



AGENDA
PLANNING COMMISSION
April 19, 2021 at 7:00 PM

Call to Order

- [1.](#) AMENDED AGENDA

Consideration of Minutes

- [2.](#) MINUTES-FEBRUARY 22,2021

Disclosures and Recusals

Old Business

New Business

- [3.](#) AMENDMENT: REZONE PARCEL FROM C-2/R-1-B TO C-2 -6 N. CAMPBELL AVE-40019 01006-CAROLINE L. BURKE.
- [4.](#) TEXT AMENDMENT: AMENDMENT TO ARTICLE 13 OF THE LAND DEVELOPMENT CODE.
- [5.](#) **TEXT AMENDMENT: Amendment to Flood Ordinance, Sec. 8-060 to Sec. 8-230.**
- [6.](#) **TEXT AMENDMENT: Amendment to Tree Ordinance**

Adjournment

Standing Items

Adjournment

PLANNING COMMISSION

Demery Bishop
Ron Bossick
Marie Gooding
Susan Hill
Elaine T. McGruder
David McNaughton
J. Whitley Reynolds



CITY MANAGER
Shawn Gillen

COMMUNITY DEVELOPMENT DIRECTOR
George Shaw

CITY ATTORNEY
Edward M. Hughes

AMENDED

**Planning Commission Meeting
AGENDA**

April 19, 2021 – 7:00 p.m.

For City Council Meeting May 13, 2021 – 7:00 p.m.

A. Call to order:

B. Consideration of Minutes:

1. Minutes of February 22, 2021

C. Disclosures/Recusals:

D. Old Business:

E. New Business:

1. **MAP AMENDMENT: Rezone parcel from C-2/R-1-B to C-2 – 6 N. Campbell Ave. – 40019 01006 – Caroline L. Burke. WITHDRAWN**
2. **TEXT AMENDMENT: Amendment to Article 13 of the Land Development Code. WITHDRAWN**
3. **TEXT AMENDMENT: Amendment to Flood Ordinance, Sec. 8-060 to Sec. 8- 230.**
4. **TEXT AMENDMENT: Amendment to Tree Ordinance**

F. Discussions:

Adjournment:

Lisa L. Schaaf

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Jan LeViner at 912.472.5080 promptly to allow the City to make reasonable accommodations for those persons.

PLANNING COMMISSION

Demery Bishop
 Ron Bossick
 Marie Gooding
 Susan Hill
 Elaine T. McGruder
 David McNaughton
 J. Whitley Reynolds



CITY MANAGER
 Shawn Gillen

COMMUNITY DEVELOPMENT DIRECTOR
 George Shaw

CITY ATTORNEY
 Edward M. Hughes

**Planning Commission Meeting
 MINUTES
 February 22, 2021**

Commissioner Bishop called the February 22, 2021 Tybee Island Planning Commission meeting to order. Commissioners present were **Ron Bossick, Marie Gooding, Susan Hill, Elaine T. McGruder, David McNaughton** and **J. Whitley Reynolds**.

Planning Commission Oath administered by Mayor Shirley Sessions
(2-year terms end January 31, 2023):

Mayor Shirley Sessions approached the Planning Commission and asked the newly appointed members **Marie Gooding, Susan Hill** and **David McNaughton** to stand and raise their right hand and repeat after her the oath. **Mayor Shirley Sessions** then thanked the new members and stated how important their work is to the community.

Elections:

Commissioner Demery Bishop asked if there were any nominations for Chair and Vice Chair of the Planning Commission. A motion was made to nominate Commissioner Demery Bishop for Chair and Commissioner Ron Bossick for Vice Chair. The vote to approve was unanimous.

Consideration of Minutes:

Chair Demery Bishop asked for consideration of the January 25, 2021 meeting minutes. A motion was made to approve. The vote to approve was unanimous.

Adjournment:

Lisa L. Schaaf



STAFF REPORT

PLANNING COMMISSION MEETING: April 19, 2021

CITY COUNCIL MEETING: May 13, 2021

LOCATION: Parcel 4-0003-07-005 and 4-0003-07-009

APPLICANT: Caroline Burke

OWNER: Caroline Burke

EXISTING USE: Empty lot

PROPOSED USE: Commercial

ZONING: C-2 and R-1B

PROPOSED ZONING: C-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Commercial Gateway, Ft. Screven Historic District

APPLICATION: Map and text amendment from C-2 and R-1B to C-2.

PROPOSAL: The applicant is requesting to change zoning from C-2 *highway business* and R-1B *single family residential* to just C-2 to allow for commercial uses.

ANALYSIS: These lots were given a split zoning when the C-2 corridor was created. This causes confusion for property owners as it only allows for the uses of the less restrictive district. This particular parcel is an empty lot with residential uses on either side. Over 2/3 of the lot is in the C-2 district

The Comprehensive Plan describes the Commercial Gateway in which it lies as follows:

This area functions as an activity center and serves as the commercial gateway for the City. Zoning classifications are C-1, C-2, R-1, R-1B, R-T, and R-2. The mix of neighborhood commercial uses include shopping, crafts, restaurants, and eco-tourism

<i>Comprehensive Plan – Community Character Area Commercial Gateway</i>		
<i>Recommended Development Strategies</i>		<i>Meets Strategy Y/N or N/A</i>
1.	Encourage commercial and mixed use development and redevelopment along the US 80 commercial corridor	Y
2.	Discourage down-zoning within the US 80 commercial corridor	Y
3.	Establish standards for a maximum percentage of residential use on a per parcel basis to encourage mixed use	N/A
4.	Enhance pedestrian movements with streetscape improvements	N/A
5.	Allow for the appropriate mix of retail, residential, and tourism related uses consistent with the Plan vision	Y
6.	Implement traffic calming measures and parking improvements	N/A

7.	Establish noise and sight buffers between commercial uses and adjacent residential area	N	Item #3.
8.	Review parking requirements to ensure they are not prohibitive to future commercial development	N/A	

STAFF FINDING

Staff believes that split zoning should not have occurred in the first place and causes confusion among property owners or potential property owners. The residential uses on each side will require buffering. Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Map Amendment application (3 pages)
- B. Photographs (2 pages)
- C. Property card (2 pages)
- D. SAGIS map (1 page)



CITY OF TYBEE ISLAND
LAND DEVELOPMENT CODE
MAP AMENDMENT APPLICATION

Item #3.

CK# 3212

Fee \$500

Applicant's Name CAROLINE L. BUKE

Applicant's Telephone Number 912-657-1168

Applicant's Mailing Address P.O. Box 1787 305 Jones Ave

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Disclosure of Campaign Contributions form attachment hereto: Yes

Caroline L. Burke Signature of Applicant 3-26-21 Date

NOTE: Other specific data is required for each proposed Map Amendment.

PIN # 40019 01006
Rezoned from C-2/R-1B to C-2
6^N Campbell Ave

City Official [Signature] Date 3/31/21

NOTE: This application must be accompanied by additional documentation, including drawings and/or text that include or illustrate the information outlined below.

Indicate in the spaces provided whether or not the required information is provided.

<u>YES or NO</u>	<u>REFERENCE</u>	<u>DESCRIPTION</u>
<u>Yes</u>	5-020 (D)	An amendment to the zoning map is considered to be an amendment of the Land Development Code. Such action requires a hearing by the Planning Commission and approval by the Mayor and Council at a scheduled public hearing.
<u>Yes</u>	5-040 (E) (2) 5-040 (E) (2) (a)	An application for a map amendment shall include the following information: A map or plat of the land in question prepared, signed and sealed by a State of Georgia certified land surveyor, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of Chatham County then the lot, block, and subdivision designations with appropriate plat reference; and
<u>Yes</u>	5-040 (E) (2) (b) 5-110	The area of the land proposed to be reclassified stated in square feet if less than one acre, and in acres if greater than one acre. Section 5-110, Standards for Land Development Code or Zoning Map Amendment Approval, identifies standards and other factors to be considered by the Mayor and Council in making any zoning decision. The Applicant should provide written data addressing each of the below listed standards and factors to assure consideration of applicable information.
<u>Yes</u>	5-110 (A) 5-110 (B)	The existing land use pattern; The possible creation of an isolated district unrelated to adjacent and nearby districts;
<u>No</u>	5-110 (C)	The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
<u>Yes</u>	5-110 (D)	Whether changed or changing conditions make the passage of the proposed amendment reasonable;
<u>No</u>	5-110 (E)	Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
<u>No</u>	5-110 (F)	Potential impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity;
<u>No</u>	5-110 (G)	The reasonableness of the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed changes;
<u>No</u>	5-110 (H)	Whether the proposed change will be detrimental to the value or improvement or development of adjacent or nearby property in accordance with existing requirements;
<u>No</u>	5-110 (I)	Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
<u>No</u>	5-110 (J)	Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and,
<u>No</u>	5-110 (K)	The extent to which the zoning decision is consistent with the current city master plan or other local planning efforts, if any, of the city.

The Applicant certifies that he/she has read the requirements for Land Development Code Map Amendments and has provided the required information to the best of his/her ability in a truthful and honest manner.

Signature of Applicant

Date

3/31/21



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES _____ NO ✓

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature _____

Printed Name Caroline L. Burke

Date 3/31/21



Item #3.

PARID: 40019 01006
BURKE CAROLINE L

6 CAMPBELL AVE

Most Current Owner

Current Owner	Co-Owner	Care Of	Mailing Address
BURKE CAROLINE L			PO BOX 1787 TYBEE ISLAND GA 31328

Digest Owner (January 1)

Owner	Co-Owner	Address 1	Address 2	City	State	Zip
BURKE CAROLINE L		PO BOX 1787		TYBEE ISLAND	GA	31328

Parcel

Status	ACTIVE
Parcel ID	40019 01006
Category Code	RES - Residential
Bill #	2926614
Address	6 CAMPBELL AVE
Unit # / Suite	
City	TYBEE ISLAND
Zip Code	31328-
Neighborhood	20270.00 - T270 TYBEE SCREVEN
Total Units	
Zoning	C-2
Class	R3 - Residential Lots
Appeal Status	

Legal Description

Legal Description	LOT 4 DUCK POND TYBEE
Deed Book	610
Deed Page	264

Inspection

Inspection Date	Reviewer ID
04/01/2020	RKRYZAK
01/07/2016	MWTHOMAS
05/24/2007	GDWHIDDO

Appraised Values

Tax Year	Land	Building	Appraised Total	Reason
2020	100,300	0	100,300	
2019	100,300	0	100,300	

Item #3.

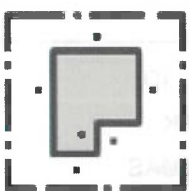
2018	100,300	0	100,300
2017	100,300	0	100,300
2016	100,300	0	100,300
2015	99,800	0	99,800
2014	99,800	0	99,800
2013	99,800	0	99,800
2012	112,500	0	112,500
2011	147,700	0	147,700

Sales

Sale Date	Sale Price	Sale Validity	Instrument	Book - Page	Grantor	Grantee
08/18/2015	0	U	GD	610 - 264	BURKE JAMES G JR	BURKE CAROLINE L
04/17/2015	0	U	QC	511 - 417	BURKE JAMES G III & CHRISTINA	BURKE JAMES G JR
07/31/2000	125,000	U	WD	214F - 629	BURKE WILLIAM MITCHELL	BURKE JAMES, III & CHRISTINA

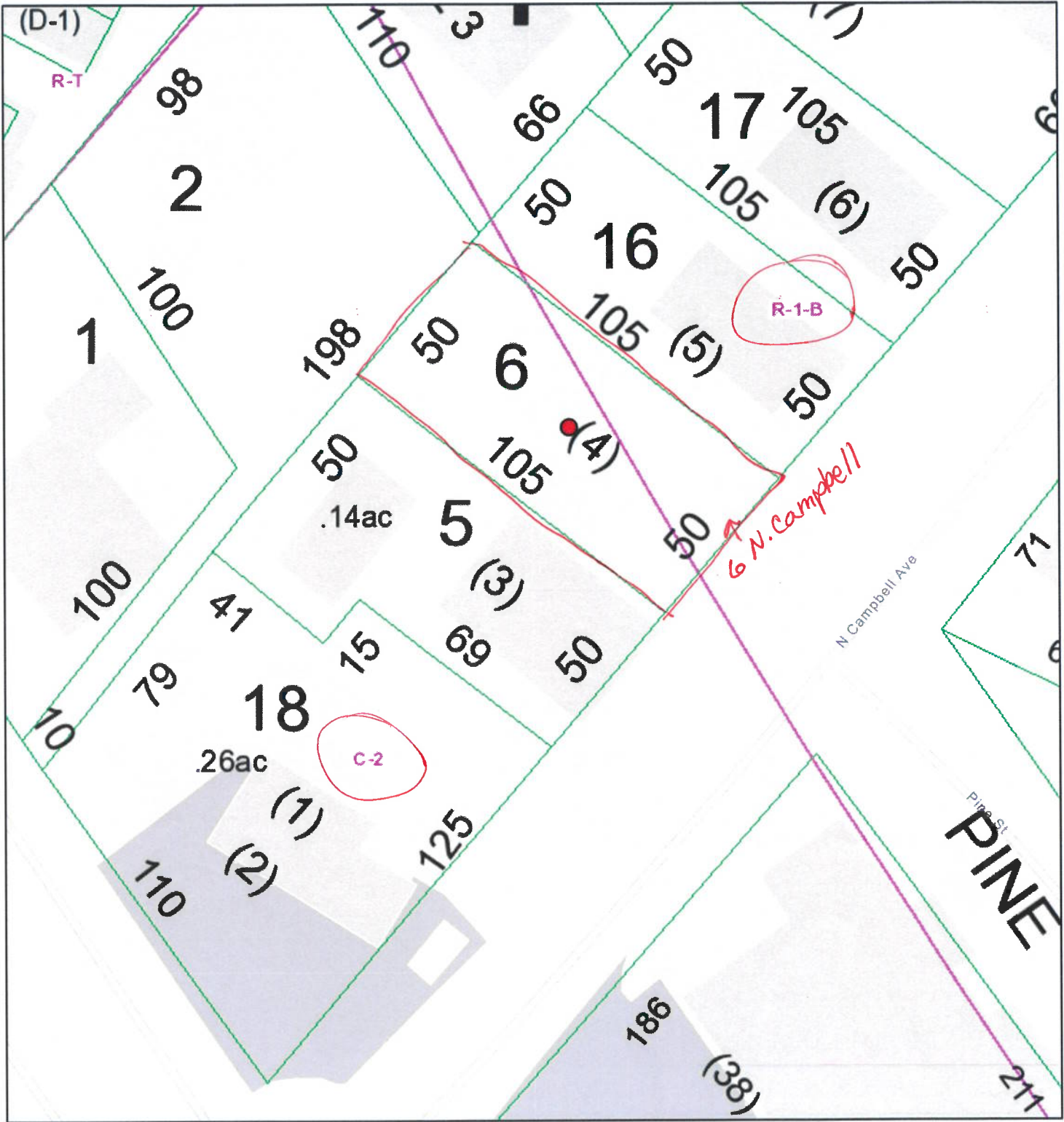
Land

Line Number	1
Land Type	U - UNIT
Land Code	91 - RESIDENTIAL V L
Square Feet	
Acres	
Influence Factor 1	-20
Influence Reason 1	
Influence Factor 2	
Influence Reason 2	



Sorry, no sketch available for this record

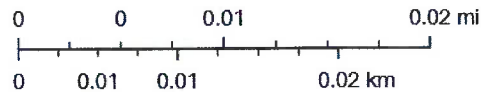
Item	Area



3/31/2021, 12:20:32 PM

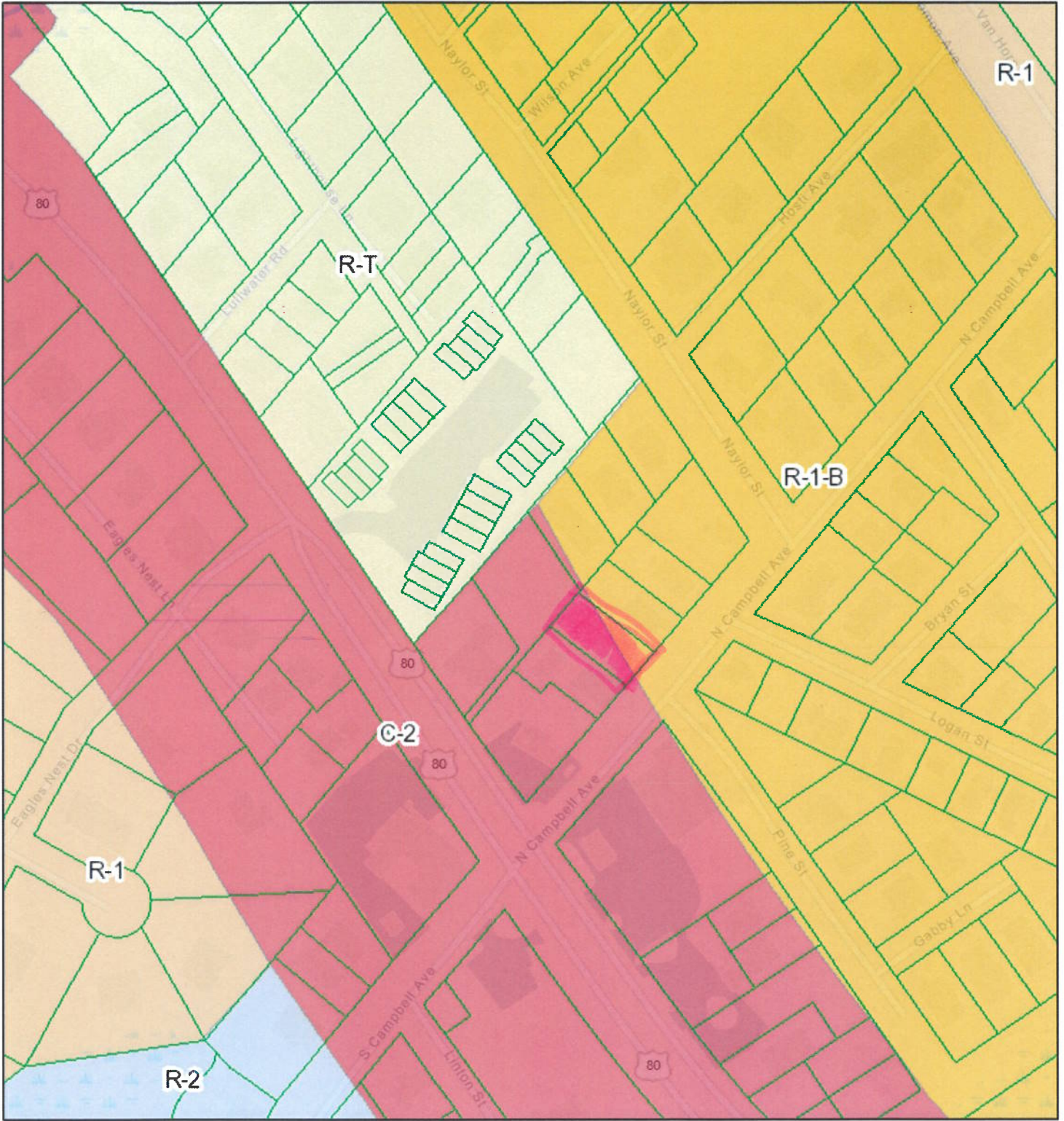
1:564

- Zoning
- Property Boundaries (Parcels)



Tybee Map Viewer

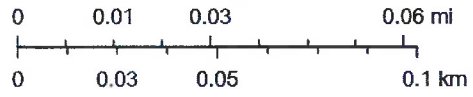
Item #3.



4/2/2021, 9:45:37 AM

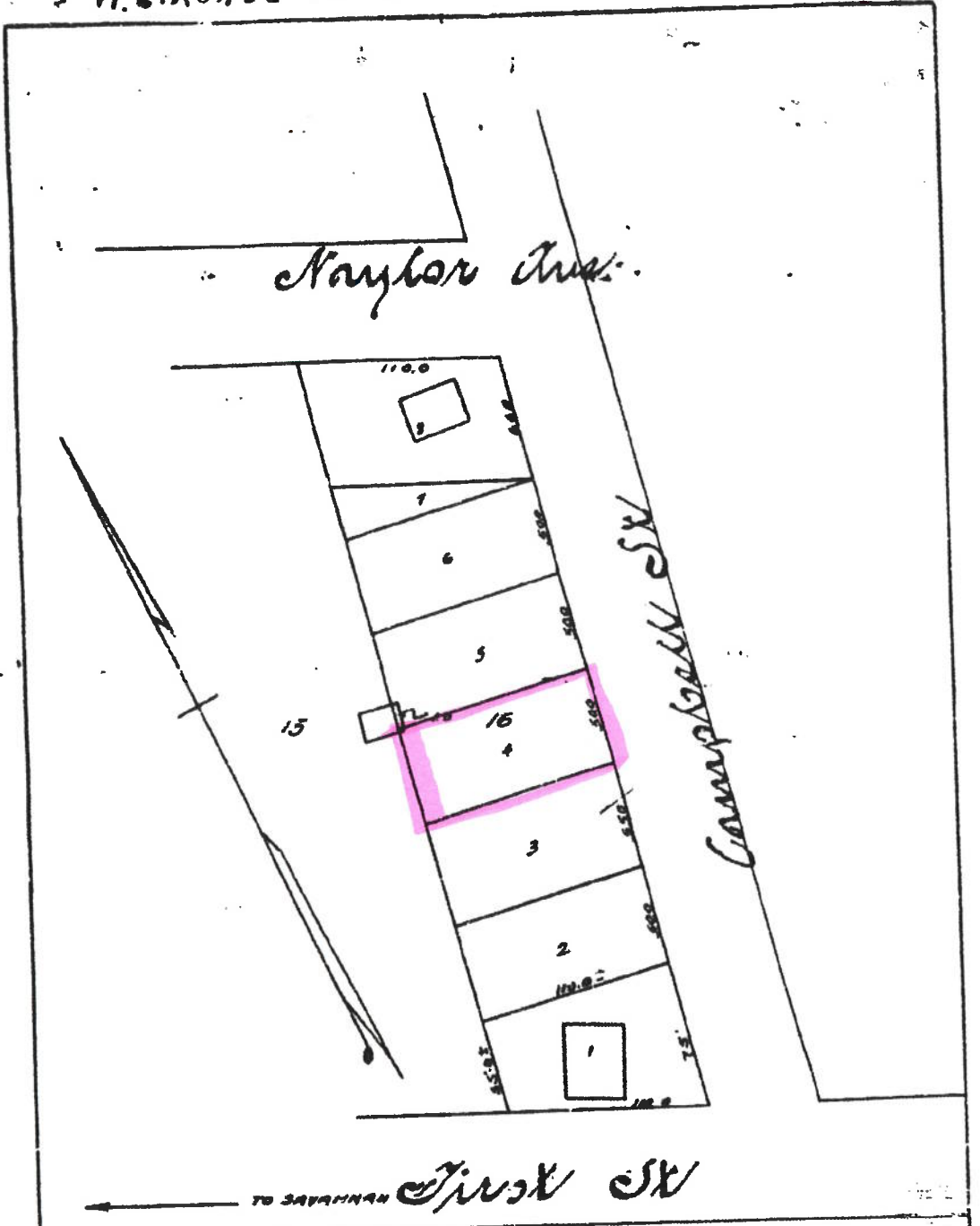
1:2,257

- | | | | |
|---------|---------|-------|--------------------|
| Zoning | N-M | P-C | R-T/SE |
| Other | R-1/NEP | PUD | Municipal Boundary |
| R-1/NEC | C-1 | R-1 | BLOOMINGDALE |
| NG | C-1*/SE | R-1-B | GARDEN CITY |
| C-1/SE | C-2 | R-2 | POOLER |
| M-D | E-C | R-T | PORT WENTWORTH |



test, Esri Community Maps Contributors, Savannah Area GIS, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

H. L. ROHLE TO JOHN A. DEKMAN. 33 B 237 (148)



PROP W 148

PLAN PART OF LOT 16
FORT WARD, SAVANNAH BEACH

CHATHAM CO
SCALE 1" = 60'

J. J. Lenoir
CITY SURVEYOR



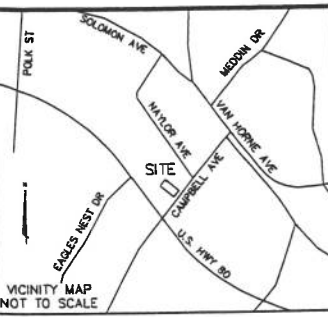
A TOPOGRAPHIC SURVEY OF LOT 4,
PORTION OF FORMER LOT 16, FORT WARD,
TYBEE ISLAND, CHATHAM COUNTY, GEORGIA
PREPARED FOR: JAMES BURKE

JOB NUMBER: 15-188
DATE: 4/16/2019
DRAWN BY: JPA
CHECKED BY:
SCALE: 1" = 10'

TOPOGRAPHIC SURVEY

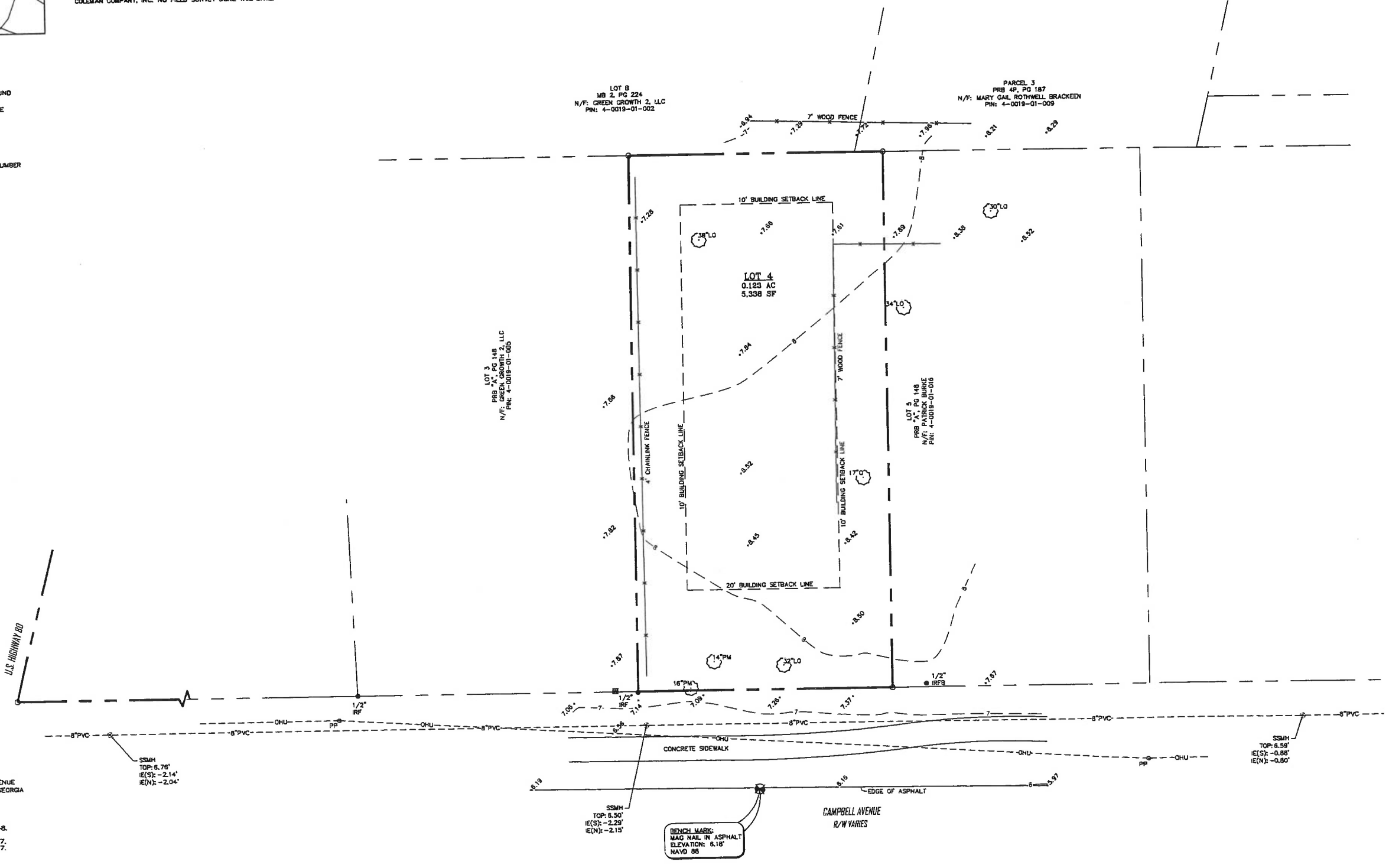
SHEET:
1/1

- NOTES:**
1. ALL ELEVATIONS BASED ON NAVD 88.
 2. ALL BUILDING SETBACKS ARE TO CONFORM TO LOCAL ZONING ORDINANCES.
 3. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, COVENANTS, OR RESTRICTIONS EITHER RECORDED OR UNRECORDED.
 4. THE HORIZONTAL DATUM OF THIS PLAT IS BASED ON GRID NORTH, GEORGIA STATE PLANE, EAST ZONE, NAD 83.
 5. BASED ON MY OBSERVATION THIS PROPERTY IS LOCATED IN ZONE AE, NOT A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP NUMBER 130610213G, EFFECTIVE DATE: 8/16/2016, BASE FLOOD ELEVATION: 9', NAVD 88.
 6. LOCATION OF ALL UTILITIES AND UNDERGROUND STRUCTURES SHOWN ARE APPROXIMATE AND THOSE SHOWN ARE NOT NECESSARILY ALL OF THE EXISTING UTILITIES AND STRUCTURES. VERIFICATION OF EXACT LOCATIONS SHOULD BE MADE PRIOR TO ANY CONSTRUCTION.
 7. THIS PLAT COMPLETED FROM PLATS DRAWN BY OTHERS, AND IS NOT THE PRODUCT OF A COMPLETE BOUNDARY SURVEY PERFORMED BY COLEMAN COMPANY, INC. NO FIELD SURVEY DONE THIS DATE.



- LEGEND**
- ⊕ BENCH MARK
 - IRF IRON ROD FOUND
 - IRP IRON PIPE FOUND
 - ⊠ PCP CONCRETE CORNER FOUND
 - ⊞ CPF CONCRETE MONUMENT FOUND
 - ⊞ PP POWER POLE
 - ⊞ SSMH SANITARY SEWER MANHOLE
 - ⊞ WM WATER METER
 - OHU- OVERHEAD UTILITY
 - R/W RIGHT-OF-WAY
 - IE INVERT ELEVATION
 - PRB PLAT RECORD BOOK
 - MB MAP BOOK
 - PN PARCEL IDENTIFICATION NUMBER

- TREES**
- LO LIVE OAK
 - O OAK
 - PM PALM



SITE DATA
 AREA: 0.123 AC, 5,338 SF
 PIN: 4-0019-01-006
 PROPERTY ADDRESS: 8 CAMPBELL AVENUE
 TYBEE ISLAND, GEORGIA

- REFERENCE:**
1. PLAT RECORD BOOK "A", PAGE 148.
 2. MAP BOOK 2, PAGE 224.
 3. PLAT RECORD BOOK 4P, PAGE 187.
 4. PLAT RECORD BOOK 41P, PAGE 87.

UTILITIES PROTECTION CENTER
 CALL THREE WORKING DAYS
 BEFORE YOU DIG
 THROUGHOUT GEORGIA
 1-800-282-7411



NOT FOR CONSTRUCTION FOR PERMITTING PURPOSES ONLY!

SURVEY DATE: 4/17/2019
 GRAPHIC SCALE: 1" = 10'

COLEMAN COMPANY, INC. DATE PLOTTED: 4/22/2019 4:55 PM BY: jacob@coleman.com



**CITY OF TYBEE ISLAND
LAND DEVELOPMENT CODE
TEXT AMENDMENT APPLICATION**

~~Fee \$500~~

Applicant's Name Caroline L. Burke

Applicant's Telephone Number 912-657-1168

Applicant's Mailing Address P.O. Box 1787 305 Jones Av.

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Disclosure of Campaign Contributions form attachment hereto: NA Yes

Caroline L. Burke 3-26-21
Signature of Applicant Date

NOTE: Other specific data is required for each proposed Text Amendment.

* Amendment to Article 13 of the Land Development Code.

City Official [Signature] Date 3/31/21

NOTE: This application must be accompanied by additional documentation, including drawings and/or text that include or illustrate the information outlined below.

Indicate in the spaces provided whether or not the required information is provided.

<u>YES or NO</u>	<u>REFERENCE</u>	<u>DESCRIPTION</u>
___	5-020 (E)	An amendment to the text of this Land Development Code follows the same process as an amendment to the zoning map. However, a text amendment requires different materials to be included with the application.
___	5-040 (E) (1)	In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
___	5-110	Section 5-110, Standards for Land Development Code or Zoning Map Amendment Approval, identifies standards and other factors to be considered by the Mayor and Council in making any zoning decision. The Applicant should provide written data addressing each of the below listed standards and factors to assure consideration of applicable information.
___	5-110 (A)	The existing land use pattern;
___	5-110 (B)	The possible creation of an isolated district unrelated to adjacent and nearby districts;
___	5-110 (C)	The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
___	5-110 (D)	Whether changed or changing conditions make the passage of the proposed amendment reasonable;
___	5-110 (E)	Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
___	5-110 (F)	Potential impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity;
___	5-110 (G)	The reasonableness of the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed changes;
___	5-110 (H)	Whether the proposed change will be detrimental to the value or improvement or development of adjacent or nearby property in accordance with existing requirements;
___	5-110 (I)	Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
___	5-110 (J)	Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and,
___	5-110 (K)	The extent to which the zoning decision is consistent with the current city master plan or other local planning efforts, if any, of the city.

The Applicant certifies that he/she has read the requirements for Land Development Code Text Amendments and has provided the required information to the best of his/her ability in a truthful and honest manner.


Signature of Applicant

3-26-21
Date



STAFF REPORT

PLANNING COMMISSION MEETING: April 19, 2021

CITY COUNCIL MEETING: May 13, 2021

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Appendix A, Land Development Code, Section 8-060 Definitions, 8-070 Land to which this article applies, 8-180 General Standards, 8-190 Specific Standards, 8-230 Coastal high hazard areas (V zones).

PROPOSAL: Changes as recommended by CRS audit and State flood plain manager.

ANALYSIS: The amendments were recommended as part of our CRS audit and help us maintain our class 5 status. Some additional changes recommended by State flood plain manager to comply with State standards after review.

STAFF FINDING

Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

Sec. 8-060 Definitions

Building, means any structure built for support, shelter, or enclosure for any occupancy or storage. see *Structure*.

Coastal high hazard area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The coastal high hazard area is identified as zone V/E on flood insurance rate maps (FIRMs).

Five Hundred Year Floodplain (the 500-year floodplain or 0.2 percent change floodplain) means that area, including the base floodplain, which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

Sec. 8-070. - Lands to which this article applies.

This article shall apply to all areas of special flood Hazard within the jurisdiction of Tybee Island, Georgia.

Sec. 8-180. - General standards.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (3) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (4) Elevated Buildings. All New construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. (not applicable in coastal high hazard areas).
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one foot above grade; and
 3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
 - b. So as not to violate the "lowest floor" criteria of this article, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (5) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing fixtures, and other service facilities shall have one foot of freeboard above

BFE and shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(6) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

(7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

(10) Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

Sec. 8-190. - Specific standards.

In all areas of special flood hazard designated as A1—30, AE, AH, A (with estimated BFE), the following provisions are required:

(1) *New construction and/or substantial improvements.* Where base flood elevation data are available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection [8-180\(4\)](#), "Elevated Buildings."

~~a. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing fixtures and other service facilities shall be elevated at or above one foot above the base flood elevation.~~

(2) *Non-residential construction.* New construction and/or the substantial improvement of any structure located in A1—30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in subsection [8-170\(6\)](#).

(3) Standards for manufactured homes and recreational vehicles—Where base flood elevation data are available:

a. All manufactured homes placed and/or substantially improved on: (1) individual lots or parcels, (2) in new and/or substantially improved manufactured home parks or subdivisions, (3) in

expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.

b. Manufactured homes placed and/or substantially improved in an either existing manufactured home park or subdivision may be elevated so that:

1. The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or
2. ~~The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.~~

c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. subsection [8-180\(6\)](#) above)

d. All recreational vehicles placed on sites must either:

1. Be on the site for fewer than 180 consecutive days;
2. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
3. The recreational vehicle must meet all the requirements for "New Construction", including the anchoring and elevation requirements of subsections (3)a. and c., above.

(4) *Floodway*. Located within areas of special flood Hazard established in [section 8-080](#) are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- b. Only if subsection (4)a. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this division.

Sec. 8-230. - Coastal high hazard areas (V-zones).

Located within the areas of special flood hazard established in [Section 8-080](#), are areas designated as coastal high hazard areas (V-zones). These areas have special flood hazards associated with wave action and storm surge, therefore, the following provisions shall apply:

- (1) All new construction and substantial improvements of existing structures shall be located landward of the reach of mean high tide;
- (2) All new construction and substantial improvements of existing structures shall be elevated on piles, columns, or shear walls parallel to the flow of water so that the bottom of the lowest supporting horizontal structural member (excluding pilings or columns) is located no lower than one foot above the base flood elevation level. All

space below the lowest supporting member shall remain free of obstruction or constructed with non-supporting breakaway walls. Open wood lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection below;

- (3) All new construction and substantial improvements of existing structures shall be securely anchored on pilings, columns, or shear walls; and
- (4) All pile and column foundations and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on ALL building components, both (non-structural and structural). Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the (ICC) International Building Codes.
- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in subsection (2) through (4) herein.
- (6) All space below the lowest horizontal supporting member must remain free of obstruction. Open wood lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action without causing structural damage to the supporting foundation or elevated portion of the structure. The following design specifications are allowed:
 - a. No solid walls shall be allowed; and
 - b. Material shall consist of open wood lattice or mesh screening only.
 - c. If aesthetic open wood lattice work or screening is utilized, any enclosed space shall not be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- (7) Prior to construction, plans for any structures having open wood latticework or decorative screening must be shown on the plans submitted to the city building and zoning department for review and approval;
- (8) Any alteration, repair, reconstruction or improvement to any structure shall not enclose the space below the lowest floor except with open wood latticework or decorative screening, as provided in this section.
- (9) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The building and zoning department shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil scientist, which demonstrates that the following factors have been fully considered:
 - a. Particle composition of fill material does not have a tendency for excessive natural compaction;
 - b. Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - c. Slope of fill will not cause wave run-up or ramping.

(10) There shall be no alteration of sand dunes or mangrove stands, which would increase potential flood damage;

(11) Prohibit the placement of manufactured homes (mobile homes), ~~except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of subsection [8-190\(3\)](#) are met.~~



STAFF REPORT

PLANNING COMMISSION MEETING: April 19, 2021

CITY COUNCIL MEETING: May 13, 2021

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 7, Tree removal regulations.

PROPOSAL: To strengthen penalties for violation of this ordinance and require staff supervision when 5 or more trees are being removed from a site.

ANALYSIS: This amendment can cause the inability to receive future tree permits for repeat violations of this article and can cause the inability to receive future building permits for cutting trees without a permit. Additionally requires staff supervision for cutting 5 or more trees on a site.

STAFF FINDING

This should help deter violations of this article.

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

ORDINANCE NO. 2021-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF TYBEE ISLAND SO AS TO INCLUDE PROVISIONS REGARDING APPLICATIONS FOR TREE REMOVAL PERMITS, INSPECTIONS OF TREE REMOVAL ACTIVITIES, PENALTIES FOR IMPROPER TREE REMOVAL AND TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES AND TO ESTABLISH AN EFFECTIVE DATE

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, it is desirable that requirements be established for tree removal so as to ensure that sufficient trees and vegetation remain on any developed parcel of land and that those individuals performing tree removal do so in a professional and responsible manner; and

WHEREAS, it has become important to ensure that the permitting process and implementation of tree removal permits, be strengthened so that violations will be more preventable; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island duly assembled as follows:

SECTION I

Existing Tybee Code Sections identified as Article VII of Appendix A- Land Development Code “Tree Removal Regulations” Section 7-040 is hereby repealed in its entirety and is replaced with the Code Section hereinafter set forth below.

Sec. 7-040. - Building permit required.

Any person desiring to clear land or remove trees to a density below that required in section 7-050 or remove a significant tree pursuant to this article shall apply for a building permit from the city. See section 9-030 and Section 5-040 of this Land Development Code for requirements and application procedure. A tree survey must be submitted before a permit can be issued.

All applications for tree removal permit approval must also include the below as well as comply with Section 9-030 of Article IX – Building Regulations in the Land Development Code:

- (1) Acknowledgment of the monitoring requirement set forth in Section 7-050 and the consequences of failing to ensure such monitoring which may result in the inability to obtain permits in the future;
- (2) A statement that the applicant accepts responsibility to ensure the tree removal is pursuant to all applicable code sections and that the applicant has informed the contractor performing the work of the monitoring requirement and the consequences of failing to adhere to the monitoring requirements;
- (3) The application is signed by the contractor as well as the owner.

(Ord. No. 12-2012, 4-26-2012)

SECTION II

Existing Tybee Code Sections identified as Article VII of Appendix A- Land Development Code “Tree Removal Regulations” Section 7-050 is hereby amended with the addition of Subsection (E) which provides as follows:

(E) In the event an application for removal would seek to remove 5 or more trees, nNo tree shall be removed unless a representative of the City is present to monitor and observe the removal to ensure compliance with the terms of the permit application, permit and all applicable regulations or ordinances. After receiving their tree removal permit, an owner must give seventy-two (72) hours’ notice to the City prior to removing any tree to allow the City time to arrange for a City representative to present at the removal.

(Ord. No. 12-2012, 4-26-2012)

SECTION III

Existing Tybee Code Sections identified as Article VII of Appendix A- Land Development Code "Tree Removal Regulations" Section 7-090 is hereby amended with the addition of Subsections (D) and (E) which provides as follows:

Sec. 7-090. - Penalties for unlawful tree removal.

(D) Any person who has been adjudged to have violated previous tree removal permits two or more times within three years may be denied future tree removal permit pursuant to Section 7-040 or any other permit under the Land Development Code for up to 3 years and may further be subject to additional restrictions or requirements for any future permit issued.

(E) Any person who has violated the ordinance by removing trees without a permit for removal, either directly or indirectly, including a owner or contractor, and in addition to all other penalties, fines or sentences imposed, shall not be eligible for a building or other permit for a period of 2 years from the date of conviction(s) for the unpermitted removal. The Mayor and Council may allow a permit in cases of extreme hardship only, notwithstanding the foregoing.

(Ord. No. 12-2012, 4-26-2012)

SECTION IV

All ordinances and parts of ordinances in conflict herewith are expressly repealed.

SECTION V

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

This Ordinance shall become effective on _____ day of _____, 2021.

ADOPTED THIS ____ DAY OF _____, 2021.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____