



**AGENDA**  
**PLANNING COMMISSION MEETING**  
**Monday May 11, 2026; 7:00 p.m.**  
**Village Hall**  
**1582 Main Street**  
**Peninsula, Ohio 44264**

**CALL TO ORDER; ROLL CALL**

**CONSIDERATION OF MINUTES:** April 27, 2026 Planning Commission Meeting

**CITIZENS PARTICIPATION:**

**MAYOR'S REPORT:**

**COUNCIL LIAISON REPORT:**

**BUSINESS:**

**Proposed Amendments to Zoning Code and Business Regulation Code:**  
Mixed-Use Zone Development; New Chapter 1116

Amendments to Land Use Tables, Section 1109.03

Amendments to Chapter 1129; Landscaping, Screening, and Planting

Amendments Short-Term Rental Ordinance, Chapter 741

**Additional Potential Zoning Code Matters to be Discussed if Time Permits:**  
Interactive Zoning Map

Former Players Barn Property Zoning Classification

Commercial, Mixed-Use, and Public Institution Zone Exterior Lighting Ordinance

Accessory Dwelling Units

**ADJOURNMENT**

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

**Held: Monday, April 27, 2026**

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

**ROLL CALL:**

Chairperson Karen Walters	Present	Greg Canda	Present
Council Rep. Amy Frank-Hensley	Present	Mayor Daniel Schneider, Jr.	Absent
Kevin Royer	Present		

**OTHERS PRESENT:** Village Planner Rita McMahon, Solicitor Brad Bryan, and Administrative Assistant Faith Dorton

**CONSIDERATION OF MINUTES:**

**March 16, 2026 Planning Commission Meeting**

Mr. Canda made a motion that was seconded by Mr. Royer to approve the minutes. Mr. Canda requested that paragraphs in the minutes be shortened in the future. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Canda, yes; Ms. Frank-Hensley, yes. The minutes were approved.

**CITIZENS PARTICIPATION:**

Moe Riggins requested time to speak when the topic of short-term rentals comes up on the agenda.

**MAYOR'S REPORT:** The Mayor was not present.

**COUNCIL LIAISON REPORT:**

Ms. Frank-Hensley reported that Council approved an agreement with OHM Advisors to manage the State Rt. 303 improvement project. She noted the Village was awarded \$3.5 million in grants for the project. Some design elements, like the left-turn lane at Riverview Road, still require further discussion. Ms. Frank-Hensley and the Mayor attended a Chamber-hosted event at Happy Days Lodge put on by Discover Cleveland that focused on aligning Peninsula and other towpath communities with trail-town development strategies, including improving cyclist experiences through wayfinding, destination amenities, and understanding both overnight and daytime visitors.

A presentation from FirstEnergy and the National Park on tree maintenance and power outages will take place at tomorrow's Council Meeting. Construction on the sewer project is not expected to start for two years due to a funding gap. The proposed amendments to the Village parking ordinance did not pass and may be revisited by Council.

Ms. Frank-Hensley noted that several residents expressed support for non-owner-occupied short-term rentals, stating they benefit the community. Mr. Canda requested more transparency on the Rt. 303 project design details and asked if they could be posted on the website. Ms. Dorton reported that a notice has been posted on the website about upcoming drilling and core sampling work along Main Street to take place in early May. The work is expected to last up to two weeks and will involve temporary no-parking zones.

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**BUSINESS:**

**Site Plan Approval Request:**

MBA Building Renovation, 1601 W. Mill Street, Erik Eckert, Greenhaven Builders, Inc.

Erik Eckert introduced himself and outlined his long personal history with Peninsula, beginning with his family's involvement in converting Village properties into retail and commercial spaces. He described Peninsula as his home and stated his motivation for the project is rooted in a desire to preserve the community character and continue the vision of earlier stewards like Robert Hunker. Mr. Eckert reviewed his construction background, his education in construction management, his work as a carpenter, and his experience with industrial, commercial, and historic building projects. He listed several Peninsula projects that he has constructed or renovated, including businesses and homes. Historic renovations, historic carpentry work, and adaptive reuses of old buildings are his personal passions.

The proposed renovation of the MBA building is an effort to create something that adds value to Peninsula, while respecting its character. He described the existing building as not historically significant but stated the Foundation's ownership helped prevent the property from becoming something inconsistent with the Village character. Mr. Eckert presented his design concept inspired by historic storefronts, Peninsula's older commercial canal era buildings, and a mercantile store his family has visited in Montana. The plan includes a bakery, an outdoor gear store, and another retail space that could possibly be a bike shop, with the goal of creating a family-friendly community gathering place rather than a business focused on alcohol or nightlife.

The building design intentionally reduces impacts on neighboring residential properties by stepping back portions of the building, preserving green space, lowering rooflines, and avoiding the full height and footprint that the Village Zoning Code allows. The materials, including standing seam metal and wood siding, were selected to reflect the Village's historic character, while maintaining durability and energy efficiency.

Mr. Canda asked whether Mr. Eckert planned to operate the businesses himself or lease the spaces. Mr. Eckert stated he intends to own and operate the bakery/mercantile store. He also confirmed the two upstairs two-bedroom apartments will be leased to long-term renters.

Mr. Eckert reviewed property details for utilities, code compliance, fire separation, and building flexibility. The interior is designed with clear-span spaces and non-load-bearing walls so it can adapt over time. The project is not dependent on the installation of the public sewer system. The building is presently tied into the package plant behind the Winking Lizard. Mr. Eckert reviewed the parking plan, explaining that resident, owner, and employee parking would be located behind the building, with the customer parking space being on the Purplebrown Farm Store parcel. He intentionally preserved green space rather than maximizing parking. The fencing and landscaping features are intended to screen the property and reduce the impact on the neighbors. Dumpster placement, loading zones, alley width, and traffic flow were also discussed.

Ms. Frank-Hensley raised concerns about vehicles using the site as a turnaround or cut-through. Mr. Eckert stated signage, landscaping features, and layout choices could discourage that behavior and help direct traffic appropriately. Mr. Bryan suggested a gate could be considered at a later date if that issue becomes a problem.

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Mr. Eckert described stormwater plans, including the use of permeable crushed gravel, grading, swales, catch basins, and dry wells to manage runoff and prevent water from flowing onto neighboring properties. He also reviewed the proposed lighting for the property, noting fixtures would be downward facing, shielded, limited in height, and designed to minimize light trespass onto nearby properties.

Ms. McMahon stated the project complies with current zoning standards, including setbacks and footprint limits, but identified several items needed before final approval. Those items include documentation of the parking/easement agreement, a detailed landscape plan, final building plans, a lighting plan, and any required sign permits. The Commission also discussed whether the sidewalk along W. Mill Street should be extended to N. Locust to improve future pedestrian connectivity.

The Commission discussed whether to approve the project conditionally or require Mr. Eckert to return with revised materials before approval. Mr. Eckert requested conditional approval so he could move forward with his engineering work and permitting without losing the construction season. The Commission indicated support for that approach, provided the required plans and agreements are submitted and reviewed before the building permits are issued.

Mr. Royer made a motion that was seconded by Ms. Walters to approve revised site plan presented on April 27, 2026, on the condition that the applicant provide a copy of the parking agreement and deed, compliant lighting and landscape plans be submitted, and the sidewalk be extended to N. Locust Street. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Canda, yes; Ms. Frank-Hensley, abstain (being an adjacent property owner). The motion was approved.

Mr. Eckert thanked the Commission and stated he is open to incorporating ideas that would make the project better for the community. He wants the project to be something his children and the town can be proud of.

**Proposed Amendments to Zoning Code and Business Regulation Code and Additional Potential Zoning Code Matters to be Discussed**

Mr. Canda suggested the Commission review the remaining agenda items to ensure nothing is overlooked, rather than delay discussion on those issues. Ms. Walters noted the late time and proposed continuing certain topics like the Mixed-Use zoning district and short-term rental ordinance amendments at the next meeting. Ms. Walters asked Ms. Riggings if she wanted a few minutes to present her short-term rental ordinance information. She stated she would prefer to wait to present it at the next meeting, explaining it relates to alternative approaches to the proposed short-term rental regulations. She stated the Commission would benefit from a more thorough, dedicated discussion. Ms. Walters asked Ms. Riggings if she could submit her information to the Commission in advance of the next meeting so it could be reviewed by the Commission Members prior to the meeting. Ms. Riggings stated she would not be able to do that.

Mr. Bryan asked the Commission to clarify what order it wanted the pending items to appear on the agenda for the next meeting. The Commission advised him to keep them in same order in which they appear on this evening's agenda, especially due to the letter of intent to purchase that is in place for the property in the Mixed-Use district. The Commission discussed whether, due to the number of pending items, it should meet twice per month. Ms. Walters argued against that proposal and noted that a Special Meeting could be scheduled if necessary. Mr. Canda noted that additional topics like map updates and parking should also be revisited.

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Ms. Frank-Hensley raised the issue of instituting a moratorium on development in the Mixed-Use district and asked Mr. Bryan how that could be accomplished. He stated that action would need to be taken by Council, but the Commission could make that recommendation to Council. A six-month moratorium was suggested as the appropriate timeframe for putting the new zoning amendments affecting the Mixed-Use district into effect. Ms. Frank-Hensley then made a motion that was seconded by Mr. Canda to recommend that Council enact a six-month moratorium on new development within the Mixed-Use district. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Canda, yes; Ms. Frank-Hensley, yes. The motion was approved.

**Parking**

Ms. Frank-Hensley asked to discuss the proposed parking ordinance amendments that were not adopted by Council. She noted three key areas of concern on the part of Councilmembers that declined to vote for the Ordinance. Those matters include reduced parking requirements for accessory apartments, the structure and use of remote/shared parking agreements, and whether parking decisions should be handled by the Planning Commission rather than the BZA. Further discussion clarified that shared and remote parking concepts already exist in the code. Mr. Bryan and Ms. McMahon emphasized the proposed changes would shift more responsibility to the Planning Commission to evaluate parking plans on a case-by-case basis, rather than relying strictly on fixed formulas based upon building size and use and requiring variances through the BZA. The amended ordinance would allow more flexibility but also require more judgment.

Mr. Canda raised the issue that the proposed rules might become overly burdensome compared to the current requirements, noting that tonight's approval was reviewed under the current requirements, and if the proposed regulations were in place for Mr. Ekert's application, a greater number of parking spaces may have been required. Ms. McMahon countered that the updated approach would provide better structure and prevent situations where projects meet minimum code requirements but result in poor outcomes, emphasizing that current reliance on the BZA can limit the Planning Commission's ability to influence design decisions after variances are granted. The Commission Members expressed support for the version of the ordinance it previously recommended earlier this year. Mr. Canda emphasized the importance of progress and avoiding stagnation. The Commission acknowledged that while the proposed parking evaluation method may require more effort and coordination, it could lead to better long-term planning outcomes if thoughtfully implemented.

It was noted that the next Planning Commission Meeting date falls on Memorial Day. It was determined that May 11 would work best for the Commission Members, Mr. Bryan, and Ms. McMahon. Ms. Walters made a motion that was seconded by Mr. Royer to reschedule the May Planning Commission Meeting to Monday May 11, 2026, at 7:00 p.m. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Canda, yes; Ms. Frank-Hensley, yes. The motion was approved.

**ADJOURNMENT:** Mr. Royer made a motion that was seconded by Ms. Walters to adjourn the meeting. Roll call vote: Ms. Walters, yes; Mr. Royer, yes; Mr. Canda, yes; Ms. Frank-Hensley, yes. The meeting was adjourned at 9:26 p.m.

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

**Held: Monday, April 27, 2026**

Respectfully submitted:

Karen Walters, Chairperson

Date

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## CHAPTER 1116

### MIXED USE DEVELOPMENT

#### 1116.01 PURPOSE

It is in the best interests of the Village, its residents and the businesses in downtown Peninsula that the areas zoned MU Mixed Use be enhanced to promote a mix of uses, provide for pedestrian mobility and multiple transportation options, and be developed to complement the character and style of the existing community through quality landscaping and building design. The Mixed-Use district shall be designed to improve and enhance the downtown area, establish a high-quality business and living environment, and attract and sustain future economic development.

#### 1116.02 APPLICABILITY

In addition to the requirements established elsewhere in the Village of Peninsula Zoning Code, developments in the MU Mixed Use District shall comply with the criteria established in this chapter.

#### 1116.03 USES

- (a) All uses shall be in conformance with the requirements of Section 1109.03 of the Village of Peninsula Zoning Code.
- (b) Developments that include both commercial and residential uses are encouraged but not required.

#### 1116.04 SITE CRITERIA

- (a) A minimum of 10% of the development area shall be provided as open space exclusive of pavement and buildings. Setbacks other than the front setback may be counted as open space. The inclusion of the front setback area to meet the open space may be approved by the Planning Commission provided it contains site amenities such as outdoor gathering area, plaza, benches or similar uses.
- (b) The front setback shall not exceed 20 feet.
- (c) Parking shall be located in the rear or the side of the building. If located on the side of the building, parking it shall be behind the front wall of the building.

- (d) Pedestrian connectivity and sidewalks shall be provided and integrated into the Village's existing system.

New Chapter 1/26/26

- (e) The development shall comply with the landscape requirements established by Chapter 1129 of the Village of Peninsula Zoning Code.

- (f) Pedestrian site amenities such as benches, bike racks, etc. shall be provided on site and may be located within the front setback.

#### 1116.05 BUILDING DESIGN

(a) Buildings shall have a coordinated and integrated design that is contains variation in the front façade so as not to be flat or on the same plane over the entire structure. (b) Street facing facades shall be broken into 30-foot-wide segments. Facades may be broken by change in the plane of the building by a minimum of 12 inches, addition of architectural features such ad porches, columns, roof overhangs or similar features. (c) Building design shall take its design cues from the Downtown Master Plan which identified significant design elements within the Village.

- (d) Ground floor windows and upper floor windows shall have a rhythmic pattern that complement each other.

- (e) Building materials of all buildings in the development shall be complementary to each other but provide differentiation.

- (f) Buildings shall have sloped roofs, parapets and cornice treatment on all sides of the building.

- (g) Entrances shall be clearly identifiable.

- (h) No garage access shall be on the front of the building.

#### 1116.06 REVIEW AND APPROVAL PROCESS

- (a) Development within the Mixed-Use District shall comply with the requirements of Chapter 1149 as they relate to site plan approval.

- (b) If the development is to be implemented in phases, the Planning Commission may require the Developer to enter into a written Development Agreement with the Village, which at a minimum includes, a projected timeframe for the development's completion, an assurance that all aspects of the development will be consistent with the Planning Commission approval and an acknowledgement that any future owner of the property will comply with the conditions of any approval.

- (c) The Planning Commission may waive or modify any of the criteria of this chapter provided the spirit and intent of these regulations are maintained.

# Memo

**To:** Peninsula Planning Commission  
**From:** Rita McMahon, Planning Consultant  
**CC:** Brad Bryan, Village Solicitor  
**Date:** April 20, 2026  
**Re:** Mixed Use District Uses

At the last meeting I was asked to provide some direction of which uses currently permitted in the Mixed-Use District might be considered for modification. I believe the following highlighted uses should be discussed to determine if they are appropriate or additional controls are necessary.

## 1109.03 LAND USE TABLES.

	SYMBOL	KEY							STANDARDS FOR LAND USES
		RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION		
	P	Permitted Uses							
	C	Conditional Uses							
	A	Accessory Uses							
<b>USES</b>		Prohibited Use	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>MU</b>	<b>PI</b>	<b>CR</b>	
<b>ANIMAL AND AGRICULTURAL USES</b>									
Garden Centers and Feed Stores						P		P	
Individual Produce Stands and Farm Markets		C						P	
Farming		C	C					P	
Greenhouses and Nurseries (Primary Use)		C						C	
Veterinary Clinics						C		C	
Farmers' Markets		C				C		C	
<b>RESIDENTIAL USES</b>									
Single Family Dwellings, Detached		P	P	P	P	P			
Residential Care Facility With 1 to 5 Persons (5119.34)		P	P	P	P	P			
Foster Homes (ORC Sec. 5103.02)		P	P	P	P	P			

Family Day-Care Homes, Type B (ORC Sec. 5104.01)	P	P	P	P	P		
Family Day-Care Homes Type A (ORC Sec. 5104.01)	C	C					Sec. 1141.04
Accessory Apartment			A	A			Sec. 1141.41
Farming for Personal Use	P	P	P	P	P	P	Sec. 1141.39
Bed and Breakfast Inns	C	C	P	P			Sec. 1141.05
Residential Care Facility 6 to 16 persons				C			Sec 1141.13
Two-Family Dwelling		C		C			Sec. 1141.06
Three Family Dwelling				C			Sec 1141.06
Multiple-Family Developments				C			Sec. 1141.07
<b>OFFICE AND SERVICE USES</b>							
Catering Facilities			A	P			Sec. 1141.10
Banks and Financial Institutions			P	P			
Barber Shops, Beauty Salons and Nail Care			P	P			
Doctor, Dental and other health practitioners' offices and clinics.			P	P			
Massage Therapists			P	P			Sec. 1141.11
Offices for Professional, Executive, or Administrative Uses, such as Attorneys, Accountants, Realtors, Architects, Artists, Insurance and Similar Occupations			P	P			

	SYMBOL		KEY						STANDARDS FOR LAND USES
			RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION	
	P	Permitted Uses							
	C	Conditional Uses							
	A	Accessory Uses							
<b>USES</b>		Prohibited Use	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>MU</b>	<b>PI</b>	<b>CR</b>	
Workshops, Showrooms, Studios or Offices of Skilled Trades, such as Photographers, Decorators, Upholsterers, Tailors, Taxidermists, and Similar Businesses, or for Repair and Service of small appliances and equipment such as Bicycles, Electronics, Furniture, Shoes or Similar Items					P	P			
Funeral Parlors or Mortuaries						C			
Nursing and Convalescent Homes, Assisted Living Facilities, and Senior Housing						C			
<b>COMMUNITY USES</b>									
Auditoriums and Performing Arts Theaters					P	P	P		Sec. 1141.14
Churches, Temples and Other Places of Worship					P	P	P		Sec. 1141.14
Child Care or Day Care Centers and Child Caring Institutions					P	P	P		

Health Club or Fitness Center					P	P			
Cemeteries						P			
Educational Institutions, Public or Private, such as Elementary and Secondary schools and Colleges, Universities and Other Institutions of Higher Education						P			
Government Offices, such as Police and Fire Stations, Post Offices, Public Works or Road Maintenance Yards						P			
Halls for Civic Clubs and Membership Organizations						P			
<b>Libraries, Museums and Fine Art Centers</b>						P			
Recreation Facilities, Indoor (Community/Non-commercial) - (such as tennis/racquet courts, swimming pools, roller/in-line and ice-skating rinks and fitness tracks)						P			Sec. 1141.15
Recreation Facilities, Outdoor Passive (Community/non-commercial) - (such as parks, trails, conservation areas, licensed camp grounds and similar facilities)						P	P		Sec. 1141.15
Recreation Facilities, Outdoor Active (Community/non-commercial) - (such as playgrounds, athletic fields or courts, swimming pools, skating rinks fitness tracks, and similar facilities)						P	C		Secs. 1141.15, 1141.16
	<b>SYMBOL</b>								
	P	Permitted Uses	RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION	
	C	Conditional Uses							
	A	Accessory Uses							
<b>USES</b>		Prohibited Use	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>MU</b>	<b>PI</b>	<b>CR</b>	<b>STANDARDS FOR LAND USES</b>
Public Utility and Essential Service Structures and Uses Other than Wireless Telecommunications Facilities			C	C	C	C	C	C	Sec. 1141.17
<b>COMMERCIAL USES</b>									
Specialty Retail Establishments such as Antique Shops, Art Galleries, Florists, Gift Shops, Bakeries					P	P			
Auto Parts Stores (without repair services)					P	P			
Hardware and Home Improvement Stores and Building Supply Yards (indoor)					P	P			
Laundromat and Dry-Cleaning Customer Pick-up/Drop-Off Only					P	P			
Printing or Copy Centers					P	P			

Eating and drinking places without the sale of alcohol, such as Restaurants, Coffeeshouses, Doughnut Shops or Delicatessens			P	P					
Eating and drinking places with the sale of alcohol such as Tavern, Pub, Brewpub, Cocktail Lounge, Night Club or Billiard and Pool Hall			P	P					Sec. 1141.18
Tobacconist or Cigar/Cigarette Shop			P	P					Sec. 1141.19
Video Rental Establishments			P	P					Sec. 1141.20
Retail Stores and Commercial Uses with up to 10,000 square feet of total gross floor area			P	P					
Arcades and Indoor or Outdoor Amusement Centers, such as Miniature Golf, Golf Driving Ranges, Bowling Alleys, Batting Cages or Similar Facilities				C					Sec. 1141.15
Automobile, Truck and other Motor Vehicle Service facilities including gas stations, minor and major repair			C	C					Sec. 1141.21
Outdoor Eating Areas and Sidewalk Cafes			C	C					Sec. 1141.22
Recording Studios			C	C					Sec. 1141.23
Gunsmiths and Licensed Firearms Dealers				C					Sec. 1141.24
Hotels				C					Sec. 1141.25
Showroom, Sales Offices and Outdoor Sales or Display Area for Sales or Rentals of Goods, Products, Equipment, Machinery, Automobiles, Recreational Vehicles, Boats, Building Supplies, Hardware or Other Items				C					Sec. 1141.26
	<b>SYMBOL</b>	<b>KEY</b>							
	P	Permitted Uses	RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION	
	C	Conditional Uses							
	A	Accessory Uses							
<b>USES</b>		Prohibited Use	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>MU</b>	<b>PI</b>	<b>CR</b>	<b>STANDARDS FOR LAND USES</b>
Retail Stores and Commercial Uses with greater than 10,000 to 40,000 square feet of total gross floor area						C			Sec. 1141.27
Walk-up Windows and Curbside Pick-up					C	C			Sec. 1141.40
<b>INDUSTRIAL, RESEARCH AND LABORATORY USES</b>									
Brewery, Distillery or Winery						C			Sec. 1141.28

Carpet and Rug Cleaning and Similar Cleaning Businesses				C			Sec. 1141.28
Metal Casting, Fabricating, Buffing, Stamping, Shearing or Punching,				C			Sec. 1141.28
Light Industrial Activities such as:							
Warehousing and Bulk Indoor Storage Facilities				C			Sec. 1141.28
Assembly of Pre-manufactured Parts for Goods, Products, Equipment, Machinery, Hardware or Similar Items				C			Sec. 1141.28
Blacksmithing, Furniture or Cabinet Repair or Manufacture, Machine Shops and Welding Shops, Stone Finishing and Carving, Printing, Bookbinding, or Publishing, Woodworking Shops and Similar Uses				C			Sec. 1141.28
Manufacture of Products from Aluminum, Brass, or Other Metals,				C			Sec. 1141.28
Manufacture and assembly of small products such as Artificial Flowers, Ornaments, Awnings, Tents, Bags, Cleaning or Polishing Preparations, Brooms and Brushes, Buttons and Novelties, Canvas Products, Clothing for Wholesale Trade, Basket Material, Bicycles, Shoes, Caskets, Brick, Clay, Glass, Shale, Tile Terra Cotta Products or Similar Items				C			Sec. 1141.28
Research and Development Facilities, Technical Centers and Laboratories				C			Sec. 1141.28
Outdoor Storage of Goods, Products, Equipment, Machinery, Lumber, Landscaping and Building Supplies or Similar Items				C			Sec. 1141.29
Self-Storage Warehouses				C			Sec. 1141.31

	SYMBOL		KEY						STANDARDS FOR LAND USES
			RURAL RESIDENTIAL	SMALL TOWN RESIDENTIAL	COMMERCIAL	MIXED USE	PUBLIC INSTITUTIONAL	CONSERVATION/RECREATION	
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<b>USES</b>		Prohibited Use	<b>R-1</b>	<b>R-2</b>	<b>C</b>	<b>MU</b>	<b>PI</b>	<b>CR</b>	
<b>OTHER USES</b>									
		Accessory Off-Street Parking Lot for Private Passenger Automobiles	A	A	A	A	A	A	
		Accessory Structures and Uses Customarily Incidental to any Permitted Use	A	A	A	A	A	A	
		Garage Sales, Estate Sales and Private Auctions	P	P	P	P	P		Sec. 1141.32

Garage for Commercial Vehicles			P	P	C	C	Sec. 1141.33
Temporary Structures and uses, including Construction Buildings	C	C	C	C	C	C	Sec. 1141.34
Circuses, Fairs, Revivals, Carnivals and Similar Uses			C	C	C	C	Sec. 1141.35
Home Occupation	A	A	A	A	A	A	Sec. 1141.36
Swimming Pools	A	A	A	A	A	A	Sec. 1141.37
Wireless Telecommunications Facilities				C			Sec. 1141.38
Sexually Oriented Businesses				P			Chapter 1151
Drive-Thru and Drive-up Facilities							Sec. 1141.40

**CHAPTER 1129**  
**Landscaping, Screening and Planting**

- 1129.01 Purpose**
- 1129.02 Performance standards.**
- 1129.03 Scope.**
- 1129.04 Plan submission requirements.**
- 1129.05 Standards.**
- 1129.06 Screening requirement.**
- 1129.07 Modification of screening and buffer zone requirements.**
- 1129.08 Materials.**
- 1129.09 Berms.**
- 1129.10 Location of screening.**
- 1129.11 Openings in walls, fences and berms; construction standards for walls.**
- 1129.12 Bumper stops, curbing or wheel chocks in parking spaces.**
- 1129.13 Corner clearance visibility.**
- 1129.14 Irrigation of vegetation.**
- 1129.15 Waiver of requirements.**
- 1129.16 Scope of plant material requirements.**
- 1129.17 Plant materials not permitted.**
- 1129.18 Installation and maintenance.**

**1129.01 PURPOSE.**

These regulations are intended to:

- (a) Minimize the transmission from one land use to another of nuisances associated with noise, dust and glare.
- (b) Minimize visual pollution that may otherwise occur within an urbanized area. Minimal screening provides an impression of separation of spaces, and more extensive screening can entirely shield the visual effects of an intense land use from a less intense land use.
- (c) Establish a greater sense of privacy from visual or physical intrusion of intense land uses, the degree of privacy varying with the intensity of the screening.
- (d) Safeguard the public health, safety and general welfare, preserve the aesthetic and environmental qualities, and enhance the community character.

**1129.02 PERFORMANCE STANDARDS.**

Every development shall provide sufficient screening so that:

- (a) Neighboring properties are shielded from adverse external effects of that development, regardless of whether it is separated by a right-of-way.
- (b) It provides a transition zone between dissimilar land uses.

**1129.03 SCOPE.**

- (a) Except where more stringent standards or procedures are specified in this Ordinance, the standards and procedures in this chapter shall apply to all required

screening and buffering areas.

(b) For all commercial, industrial, office, institutional and multiple-family uses in Commercial and Mixed Use zoning districts and for non-residential uses in Residential districts and where commercial, industrial, office, institutional and multiple-family uses exist adjacent to an existing residential use there shall be provided and maintained on the sides of the property abutting, adjacent to, or across the street from a residential district or use a screening/buffer zone as specified in this chapter, unless otherwise waived or reduced by the Commission or official approving the site plan.

(c) For utility buildings, stations and/or substations, screening shall be provided consisting of a six-foot high wall, berm or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential buildings in the surrounding area.

#### **1129.04 PLAN SUBMISSION REQUIREMENTS.**

Whenever landscape, screening and/or a buffer zone are required in this chapter, a preliminary landscape/screening plan shall be submitted to the Zoning Officer and a final plan approved by the Commission or other official approving the site plan. The plan shall be prepared by a landscape architect and sealed by an architect, landscape architect or engineer, and shall contain the following:

- (a) All applicable information required by this Ordinance for site plan review.
- (b) The location, general size, and type of existing vegetation to be retained.
- (c) Existing and proposed grades.
- (d) A planting schedule and plan providing the following information:
  - (1) The botanical and common name of each plant used.
  - (2) The size of each plant to be used at the time of planting.
  - (3) The quantity of each plant to be used.
  - (4) Whether plants to be used are balled and burlapped, container grown or bare root.
  - (5) The spacing and location of all proposed trees, shrubs, and ground cover. Ground cover is defined as low-growing woody shrubs, deciduous or evergreen plants, perennial plants and/or vines, such as low blueberry (*Vaccinium vacillans*), bearberry (*Arctostaphylos uva-ursi*), Northern bayberry (*Myrica pensylvanica*), cotoneaster (*Cotoneaster horizontalis*), or blue rug juniper (*Juniperus horizontalis* ‘Wiltoni’). Grass and shredded bark, wood chips, other similar mulch or landscaping stones are also acceptable as ground cover for greenbelt areas.
- (e) The percentage of landscaped area, excluding detention ponds, to be provided on site.

#### **1129.05 STANDARDS.**

(a) The standards and explanation contained in this chapter establish the screening requirements which satisfy the general performance standards set forth in Section 1129.02, unless modifications as permitted under Section 1129.07 are applicable.

#### **1129.06 SCREENING REQUIREMENT.**

(a) Plant Material Requirements

- (1) Deciduous or evergreen shrubs used in a landscape screen shall be at least two feet high at initial planting and shall be expected and permitted to grow to a height of at least three feet within two years of planting; such materials shall be expected and permitted to grow to a height of five feet.
- (2) At initial planting, deciduous trees shall be a minimum of two and one-half inch caliper, ornamental trees a minimum of two inch caliper and evergreen trees a minimum of five feet in height.
- (3) The required height of a landscape screen may be reduced where it is determined by the Village Engineer and/or Zoning Officer that such landscaping would interfere with traffic safety and visibility.
- (4) The required height of a landscape screen may be increased where significant changes in elevations between an adjacent property or public right-of-way make it necessary to comply with the intent of this Ordinance.
- (5) The selected combination of plant materials shall be a harmonious combination of living deciduous and evergreen trees, shrubs and vines irregularly spaced to provide an effective year-round screen and to present an aesthetically pleasing view, and all quantities shall be based on the on a landscape plan that has been submitted and approved by the Planning Commission.

(b) Screening of Service Areas.

(1) For commercial, industrial, office, institutional and multiple-family uses, all service areas, loading and unloading activities shall be located to the greatest extent possible away from the living area of the adjacent residential use.

~~(1)(2)~~ For commercial, industrial, office, institutional and multiple-family uses, all service areas, loading and unloading activities shall be screened on those portions of the lot which abut a residential use. Screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements, provided that screening must be at least six (6) feet in height.

~~(2)(3)~~ Natural vegetation screening shall have a minimum opaqueness of seventy-five percent (75%) during full foliage. The use of year-round vegetation, such as pines or evergreens, is encouraged. Vegetation shall be planted no closer than three (3) feet to any property line.

(c) Screening of Trash Receptacles.

(1) For commercial, industrial, office, institutional, and multiple-family uses, all trash and garbage container systems shall be screened or enclosed by walls, fences, or natural vegetation to screen them from view. Container systems shall not be located in front yards, and shall conform to the side and rear yard pavement setbacks in the applicable zoning District. The height of such screening shall be at least six (6) feet in height.

(2) Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) at full foliage. The use of year-round vegetation, such as pines and evergreens, is encouraged.

(d) Buffering and Screening Requirements.

(1) For commercial, industrial, office and institutional uses which abut an existing residential use, a buffer zone with a minimum width of five (5) feet should be created. Such screening within the buffer zone shall consist of fencing, natural vegetation or a combination of

both. Vegetation shall be planted no closer than three (3) feet to any property line. Natural vegetation shall have a minimum opaqueness of seventy-five percent (75%) during full foliage and shall be a variety which will attain at a minimum ten (10) feet in height within five (5) years of planting.

(e). Perimeter Parking Landscaping

(1) Landscaping within the perimeter setbacks of all parking lots shall be in conformance with the standards established by Chapter 1125.

(f) Height of Commercial, Industrial, and Other Non-residential Uses.

All commercial, industrial, office and institutional uses which abut an existing residential use not exceed the height of the adjacent residential use unless the following criteria are met, unless waived by the Planning Commission:

(a) The commercial, industrial, office and institutional building is setback a minimum of 20 feet from the common lot line of the residential use.

(b) The commercial, industrial, office and institutional building will not exceed the height limit of the R-1 or R-2 residential district.

(c) Screening shall be provided as required by this chapter.

**1129.07 MODIFICATION OF SCREENING AND BUFFER ZONE REQUIREMENTS.**

Because of the wide variety of land uses and the relationships between them and because of many different circumstances, the Commission may reduce or waive the screening and buffer zone requirements of this chapter after a detailed review and evaluation of an alternative screening plan. Whenever the Commission modifies the screening requirement, it shall find that the following standards have been met:

(a) The landscape/screening plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.

(b) The Commission shall determine the screening, width and type of buffer zone needed to ensure compatibility based upon the following criteria:

(1) The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.

(2) The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this chapter. The Commission shall require the retention of these natural features as a condition of site plan approval.

(3) The arrangement, design and orientation of buildings on this site lends itself so as to maximize the opportunity for privacy and isolation from negative impacts of this project.

**1129.08 MATERIALS.**

Fences shall be constructed out of any of the following materials: redwood, cedar, or No. 1 pressure treated wood, recycled lumber or vinyl closely resembling wood, wrought iron or aluminum closely resembling wrought iron, stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick. All other materials including but not limited to chain link, vinyl clad chain link, woven wire or plastic mesh (with or without wooden slats)

are prohibited as buffer material unless otherwise and expressly permitted by the Planning Commission.

**1129.9 BERMS.**

- (a) Earthen berms required under this chapter shall consist of raised earth with side slopes of three-to-one or flatter with a four-foot wide flat or slightly rounded crest contoured to the side slopes to facilitate maintenance.
- (b) Berms shall be covered with grass or other ground cover to prevent erosion. Berms shall also be landscaped with plant materials. A detailed landscape plan with a plant material list, including quantity, species, minimum size and spacing, shall be submitted with the site plan and approved by the Commission.

**1129.10 LOCATION OF SCREENING.**

Screening required under this chapter shall be located directly adjacent to the lot line except where underground utilities interfere.

**1129.11 OPENINGS IN WALLS, FENCES, AND BERMS; CONSTRUCTION STANDARDS FOR WALLS.**

Walls, fences and berms required under this chapter shall have no openings for vehicular traffic or other purposes, except such openings as may be approved by the Commission. All walls required in this chapter shall be constructed of stone, brick or shall have brick veneer on the side facing the residential district. The height of the wall shall be measured from the prevailing grade of the land on the residential side of the wall or berm. Walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches below a grade approved by the Zoning Officer, and shall not be less than four inches wider than the wall to be erected.

**1129.12 BUMPER STOPS, CURBING OR WHEEL CHOCKS IN PARKING SPACES.**

Bumper stops, curbing or wheel chocks shall be provided in parking spaces adjacent to a wall, fence or berm required under this chapter to prevent a vehicle from encroaching on or damaging the screening improvement. Bumper stops, curbing or wheel chocks shall be placed four feet from the required screening improvement.

**1129.13 CORNER CLEARANCE VISIBILITY.**

The Zoning Officer may require a reduction in the height of a screening improvement where necessary to ensure adequate sight distance and/or corner clearance visibility for drive approaches and public streets in proximity to a screening improvement. In this case height may be reduced only for that portion of the screening improvement necessary to provide adequate sight distance and/or corner clearance necessary for traffic safety. Where it is necessary to reduce the height of a screening improvement, height shall be reduced gradually.

**1129.14 IRRIGATION OF VEGETATION.**

Whenever a site plan requires landscaped earth berms or planted or natural vegetation screening, such areas shall be provided with an irrigation system or a readily available and acceptable water supply as approved by the Zoning Officer.

**1129.15 WAIVER OF REQUIREMENTS.**

The Commission or official approving the site plan may waive or reduce the requirements of this chapter upon determining that the following would apply:

- (a) The purpose of this chapter cannot be met; and
- (b) Compliance with the requirements would impose a practical difficulty on the applicant or would create safety hazards to pedestrians or motorists.

**1129.16 SCOPE OF PLANT MATERIAL REQUIREMENTS.**

Wherever in this chapter screening, planting and/or material in conjunction with an obscuring fence is required, it shall be planted within six months from the date of issuance of a temporary certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. The location, type and quantity of the proposed landscape materials shall be installed in compliance with the landscape plan approved by the Commission or the official approving the site plan.

**1129.17 PLANT MATERIALS NOT PERMITTED.**

For the purposes of this chapter, the following plant materials shall not be permitted:

- (a) Ailanthus (tree of heaven) (*Ailanthus altissima*).
- (b) Ash (*Fraxinus spp*).
- (c) Asian bittersweet (*Celastrus orbiculata*).
- (d) Box elder (*Acer negundo*).
- (e) Buckthorn (*Rhamnus spp*).
- (f) Elm (*Ulmus spp*).
- (g) Hedge privet (*Ligustrum*).
- (h) Japanese knotweed (*Polygonum cuspidatum*).
- (i) Multiflora rose (*Rosa multiflora*).
- (j) Norway maple (*Acer phatanoides*).
- (k) Honeysuckle (*Lonicera spp*).
- (l) Olive - Autumn and Russian (*Elaeagnus spp*).
- (m) Poplar (*Populus spp*).
- (n) Soft maple (*Acer saccharinum*).
- (o) Purple loosestrife (*Lythrum salicaria*).

**1129.18 INSTALLATION AND MAINTENANCE.**

(a) Whenever a landscape planting screen or other plantings are required under this chapter, such plantings shall be installed according to accepted good planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen. Landscaping shall be installed prior to the issuance of a final occupancy permit.

(b) All landscaped areas shall be provided with an irrigation system or a readily available and acceptable water supply, as approved by the Zoning Officer.

(c) Three-inch overall depth of shredded, non-colored hardwood Cedar or Cypress bark or ground cover, as defined in Section 1129.04(d)(5), shredded bark, wood chips, other similar mulch or landscaping stones shall be used in all planting beds. The minimum mulch radius shall be two feet surrounding a shrub and four feet surrounding a deciduous or evergreen tree. Deviations from this must be approved by the Zoning Officer before installation.

(d) All required landscape screening and planting shall be continuously maintained. Maintenance of plantings shall be done to ensure a healthy and neat appearance, free of disease and insect infestations as well as clear of weeds and debris. Unhealthy or dead plant material is to be replaced within one year from completion and inspection of plantings.

## 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 the citizens of the 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) 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;
- (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; and
- (4) Provide resident owners of property in residential districts the opportunity to generate additional income to support their continued ownership in the Village.

### 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.

Grandfathered Short-Term Home Rental Property. A rental property for which a Short-Term Home Rental Property Owner has a valid Short-Term Rental Certificate issued prior to the adoption of the within amendment to Chapter 741. In the event that the title to a Grandfathered Short-Term Home Rental Property is transferred to any other person or entity, with the exception of a transfer to an immediate family member pursuant to a last will and testament or trust, the subject property shall no longer be a Grandfathered Short-Term Home Rental Property and shall no longer be entitled to receive a Short-Term Home Rental Property Certificate renewal.

Short-Term Home Rental Property Owner. The individual or individuals, corporation, partnership, or trust that has legal title to and control of the dwelling at the time the Short-Term

Home Rental Certificate is issued.

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 one or more renters who occupy a single room or multiple rooms in the same dwelling in which the owner is living; or while the renter is occupying a permitted accessory dwelling on the premises that has separate bathroom facilities. An Owner-Occupied Short-Term Rental property owner who has an additional, approved, accessory dwelling located on the same property may choose which dwelling in which they wish to reside, and which dwelling shall be the short-term rental unit. An Owner-Occupied Short-Term Rental property owner shall at no time be permitted to rent both the main dwelling unit and the accessory dwelling. A Short-Term Rental Certificate shall be issued for only one Owner-Occupied Short-Term Rental dwelling on the property. For purposes of this definition, the Owner-Occupant of the Owner-Occupied Short-Term Rental must be either a title owner of the property or possess a minimum 25% ownership interest in the corporation, partnership, or trust that is the title owner of the Owner-Occupied Short-Term Rental property.

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, a Short-Term Home Rental means any dwelling that is rented in its entirety for less than 30 consecutive days by persons other than the owner from whom the owner receives monetary compensation and the owner is not present and personally living on the premises during the time of the rental. Rentals for 30 or more consecutive days to the same rentee(s)/guest(s) do not constitute a Short-Term Home Rental and are not subject to the Short-Term Rental regulations.

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) Short-Term Home Rental Certificates that were issued prior the effective date of this amendment to Chapter 741 and are valid at the time the renewal application is submitted shall be permitted to be renewed provided that a renewal application is submitted prior to the expiration date of the Certificate and the Short-Term Home Rental property owner is in compliance with all other requirements outlined in this Chapter. A Certificate may be revoked

for violations outlined in Section 741.09. If a Certificate is revoked, the property shall no longer be eligible to apply for a Certificate until the expiration of the time period set forth in ~~Section 741.09(b)(1)(B)~~ and will no longer only be eligible to receive a Short-Term Home Rental Certificate if one is available. Owner-Occupied Short-Term Rentals shall continue to be permitted in all Village zoning districts provided the property owner obtains a Certificate in compliance with all applicable requirements of this Chapter.

(b) This Chapter applies to all residential dwellings and owners of those dwellings, regardless of zoning district, 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 the calendar year for which it is issued. Certificates shall automatically expire upon transfer of the property, and Certificates are not transferable to succeeding property owners.
  - 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 30-minute drive time of the Short-Term Home Rental property, the property owner shall designate a Caretaker that meets the 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, if any. Throughout the term of the Certificate, it is the Certificate holder's responsibility to inform the Village, in a timely manner, of any change in the Certificate holder or Caretaker's contact information or changes to any other information required in the application.

- H. Proof of insurance as required by 741.04.
- I. Proof of a valid Septic System Operations Permit for the septic system, if applicable.
- J. The domain addresses for all websites on which the property is being advertised as available for short-term rental and the unique URL for any of those listings.

(3) Renewal of Certificates.

- A. All Certificates for both Owner-Occupied and Grandfathered Short-Term Home Rental Properties shall be renewed annually. Certificates expire on December 31 of the year in which they were issued. 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 and shall be filed no later than November 15 of the year in which the Certificate expires. Renewal applications filed after November 15 and through December 31 will require an additional \$200 late fee above and beyond the applicable application fee. If a complete application for the renewal of a Grandfathered Short-Term Home Rental Property is not received by the expiration of the previous year's Certificate, the applicant is shall not be entitled to a renewal. ~~Renewal applications submitted after December 31<sup>st</sup> shall be placed on a wait list along with any new applications. After all renewal applications filed prior to January 1 are processed, and if any permits are available, the applicants on the wait list will be reviewed in the order in which they were received.~~
- C. Grandfathered Short-Term Home Rental Property Certificate holders shall be required to provide evidence that their rental has been occupied for a minimum of 60 days during 2026 the previous calendar year to be permitted to renew their Certificate for 2027. Starting in 2027 and for renewal Certificates for 2028 and subsequent years, Grandfathered Short-Term Home Rental Property Certificate holders shall be required to provide evidence that their rental has been occupied for a minimum of 120 days during the previous calendar year. If the Certificate was issued after January 1 and no Short-Term Rentals occurred in that year prior to the date the Certificate was issued, the total number of occupied days shall be an average of 5 days per month for each month the Certificate was valid.

#### **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 1-parking space per bedroom shall be provided, plus 1 additional space. If the Short-Term Home Rental location cannot meet the above requirement, 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, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.
    - A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village.
    - 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 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 included on the Short-Term Rental Certificate issued by the Village shall be:
    - A. Included in any advertisement for the rental; and

- B. The Certificate shall be posted inside the property in a conspicuous location.
- (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 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 Home Rental prior to obtaining a permit or if the permit has been revoked, suspended, or denied. All advertisements shall include the Certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements. Advertisements shall be updated with current information throughout the year.
  - (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, if the home is served by a septic system.
  - (17) Record Keeping. All Short-Term Home Rental property owners shall retain, and upon request, make available to the Mayor or his or her designee, 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.
  - (18) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.
  - (19) Carbon Monoxide Detectors. Carbon monoxide detectors shall be provided on each floor of the dwelling unit which has fuel burning appliances for heating or cooking and in a central location outside each sleeping area on every level of the home as provided by Ohio Fire Code Technical Bulletin TB18-001, as updated from time to time. Fuel burning appliances include, but are not limited to, furnaces, fireplaces, ovens, and hot water tanks.

(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 2, plus 3 additional guests. Children 3 years of age and younger shall not count toward the capacity limit.

A. The number of bedrooms shall be as certified by the applicant and verified by inspection of the Village, 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 included on the Short-Term Rental Certificate issued by the Village shall be:

A. Included in any advertisement for the rental; and

B. The Certificate shall be posted inside the property in a conspicuous location.

(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 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. All advertisements shall include the Certificate number, occupancy limitations, parking requirements, quiet hours, and special event requirements. Advertisements shall be updated with current information throughout the year.

(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, if the home is served by a septic system.

(10) Record Keeping. All Owner-Occupied Short-Term Rental property owners shall retain, and upon request, make available to the Mayor or his or her designee, 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.

(11) Smoke Detectors. Smoke detectors shall be provided and maintained within each sleeping area within each dwelling unit.

(12) Carbon Monoxide Detectors. Carbon monoxide detectors shall be provided on each floor of the dwelling unit which has fuel burning appliances for heating or cooking and in a central location outside each sleeping area on every level of the home as provided by Ohio Fire Code Technical Bulletin TB18-001, as updated from time to time. Fuel burning appliances include, but are not limited to, furnaces, fireplaces, ovens, and hot water tanks.

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

No Short-Term Home Rentals shall be permitted in the R-2 “Small Town” Residential District, the Mixed Use District, and the Commercial District, after the effective date of this amendment. However, Short-Term Home Rental Properties that had a valid certificate prior to the effective date shall be considered Grandfathered Short-Term Home Rental Properties and may renew their Certificate provided they comply with all requirements of this chapter provided the total number of Short-Term Home Rentals within those districts does not exceed 10 units. Owner-Occupied Short-Term Rentals as defined by Section 741.02 and regulated by Section 741.04(b) shall be permitted to receive Owner-Occupied Short-Term Rental Certificates or renew their Certificates in compliance with this chapter not count toward the total number of Short-Term Home Rentals permitted by this section.

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

No Short-Term Home Rentals shall be permitted in the R-1 Rural Residential District, after the effective date of this amendment. However, Short-Term Home Rental Properties that had a valid certificate prior to the effective date shall be considered Grandfathered Short-Term Home Rental Properties and may may renew their Certificate provided they comply with all requirements of this chapter provided that the total number of Short-Term Home Rentals in that district does not exceed 5 units. Owner-Occupied Short-Term Rentals, as defined by Section 741.02 and regulated by Section 741.04(2), shall be permitted to receive Owner-Occupied Short-Term Rental Certificates or renew their Certificates in compliance with this chapter not count toward the total number of short-term rentals permitted by this section.

#### **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 an application fee of \$500, plus a \$250 Village inspection fee.

(b) Each application for an Owner-Occupied Short-Term Rental shall be accompanied by an application fee of \$100, plus a \$250 Village inspection fee.

**741.09 VIOLATIONS, DENIAL, OR REVOCATION OF CERTIFICATE, AND PENALTY.**

(a) Any of the following will be considered a violation of this chapter:

- (1) Failure to update information required on the application with the Village 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 homeowner 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 or failing to include the information required by this Chapter in advertisements.
- (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.
- (8) The property taxes for the subject property are in arrears with the Summit County Fiscal Office.
- (9) Short-Term Rental Taxes for the property that are due and owed are in arrears, and/or Short-Term Rental Tax reporting forms for the property have not been timely filed.
- (10) The subject property has outstanding Building, Zoning, or Property Maintenance Code violations or outstanding violations from the Summit County Department of Health.
- (11) The applicant, property owner, or Caretaker has refused, hindered, or prevented any inspection by the Village authorized by Section 741.04.
- (12) Evidence of a violation for the purposes of this section needs to be only a de facto violation; a conviction for such violation is not a prerequisite for denial or

revocation of a Certificate.

(b) Penalties.

- (1) 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 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 10 days to eliminate the violation before action is taken by the Village to cancel the Certificate. The 10-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 365 days.
  - A. If the property owner and/or Caretaker does not eliminate the violation within 10 days, or an alternate amount of time specifically indicated in the violation notice, and the Village has not granted an extension to remedy the violation, the Mayor, or his or her designee, may revoke the Certificate. If a Certificate is revoked, the property owner and/or Caretaker shall cease renting the property. Property owners and/or Caretakers that continue to rent the property after the Certificate has been revoked are subject to the penalties set forth in Section 741.09(b)(3).
  - B. A property owner who has had their Certificate revoked may appeal the revocation decision by filing a notice of appeal with the Village Administrative Clerk within 10 days of the date of their receipt of the revocation notice. If a timely appeal is filed, Village Council shall hold a hearing on the revocation within 30 days of the notice of appeal filing date. The decision of Village Council on the appeal of the Mayor's, or Mayor's designee's, revocation action may be appealed in accordance with Ohio law. A property owner whose Certificate has been revoked shall be prohibited from re-applying for a Village Short-Term Rental Certificate for a period of 1 year from the revocation date or final adjudication date of the revocation decision, whichever is later.
- (2) A property owner who has had their Certificate denied may appeal the decision by filing a notice of appeal with the Village Administrative Clerk within 10 days of the date of their receipt of the notice of denial. If a timely appeal is filed, Village Council shall hold a hearing on the denial within 30 days of the notice of appeal filing date. The decision of Village Council on the appeal of the Mayor's, or the Mayor's designee's, denial to issue a permit may be appealed in accordance with Ohio law. A property owner whose Certificate has been denied shall be prohibited from re-applying for a Village Short-Term Rental Certificate for a period of 1 year from the denial date or final adjudication date of the denial decision, whichever is later.
- (3) Any violation of Chapter 741 shall constitute a first-degree misdemeanor. Any person who is convicted of such a violation shall be subject to punishment by a

fine not exceeding \$1,000 or imprisonment not exceeding 180 days for each offense, or both, at the discretion of the court. Each day a violation occurs may be considered a separate offense. The imposition of any sentence shall not exempt the offender from having to comply with the requirements of this chapter. Use of any rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Village to initiate proceedings in an appropriate court of law to restrain or prevent any non-compliance with any provisions of this chapter, or to correct, remedy, or abate such non-compliance. Any failure or omission to enforce the provisions of this chapter, or failure or omission to prosecute any violations of this chapter, shall not constitute a waiver of any rights and remedies provided by this chapter, or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this chapter.