundation, not the CVSR, owning the property between the street and the proposed lot; the Village Code not permitting backing out from a parking lot directly into a street; the lack of a site plan showing the dimensions of the proposed parking area on the lot, the setbacks, and the location of the septic system; and a plan for how much parking is needed and required for the office building. She suggested the Village request more information from the CVSR before this matter can be considered.

Mr. Steidl suggested the Commission table this request until more information is provided. Ms. Walters made a motion to table the matter until a site plan and more comprehensive parking plan is submitted. The motion was seconded by Mr. Royer. Mr. Canda stated he would like a CVSR representative to be in attendance when this matter is reconsidered. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Steidl, yes; Mr. Canda, yes; Mayor Schneider, yes. The motion was approved. Mr. Bryan stated a letter will be sent to the CVSR requesting the required additional information. Once that information is received, the project can reappear on the agenda.

OLD BUSINESS

Wastewater and Water Projects

The Mayor advised Councilperson Najeway was on vacation. There is no news on the sewer project, and there has not been any additional progress on water.

Area Master Plan

Mr. Canda provided a summary of the recent Steering Committee Meeting. At that meeting, OHM outlined the process for the plan and sought input as to issues to be considered. Mr. Canda confirmed everyone acknowledged that maintaining the historic small-town character of the Village was paramount. Ms. Walters reported an audio recording of the meeting is accessible online. Several other people who attended the Steering Committee Meeting shared their thoughts. The meetings are public and anyone can attend.

NEW BUSINESS

Review of Short-Term Rental and Short-Term Rental Tax Ordinance (Moved to March Meeting due to time constraints due to the Hearings)

ADJOURNMENT

Mayor Schneider made a motion to adjourn the meeting that was seconded by Mr. Steidl. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mayor Schneider, yes; Mr. Canda, yes; Mr. Steidl, yes. The meeting was adjourned at 8:32 p.m.

Respectfully submitted:

Karen Walters, Chairperson

Date

SHORT-TERM RENTAL ORDINANCE REVIEW ITEMS

Possible Additions:

1. Add code provision and line in application requiring providing and updating listing information on websites on which the property is being advertised.

Possible Modifications:

1. Change the deadline for paying quarterly taxes from the last day of the quarter after the quarter for which the taxes are owed to the last day of the month following the quarter for which the taxes are owed. (185.07a)
2. Whether Short-Term Rental properties in the Commercial Zoning District should continue to count toward the 15 permit limit for the R-2 District. (741.05.1)
3. Should Type B Owner-Occupied Short-Term Rentals (accessory building being rented out while owner living in main structure) count toward the permit limits. (741.02; 741.05.1)
4. Prohibition against sleeping in accessory buildings to primary buildings for Non-Owner Occupied Single Rental Agreement Short-Term Rentals. (741.04.1.b)
5. Requirement to provide evidence of at least 90 days of rentals in previous calendar year for renewal. This provision has not been enforced and is not currently requested on the renewal applications, although the number of rental dates for each quarter is listed on the quarterly tax forms. Should this 90 day threshold be reduced? (741.03.1.c.iii.)
6. Issue of Short-Term Rental Certificate Holders Renting Long-Term while Holding Certificates. What if They Are Still Paying the Short-Term Rental Tax on the Long-Term Rentals while Holding the Certificate?
7. Supplement and expand flexibility as to the range of options in the penalties section to shorten the timeframes for corrective action and set forth criminal penalties. (741.09.2)
8. Whether the Ordinance needs to address the Mixed-Use Zoning District. There is no current provision in the Ordinance relating to Short-Term Rentals in the Mixed-Use District, and therefore, that activity is presumed prohibited in that District. Do we want to specifically address the Mixed-Use District in the Ordinance?

CHAPTER 185

Short-Term Rental Tax

- 185.01 Intent of tax.
- 185.02 Definitions.
- 185.03 Purpose, rate, and application of tax.
- 185.04 Transient guest to pay the tax.
- 185.05 Records inspection and preservation.
- 185.06 Tax to be separately stated and charged.
- 185.07 Regulations for filing returns.
- 185.08 Refunds.
- 185.09 Failure to collect and report tax; determination by Administrator.
- 185.10 Appeals.
- 185.11 Actions to collect.
- 185.12 Interest on unpaid tax.
- 185.121 Booking agents.
- 185.13 Penalties on unpaid tax.
- 185.14 Rules and regulations.
- 185.99 Penalty.

CROSS REFERENCES

Short-term rental regulations - see BUS. REG. Ch. 741

185.01 SHORT-TERM RENTAL 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 in a Short-Term Rental Dwelling 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.

(Ord. 18-2019. Passed 9-9-19.)

185.02 DEFINITIONS.

As used in this chapter:

- (a) "Administrator" means the individual charged with direct responsibility for administration of a tax levied by the Village of Peninsula in accordance with this chapter.
- (b) "Booking Agent" means any person or entity that facilitates reservations or collects payment for Short-Term Rental Dwelling accommodations on behalf of or for a Vendor. Merely publishing an advertisement for accommodations does not make the publisher a Booking Agent.
- (c) "Short-Term Rental Dwelling" means every establishment kept, used, maintained, advertised, or held out to the public to be a place where lodging for less than thirty consecutive days 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 Short-Term Rental Dwelling Vendor 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 Short-Term Rental Dwelling and who furnishes the lodging.

(Ord. 18-2019. Passed 9-9-19.)

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 at a Short-Term Rental Dwelling 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 at Short-Term Rental Dwellings in the Village to Transient Guests is subject to the tax until the contrary is established.

(Ord. 18-2019. Passed 9-9-19.)

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 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 in place of the Vendor, and in that instance, 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. If the Booking Agent collects the short-term rental tax, the requirements imposed on the Vendor set forth in Section 185.04(a) shall be applicable to the Booking Agent.

(Ord. 18-2019. Passed 9-9-19.)

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 inspection by the Administrator within the Village within fifteen (15) days upon notification in writing to the Vendor or Booking Agent. Such records 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 for a longer period of time.

(Ord. 18-2019. Passed 9-9-19.)

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 or Booking Agent.

(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.

(Ord. 18-2019. Passed 9-9-19.)

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. 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, or the Village, for official use only, or except as required by law.
(Ord. 18-2019. Passed 9-9-19.)

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.
(Ord. 18-2019. Passed 9-9-19.)

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, by registered or certified mail, or by a delivery service authorized under Section 5703.056 of the Ohio Revised Code, to the address provided to the Village by the Vendor, or if no such address is provided, to the property tax mailing address for the property on file with the County Fiscal Officer. If delivery is not made due to an undeliverable address or refusal of service, the assessment shall be sent by ordinary mail and be considered served. Such Vendor may, within thirty (30) days after the serving or mailing of such notice, apply in writing to the Administrator for a hearing on the correctness of the 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 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 determination and the amount of such tax and penalty. The amount determined to be due shall be payable within fifteen (15) days from the date of the Administrator's determination.
(Ord. 18-2019. Passed 9-9-19.)

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 to the Village Board of Tax Review in conformance with Section 181.21 of the Village's Codified Ordinances.
(Ord. 18-2019. Passed 9-9-19.)

185.11 ACTIONS TO COLLECT.

Any tax required to be paid under the provisions of this chapter shall be deemed a debt owed by the Transient Guest to the Village. Any such tax not collected by a Vendor, or a Booking Agent collecting for a Vendor, pursuant to the provisions of this chapter, or any tax paid by a Transient Guest to a Vendor, or a Booking Agent collecting for a Vendor, not paid to the Village pursuant to the provisions of this chapter, 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 and/or be subject to the penalties set forth in Sections 185.12, 185.13, and 185.99 of this chapter.
(Ord. 18-2019. Passed 9-9-19.)

185.12 INTEREST ON UNPAID TAX.

The tax imposed and collected or required to be collected under the provisions of this chapter remaining unpaid to the Village after the tax becomes due shall bear interest at the rate of the federal short-term interest rate, rounded to the nearest whole number percent, plus five percent. The rate shall apply for the calendar year next following the July of the year in which the federal short-term interest rate is determined under Section 1274 of the Internal Revenue Code.
(Ord. 18-2019. Passed 9-9-19.)

185.121 BOOKING AGENTS.

(a) Any Booking Agent that facilitates transactions for one (1) or more Short-Term Rental Dwellings in the Village and does not collect or remit the tax on behalf of all the Vendors of such Short-Term Rental Dwellings shall provide to 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.

(b) Any Booking Agent that lists one (1) or more Short-Term Rental Dwellings in the Village shall:

- (1) At the time any Vendor first obtains a short-term rental certificate, notify the Vendor of the Vendor's tax and obligations to the Village; and
- (2) Annually provide all Vendors of one (1) or more Short-Term Rental Dwellings with a reminder of their tax and license obligations to the Village. (Ord. 18-2019. Passed 9-9-19.)

185.13 PENALTIES ON UNPAID TAX.

In addition to interest as provided in Section 185.12 hereof, penalties based on the unpaid tax are hereby imposed as follows:

- (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 after the date 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.

(Ord. 18-2019. Passed 9-9-19.)

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. (Ord. 18-2019. Passed 9-9-19.)

185.99 PENALTY.

(a) Any Vendor or Booking Agent who fails to file any return or report required under this chapter or violates any other provision of this chapter shall be guilty of a misdemeanor of the first degree and be subject to a maximum fine of one thousand dollars (\$1,000.00) per occurrence or imprisonment of up to six months, or both. A separate offense shall be deemed to occur on the first day of each month that the offense continues.

(b) If not otherwise specified herein, no person or entity shall:

- (1) Fail, neglect, or refuse to file any return or make any declaration required by this ordinance;
- (2) File any incomplete or false return or provide any false information to the Administrator;
- (3) Fail, neglect, or refuse to pay the tax, penalties, or interest imposed by this ordinance; or
- (4) Refuse to produce to the Tax Administrator, or permit the Tax Administrator or any duly authorized agent or employee to examine, the books, records, or papers relating to short-term rentals of the Vendor or Booking Agent. (Ord. 18-2019. Passed 9-9-19.)

CODIFIED ORDINANCES OF PENINSULA

**CHAPTER 741
SHORT-TERM RENTAL REGULATIONS**

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.

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.

There are two categories of Owner-Occupied Short Term Rentals:

Owner-Occupied Short Term Rental – Type A: One or more renters may occupy a single room or multiple rooms in the main dwelling unit.

Owner-Occupied Short Term Rental – Type B: Renters are occupying an accessory building that has separate bathroom facilities and meets health standards.

~~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 9 feet by 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.

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 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 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 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 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 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 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 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.

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 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 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 standards shall apply to both Type A and Type B Owner-occupied short-term rental. 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 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.

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. Owner-occupied Short-term Rentals Type A as defined by Section 741.02 and regulated by Section 741.04(b) shall not count toward the total number of short-term rentals permitted by this section.

(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.

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. Owner-occupied Short-term Rentals Type A as defined by Section 741.02 and regulated by Section 741.04(b) shall not count toward the total number of short-term rentals permitted by this section.

~~(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)~~(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.

741.07 SHORT-TERM RENTAL TAX.

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

(b) The tax shall be collected and administered in conformance with Chapter 185 of the Village of Peninsula Codified Ordinances.

741.08 FEES.

(a) Each application for a Short-term Home Rental certificate shall be accompanied by a fee of \$150.

(b) Each application for an Owner-occupied Short-term Rental shall be accompanied by a fee of \$50.

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 741.04.

(b) Penalties.

(1) Any violation of this Ordinance shall be subject to the penalties specified in Section 1149.12 of the 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.