



**AGENDA**  
**PLANNING COMMISSION**  
**November 14, 2022 at 6:30 PM**

Call to Order

Consideration of Minutes

1. PC MINUTES -OCTOBER 17, 2022

Disclosures and Recusals

Old Business

New Business

2. Site Plan Approval with Variance: requesting to remove off street parking -1311 Butler Ave. -40007 16002 – Zone C-2 – Jim Sheffield.
3. Text Amendment: Land Development Code - Section 4-051. Short-Term Rentals – City of Tybee.

Adjournment

Standing Items

Adjournment

**PLANNING COMMISSION**

Marie Gooding  
 Susan Hill  
 David McNaughton  
 Elaine McGruder  
 Whitley Reynolds  
 Marie Rodriguez  
 Martha Williams



**CITY MANAGER**  
 Shawn Gillen

**COMMUNITY DEVELOPMENT DIRECTOR**  
 George Shaw

**CITY ATTORNEY**  
 Edward M. Hughes

**Planning Commission Meeting**  
**MINUTES**  
**October 17, 2022**

**Vice Chair Elaine McGruder** called the October 17, 2022, Tybee Island Planning Commission meeting to order. Commissioners present were **Susan Hill, Whitley Reynolds, Marie Rodriguez, Marie Gooding** and **Martha Williams**. **Chair David McNaughton** was absent.

**Consideration of Minutes:**

**Vice Chair Elaine McGruder** asked for consideration of the September 19, 2022, meeting minutes. **Susan Hill** made a motion to approve. **Whitley Reynolds** seconded. Vote was unanimous.

**Disclosures/Recusals:**

**Vice Chair Elaine McGruder** asked if there were any Disclosures or Recusals. There were none.

**Public Hearings:**

**New Business:**

**Map and Text Amendment: requesting to change zone from R-2 to R-T – 6 13<sup>th</sup> Lane – 40007 05010B - Zone R-2 – Cynthia Clements.**

**George Shaw** stated Ms. Clements is requesting to rezone property at 6 Thirteenth Lane. He showed the zoning map on the screen and stated the lots adjacent to her are zoned R-T and C-1\*/SE. Thirteenth Lane is the dividing line between R-T and R-2. **George Shaw** stated the reason for the rezoning as he understands is so it will be eligible for a short term rental permit. As of last Thursday they are not allowed in the R-2 district any longer. Without further guidance from council, after the last year and a half I would not feel comfortable recommending this for approval for R-T so staff recommends denial. **Vice Chair Elaine McGruder** asked is there any procedure for changing zoning a lot at a time. **George Shaw** stated there is not a lot of guidance in our ordinance. Generally there would be some reason to create a district. **Marie Rodriguez** stated she looked through the book and could not find anything on spot zoning so would it have to be that the whole street would have to be zoned and put into the other side or not. **George Shaw** stated spot zoning is a phrase people use it is not a legal term. You can ask to rezone any parcel you want. **Martha Williams** stated to be honest with you I don't feel comfortable zoning onesie twosies. I know there is a few lots that are all by themselves here and there throughout the City, for various reasons. But I think if the City plans to rezone they need to take a holistic approach and look at the whole City. **Cynthia Clements** who lives at 6 thirteenth Lane approached the planning commission and stated we moved here in 2015 and have four generations living in the home. Thirteenth Lane is part of my property so currently my property is in two different zones R-T and R-2. I own the lane and pay taxes on it. She stated my zone needs to be uniform. There are seven properties touching my

home that are STVR rentals that have been there since 2020. I did nothing wrong. They were all able to get STVR permits in an R-2 zone. I am asking you to do the right thing. We are going to build a home on Eagles Nest Lane. I need to sell my thirteenth lane home and it will be difficult to sell without the new owner being able to obtain an STVR permit. **Marie Gooding** stated I would like to ask you if you talked to the owners of those houses in that block about their desire to change zones or what their thoughts are about you changing yours. **Cynthia Clements** yes when I first talked to George about it he thought I would only have to pay one 500.00 fee to change all of them so I talked with the neighbors they were all fine with it. But then when they found out they would all have to pay the 500.00 fee they changed their minds. **Martha Williams** asked George Shaw, is it true that the R-T zone runs through her property or not. **George Shaw** stated in my opinion the coloring is a little off and generally zoning lines run down property lines as a rule. In this particular case I would say it runs down the property line not through the property. We have some split lots in the C-2 district for reasons I don't quite understand. But they are clearly split zoning lots. **Cynthia Clements** stated that map clearly show it. **Vice Chair Elaine McGruder** stated are you talking about the road in front of your house. **Cynthia Clements** stated yes that is a private lane and we all own that lane and we pay taxes on it. **Gail Lamb**, who lives at 712 Second Avenue, approached the Planning Commission and asked how many other applications you could have like this. **George Shaw** stated there might be a dozen or so in the C-2 district. **Martha Williams** stated I still think if were opening a can of worms if we recommend to zone onesie twosie at this point and time. Now this will go to City Council and they may have other considerations, but I don't think it is consistent with a unified approach to master planning or any of the ordinances that are currently on the books. **Susan Hill** made a motion to deny. **Martha Williams** seconded. The vote to deny was unanimous.

**Adjournment: 7:00pm**  
**Lisa L. Schaaf**



# STAFF REPORT

PLANNING COMMISSION MEETING: November 14, 2022

CITY COUNCIL MEETING: December 8, 2022

LOCATION: 1311 Butler Ave.

PIN: 40007 16002

APPLICANT: Robert Portman, Barnard Architects

OWNER: Jim Sheffield

EXISTING USE: Restaurant

PROPOSED USE: Restaurant

ZONING: C-1/SE

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Historic Downtown

APPLICATION: Site Plan Approval with variance

PROPOSAL: The applicant is requesting site plan approval with a variance for expanded seating in the current parking area and to remove off-street parking.

ANALYSIS: The proposed area is already impervious so any changes will not affect drainage. A parking exemption in the C-1 district states “Existing structures with 2000 square feet or less of floor area that exist in a C-1 zoning district may expand up to 4000 square feet without having to meet the off-street parking requirements as long as the structure is completely located within 1000 feet of municipal parking lot.” This structure is within 1000 feet of a municipal parking lot but it is over 2000 square feet so it does not meet the standards of this exemption. The current parking lot layout has five regulation sized spaces and one small space. The drive aisle is too narrow for head in parking so drivers have to back out onto Butler to leave the establishment. The applicant is willing to close the curb cut and create up to three on-street parking spaces plus one additional space for staff behind the building.

*The Historic Downtown District is a key character are that acts as the City’s traditional “Main Street” and is perhaps the most outwardly “urban” feeling area in the city. It features wide sidewalks and dense commercial uses with restaurants, shopping, hotels/lodging, and public parking, as well as access to the large central pier which acts as a focal point for the beach. Single family, multi-family, and vacation rentals for the residential uses.*

<i>Comprehensive Plan – Community Character Area Historic Downtown</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Future development and redevelopment should be pedestrian oriented	Y
2.	Promote mixed densities of residential development, including upstairs residential over commercial	N/A
3.	Uses and zoning should provide a transition from South End neighborhood	N/A
4.	Add recreational uses within the area	N/A
5.	Beautification and façade improvement projects should be implemented to improve area aesthetics	Y

6.	Look for opportunities to ease congestion and improve traffic flow within the City's road network	Y
7.	Improve the availability and accessibility of public services and amenities in this area	N/A

#### STAFF FINDING

While this structure does not meet the threshold for the parking exemption, the structure is within 1000 feet of a public parking lot. If the curb cut is closed, additional street parking can be created. Due to the dangerous egress from this parking lot currently and the "urban" nature of this area as mentioned in the comprehensive plan staff recommends approval.

*This Staff Report was prepared by George Shaw.*

#### ATTACHMENTS

- A. Site plan application
- B. Site plan
- C. Elevation certificate
- D. Survey



CITY OF TYBEE ISLAND
SITE PLAN APPROVAL WITH VARIANCE APPLICATION

Item #2.

Applicant's Name Robert Portman, Barnard Architects

Address and location of subject property 1311 Butler Avenue

PIN 40007 16002 Applicant's Telephone Number 912-232-6173

Applicant's Mailing Address 220 East Hall Street, Savannah 31401

Brief description of the land development activity and use of the land thereafter to take place on the property:
Refer to attached Letter

Explain the requested variance Refer to attached Letter

Explain the hardship Refer to attached Letter

Property Owner's Name Jim Sheffield Telephone Number 912-713-2228

Property Owner's Address 10 Bradley Pines Drive, Savannah Ga. 31410

Is Applicant the Property Owner? Yes X No

If Applicant is the Property Owner, Proof of Ownership is attached: Yes

If Applicant is other than the Property Owner, a signed affidavit from the Property Owner granting the Applicant permission to conduct such land development is attached hereto. Yes

Site Plan Fee Commercial \$500
Variance Fee Commercial \$500

Current Zoning of Property C-1 Current Use Commercial Business: Restaurant

Names and addresses of all adjacent property owners are attached: X Yes

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.

Signature of Applicant [Handwritten Signature] Date 9-29-22

NOTE: Other specific data is required for each type of Site Plan Approval with Variance.

Fee Amount \$ 500.00 Check Number 1431 Date 9/29/22

City Official [Handwritten Signature]

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

- na 3 copies, no smaller than 24 x 36, of the engineered drainage and infrastructure plan.
- na 1 copy, no smaller than 11 x 17, of the existing tree survey and the tree removal and landscaping plan.
- X Disclosure of Campaign Contributions
- X Site plan and/or architectural rendering of the proposed development depicting the location of lot restrictions. *1 copy, no smaller than 11 x 17, of the proposed site plan and architectural renderings.* Section 5-040 (D)(1)
- X A survey of the property signed and stamped by a State of Georgia certified land surveyor. Section 5-040 (D)(2)
- na Provide attachments illustrating conditions on the subject and surrounding properties indicating that there are unique physical circumstances or conditions including:
  - irregularity,
  - narrowness, or,
  - shallowness of the lot size or shape, or,
  - exceptional topographical or other physical conditions peculiar to the particular property

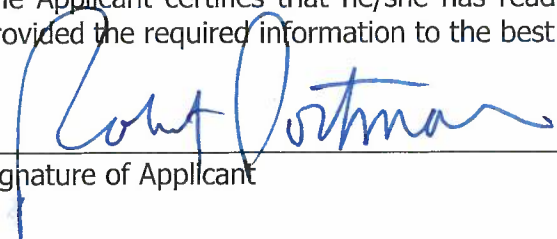
That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the Land Development Code, without undue hardship to the property. Sections 5-090 (A)(1) and 5-090 (A)(2).

- na If this variance application is for a Height Variance, in addition to other requirements, the petitioner shall be required to:
  - Add two feet to each side yard setback for each one foot above 35 feet in height, and,
  - Have safeguards consisting of sprinkler systems, smoke detectors and other fire protection equipment deemed necessary at the time by the Mayor and Council, and,
  - Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above 35 feet height.
 Section 5-090 (B)

The Planning Commission may require elevations or other engineering or architectural drawings covering the proposed development.

The Mayor and Council will not act upon a zoning decision that requires a site plan until the site plan has met the approval of the City's engineering consultant. (Note: Section 5-080 (A) requires, "Once the engineer has submitted comments to the zoning administrator, a public hearing shall be scheduled.")

The Applicant certifies that he/she has read the requirements for Site Plan Approval with Variance and has provided the required information to the best of his/her ability in a truthful and honest manner.

  
Signature of Applicant

9-29-22  
Date

# Jim Sheffield

10 Bradley Pines Drive  
Savannah GA 31410

September 28, 2022

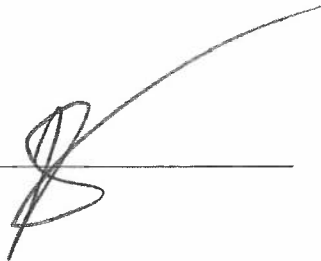
Affidavit for Applicant

City of Tybee,

Please accept this letter as permission for Robert Portman with Barnard Architects to conduct business for my property at 1311 Butler Ave. PIN # 40007 16002. Please contact me at 912-713-2228 with any questions or concerns.

Sincerely,

Jim Sheffield:

A handwritten signature in black ink, consisting of a stylized 'J' and 'S' with a long horizontal stroke extending to the right.





September 29th, 2022

### **Project – Variance – Hardship Description**

Future Treylor Park Location  
1311 Butler Avenue  
Tybee Island, Ga

On behalf of Trey Wilder, owner of Treylor Park Restaurants, Barnard Architects has prepared the attached development drawings, this Description Letter and the Tybee Island Site Plan Approval with Variance Application.

#### **Project Description:**

- As depicted on the drawings, planned is a raised deck within and behind a stucco block screen wall. The new deck will be placed over the existing prior parking lot. This area has been used for outside seating starting when the pandemic hit. The level of the deck will match the existing covered deck with ADA compliant ramp access. Under the picnic tables we are planning solar screen sails mounted to 6 posts. The color of these ‘sails’ are TBD. Along the north property line and adjacent to the 8’ privacy fence, artificial turf is planned to cover the remainder of the side yard and will be used for games ie bocce ball and cornhole
- At the side yard the existing handicap ramp does not meet ADA. It will be rebuilt with a switch back (shorter) ramp and will land within proximity and at the same level as the front entrance door. At the rear emergency existing egress door, we’ll have a landing and new stairs to the side yard.
- Along Lowell Street at rear of building we are removing the existing delivery ramp which also served the employee access with new stairs and ramp. The existing metal shed will be removed and we’ll designate three parking spaces for employees.
- At the back SW corner of the building we are proposing to build a small addition with exterior walls matching existing and covered with roof to match existing for the use to place a new indoor access walk-in refrigeration & freezer
- Along Butler Avenue, the Owner has agreed to remove the existing curb cut, connect the landscape area and gutter and place 3 parking spaces which Tybee can set meters.

**BARNARD ARCHITECTS**  
Site Plan Approval with Parking Variance  
Future Location of Treylor Park Tybee Island  
1311 Butler Avenue  
September 28th, 2022 Page 2 of 2

Variance Request:

We are respectfully requesting the City of Tybee grant exemption to the off-street parking requirement for our new development. The proposed development expands the floor area beyond the allowed 4,000 s.f. per Section 3-080.(f)(1) by 1,374 s.f. The future home of Treylor Park is within 1,000 feet of the nearest municipal parking lot. If this relief is granted, our proposed development will remove the current curb cut, extend the landscape island and curb and install (3) parallel parking spaces at the Owner's expense of which the City of Tybee can meter.

We would like to note the current parking lot is dangerous to back-out of since vehicles have to cross a sidewalk and back into Butler Avenue.

Hardship

Providing the relief from the off-street parking lot requirement allows the new building tenant to extend customer seating and dining experience including revenue like the prior tenant during the pandemic for local and tourist enjoyment. The business model of seating along Butler Avenue is not new and is currently at Stingray's & Pier 16



Thank you,

A handwritten signature in blue ink that reads "Robert Portman". The signature is written in a cursive style.

Robert Portman  
Barnard Architects  
220 East Hall Street  
912-232-6163.  
[Robert@barnardarchitects.com](mailto:Robert@barnardarchitects.com).



### 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

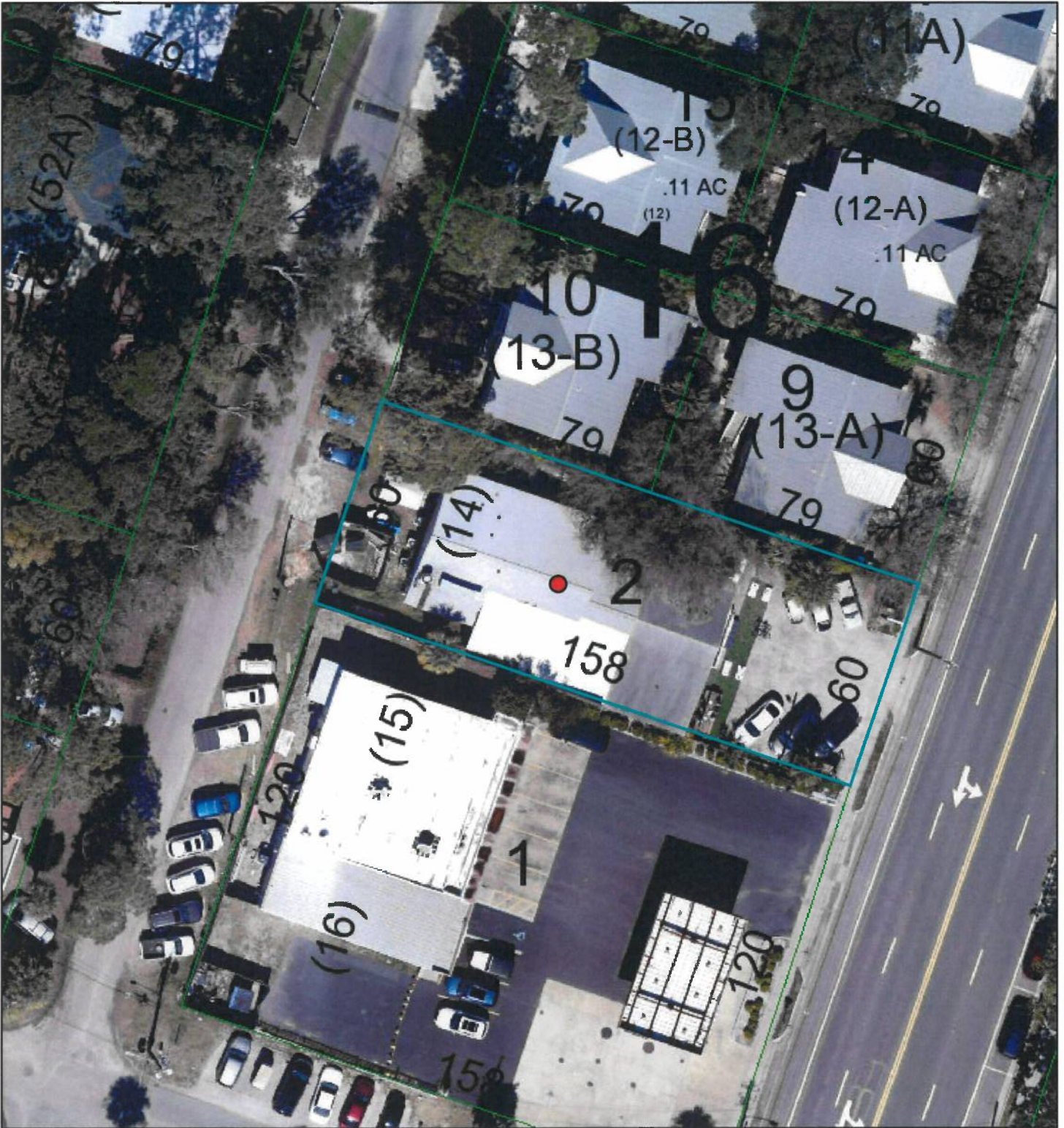
IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature [Handwritten Signature]

Printed Name William W Wilder

Date 9/13/22

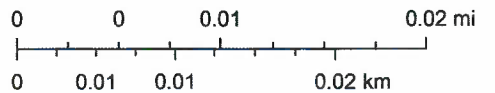




10/25/2022, 11:16:12 AM

1:564

Property Boundaries (Parcels)



SAGIS

PARID: 40007 16002  
SHEFFIELD JR JIM

1311 BUTLER AVE

**Most Current Owner**

Current Owner	Co-Owner	Care Of	Mailing Address
SHEFFIELD JR JIM			10 BRADLEY PINES DR SAVANNAH GA 31410

**Digest Owner (January 1)**

Owner	Co-Owner	Address 1	Address 2	City	State	Zip
SHEFFIELD JR JIM		10 BRADLEY PINES DR		SAVANNAH	GA	31410

**Parcel**

Status	ACTIVE
Parcel ID	40007 16002
Category Code	350 - Restaurant
Bill #	2999475
Address	1311 BUTLER AVE
Unit # / Suite	
City	TYBEE ISLAND
Zip Code	31328-
Neighborhood	20500.00 - T500 TYBEE TO BULL R
Total Units	
Zoning	C-1/SE
Class	C3 - Commercial Lots
Appeal Status	

**Legal Description**

Legal Description	14 WD 4 TYBEE
Deed Book	3860
Deed Page	915

**Permits**

Permit #	Permit Date	Status	Type	Amount
200113	02/26/2020	Complete	AD - ADDITION	\$2,000.00
190406	07/31/2019	Complete	RN - RENOVATIONS	\$350.00
180402-14	05/16/2018	Complete	RN - RENOVATIONS	\$500.00
130559-13	09/06/2013	Complete	RF - ROOF	\$217.00
13-0313-12	05/16/2013	Complete	AD - ADDITION	\$250.00

**Inspection**

Inspection Date	Reviewer ID
11/16/2021	JCRAWFORD

01/03/2018	VMMCCUEN
09/09/2015	LKWOMACK
09/20/2013	AYONCE
11/09/2010	CASMITH

**Appraised Values**

Tax Year	Land	Building	Appraised Total	Reason
2022	460,700	137,800	598,500	APPEAL DECISION
2021	363,800	145,200	509,000	APPEAL DECISION
2020	363,800	145,200	509,000	APPEAL DECISION
2019	363,800	145,200	509,000	APPEAL DECISION
2018	415,800	107,100	522,900	
2017	415,800	107,100	522,900	
2016	415,800	107,100	522,900	
2015	415,800	107,100	522,900	
2014	415,800	107,100	522,900	
2013	415,800	107,100	522,900	

**Sales**

Sale Date	Sale Price	Sale Validity	Instrument	Book - Page	Grantor	Grantee
04/03/2013	0	U	QC	386O - 915	CHUFLY INC	SHEFFIELD JR JIM
03/06/2002	283,000	U	WD	232Z - 0425	ROBERT CHU & JIM SHEFFIED	CHUFLY, INC.
12/31/2001	275,000	Q	WD	230W - 0394	ROBERT R REIDEL	ROBERT CHU&JIM SHEFFIELD
02/12/1997	246,870	Q	WD	183T - 0486	PAUL F. BURNS	ROBERT R. REIDEL
06/27/1995	0	U	QC	173I - 0082	ARTHUR E. CARDIN	SUSAN M. BURNS

**Land**

Line Number	1
Land Type	S - SQUARE FOOT
Land Code	G1 - GENERAL COMMERCIAL 1
Square Feet	9,450
Acres	.2169
Influence Factor 1	-25
Influence Reason 1	
Influence Factor 2	
Influence Reason 2	

**OBY**

Card #	Description	Year Built:	Grade:	Units:	Override:	Area:
--------	-------------	-------------	--------	--------	-----------	-------

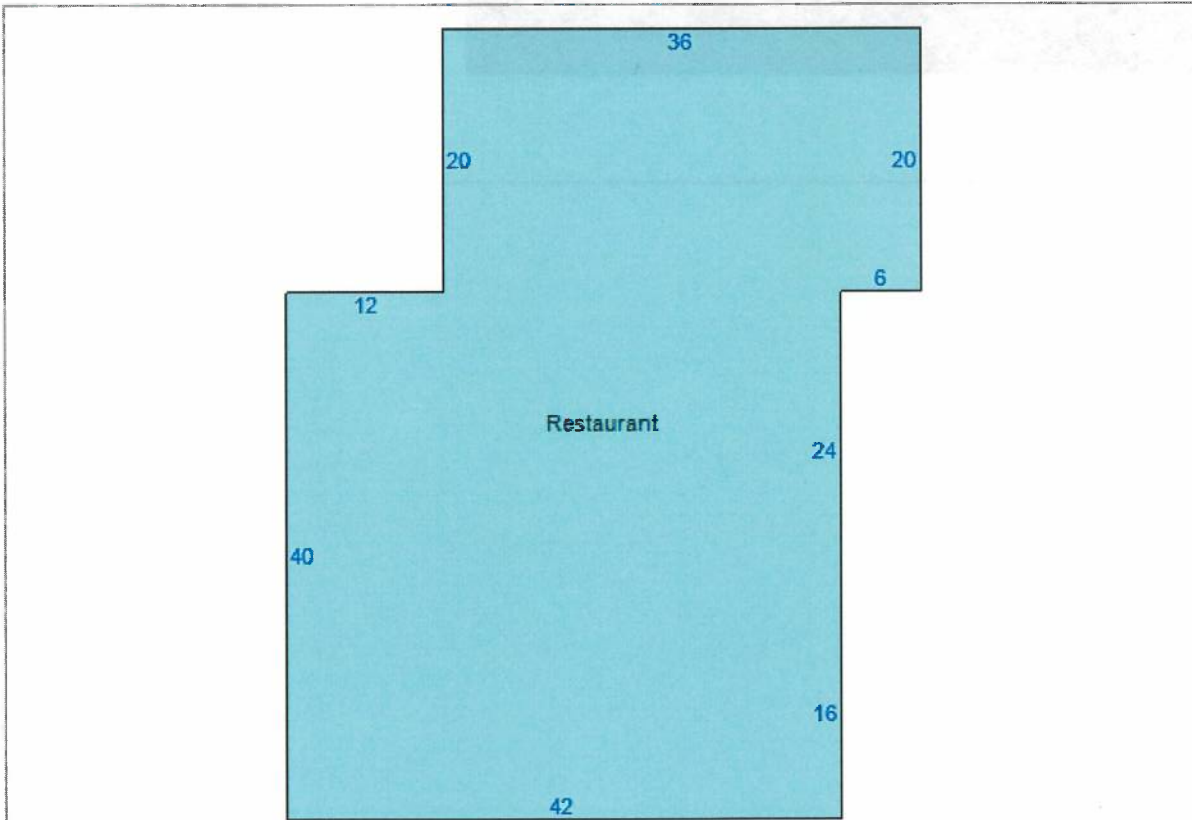


Item #2.

1	1243 : CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	2008	1	1,008
1	6649 : WOOD, ON GRADE, FLAT	2008	1	312
1	9105 : PAVING, CONCRETE	1995	1	3,975
1	1243 : CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	1982	1	144

**Commercial Building**

Card	1
Actual Year Built	1982
Effective Year Built	1995
Percent Complete	100
Main Occupancy	350 : Restaurant
Quality / Condition	2 / A-AVERAGE
Units	
Total Area	2,400
Basement Area	
Finished Basement Area	No



Item	Area
Restaurant - 350:Restaurant	2400
- 1243:CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	144
- 9105:PAVING, CONCRETE	3975

Item #2.

- 1243:CANOPY, WOOD FRAME, LIGHT FALSE MANSARD	1008
- 6649:WOOD, ON GRADE, FLAT	312





Google Maps 1311 US-80

Tybee Island, Georgia

Google

Street View - Mar 2022

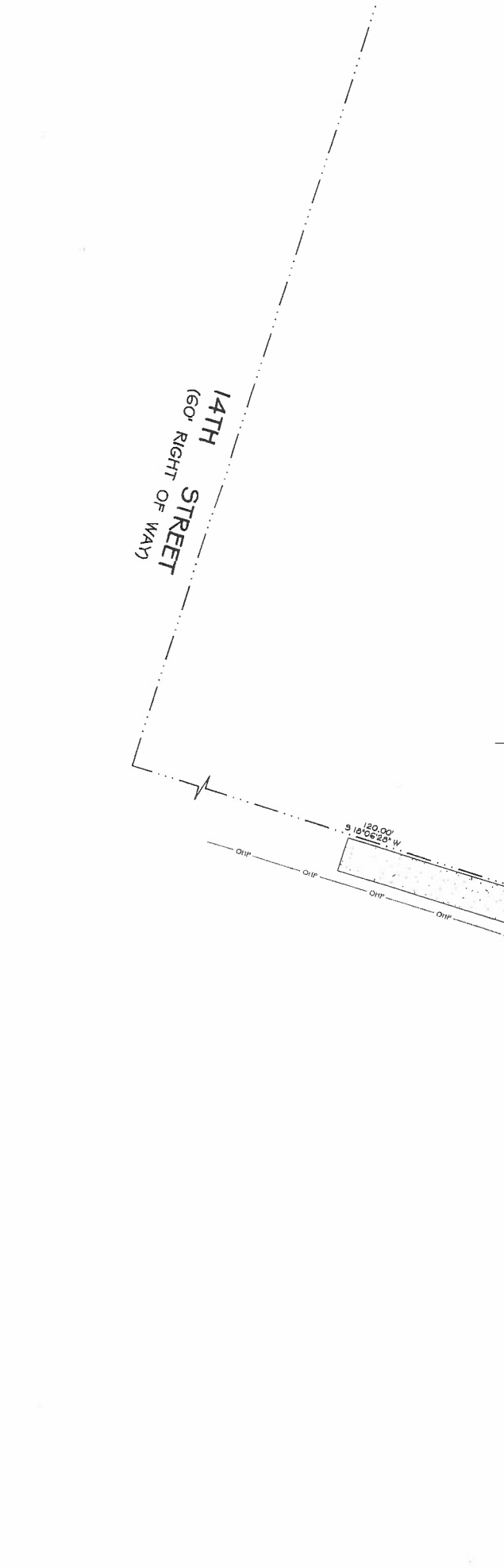


Image capture: Mar 2022 © 2022 Google



**GENERAL NOTES:**

1. IN ANY OPINION IN ACCORDANCE WITH F.L.C.K. MAP NO. 13091003266, REVISED AUGUST 15, 2008, THIS BUILDING DOES FALL WITHIN A SPECIAL FLOOD HAZARD OR UNLINED IS MADE THAT THIS PROPERTY IS NOT SUBJECT TO FLOODING, DAMS, PRESCRIPTIONS, RESTRICTIONS, SUBORDINATE CONDITIONS, OR ANY OTHER MATTERS OF TITLE THAT ARE NOT VISIBLE. NOT DISCLOSED, NOT DISCOVERED DURING THIS SURVEY OR BY THIS COMMUNICATION. THIS SURVEY WAS MADE FOR THE PURPOSES OF THE SURVEY AND NOT FOR THE PURPOSES OF THE FLOOD HAZARD ZONING ACT.
2. THIS SURVEY WAS MADE FOR THE PURPOSES OF THE SURVEY AND NOT FOR THE PURPOSES OF THE FLOOD HAZARD ZONING ACT.
3. THIS SURVEY WAS MADE FOR THE PURPOSES OF THE SURVEY AND NOT FOR THE PURPOSES OF THE FLOOD HAZARD ZONING ACT.
4. THIS SURVEY IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR AND TO THE EXTENT OF ANY SUCH USE, THE SURVEYOR IS NOT RESPONSIBLE FOR ANY ERRORS, OMISSIONS, OR INACCURACIES, INCLUDING ANY AND TO SUBSEQUENT OWNERS.
5. NO WETLAND OR ENVIRONMENTAL ISSUES HAVE BEEN ASSESSED ON THIS PLOT.
6. PORTIONS OF THE METES AND BOUNDARIES SHOWN MAY HAVE BEEN TAKEN FROM PLATS AND/OR DEEDS OF RECORD AND LOCATIONS OF THE METES AND BOUNDARIES SHOWN MAY HAVE BEEN TAKEN FROM PLATS AND/OR DEEDS OF RECORD.
7. ANY VERTICAL INFORMATION SHOWN ON THIS PLAN IS NOT INTENDED FOR CONSTRUCTION PURPOSES.
8. ANY VERTICAL INFORMATION SHOWN ON THIS PLAN IS NOT INTENDED FOR CONSTRUCTION PURPOSES.
9. ANY VERTICAL INFORMATION SHOWN ON THIS PLAN IS NOT INTENDED FOR CONSTRUCTION PURPOSES.
10. ANY VERTICAL INFORMATION SHOWN ON THIS PLAN IS NOT INTENDED FOR CONSTRUCTION PURPOSES.
11. THE TERMS "CONSTRUCTION" AND "CONSTRUCTION SERVICES" AS DEFINED IN O.C.G.A. 43-5-260 AND III, SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER STATED OR IMPLIED.
12. TOPOGRAPHIC SURVEY AS SHOWN DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS NOT TO BE RECORDED OR



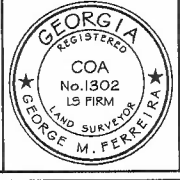
LAT DATE: SEPTEMBER 24, 2022  
 FILED DATE: AUGUST 24, 2022

**SITE PLAN**  
 0.217 ACRE LOT 14, WARD 4, KNOWN AS  
 1311 BUTLER AVENUE, TYBEE ISLAND,  
 CHATHAM COUNTY, GEORGIA

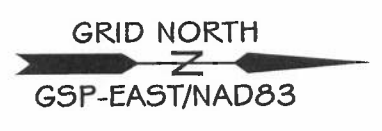
PREPARED  
 FOR  
 TREY WILDER  
 WILDER RESTAURANTS  
 1311 BUTLER AVENUE  
 TYBEE ISLAND, GEORGIA

THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAN COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SITE PLANS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH BY DEPARTMENT 180, CHAPTER 180-7.

*George M. Ferreira*  
 GEORGE M. FERREIRA RLS #2607 09/02/2022 DATE



**MITR**  
 GPS/GIS/SURVEY  
 374 EASTRIDGE DRIVE,  
 SAVANNAH, GEORGIA  
 PHONE: 912-657-3091  
 EMAIL:  
 MITR374@COMCAST.NET





LOWELL AVENUE

(60' RIGHT OF WAY)

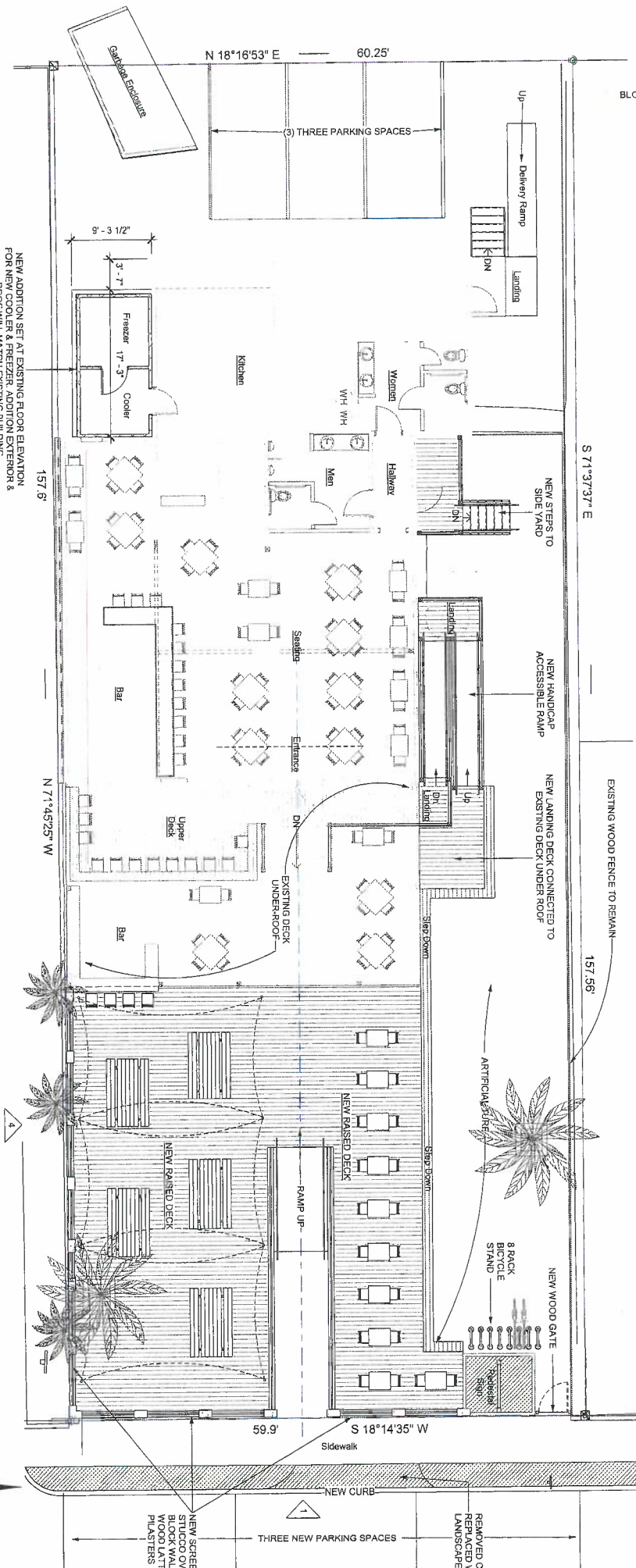
LOVELL AVENUE

(60' RIGHT OF WAY)

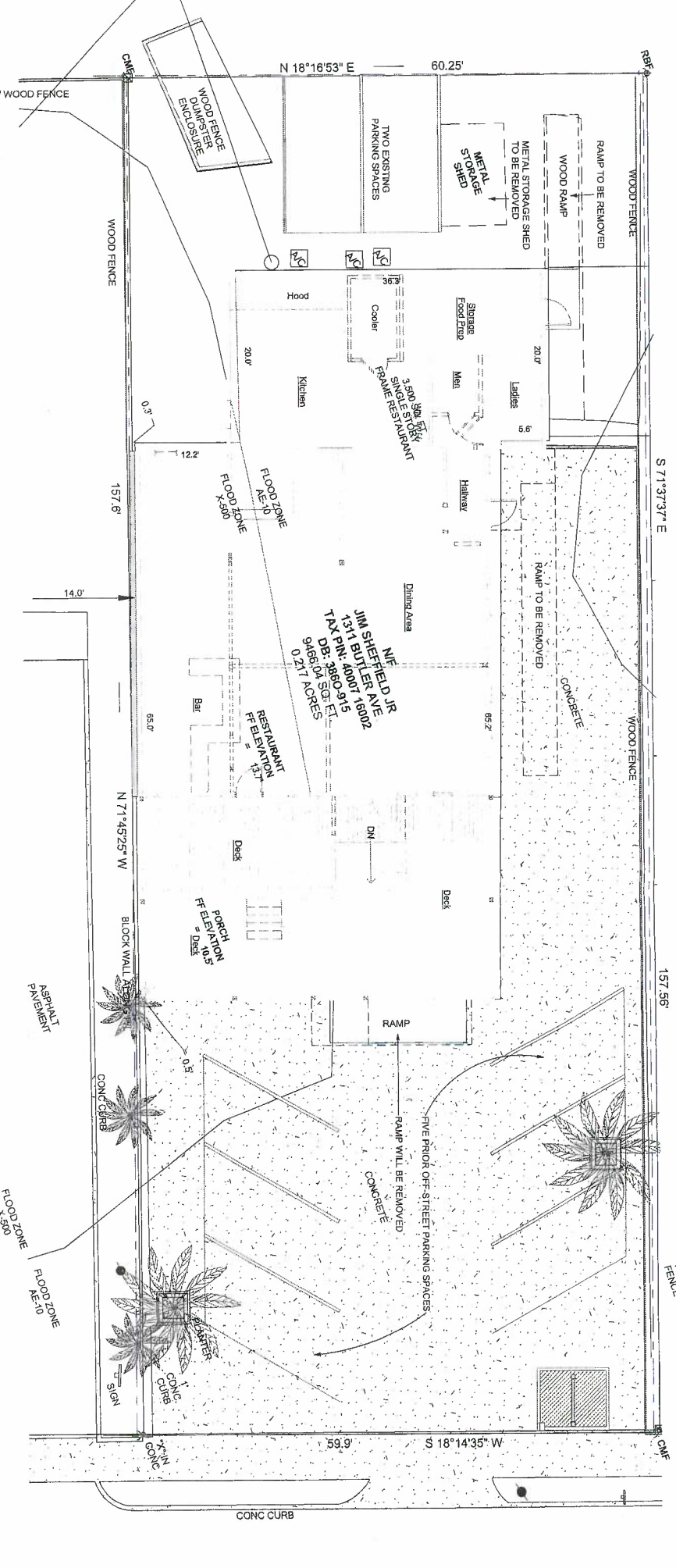
BUTLER AVENUE

1 PROPOSED DEVELOPED SITE PLAN  
1/8" = 1'-0"

0 8 16  
1/8" = 1'-0"



2 EXISTING & DEMO PLAN  
1/8" = 1'-0"

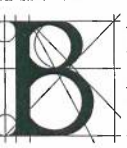


**PROJECT STATISTICS:**

INTERIOR & EXTERIOR BUILDING AREAS	2,417 S.F.
EXISTING COVERED EXTERIOR UNDER ROOF	1,000 S.F.
TOTAL EXISTING	3,417 S.F.
NEW REPERGATION, ADAPTION, PLANNED NEW EXTERIOR SEATING AREA, TOTAL INTERIOR + EXTERIOR RESTAURANT AREA	1,571 S.F.
SEATING COUNT EXISTING (INTERIOR + EXTERIOR)	1,800 S.F.
SEATING COUNT NEW DEVELOPMENT (FRONT PARKING 2 IN REAR TOTAL APPROXIMATE SEATING COUNT)	5,374 S.F.
TOTAL APPROXIMATE SEATING COUNT	7,174 S.F.
PROPOSED PARKING SPACES:	7
CURRENT PARKING SPACES:	4
TOTAL APPROXIMATE SEATING COUNT	7
TOTAL LOT AREA:	217 ACRES

Site Development Plan for Future Location of  
Treyler Park Tybee Island  
1311 Butler Avenue  
Tybee Island, Georgia

EXISTING & DEVELOPED SITE PLAN



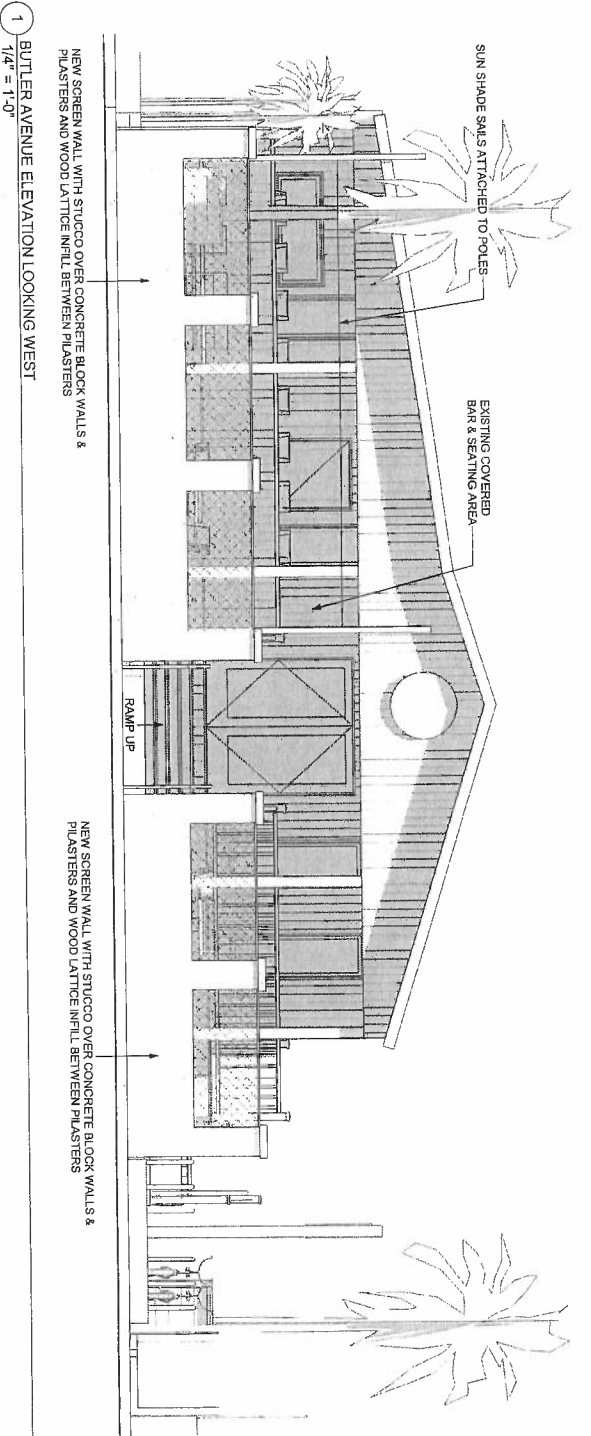
**BARNARD ARCHITECTS**  
ARCHITECTURE, PLANNING, LANDSCAPE, INTERIORS, HISTORIC  
220 EAST HALL STREET, SAVANNAH, GA 31401 (912) 232 - 6173 www.BarnardArchitects.com  
ASSOCIATES: ROBERT J. PORTMAN & WHITNEY E. ARMENTA

SHEET NO.:  
OF 0  
ARCHITECTURAL SHEETS

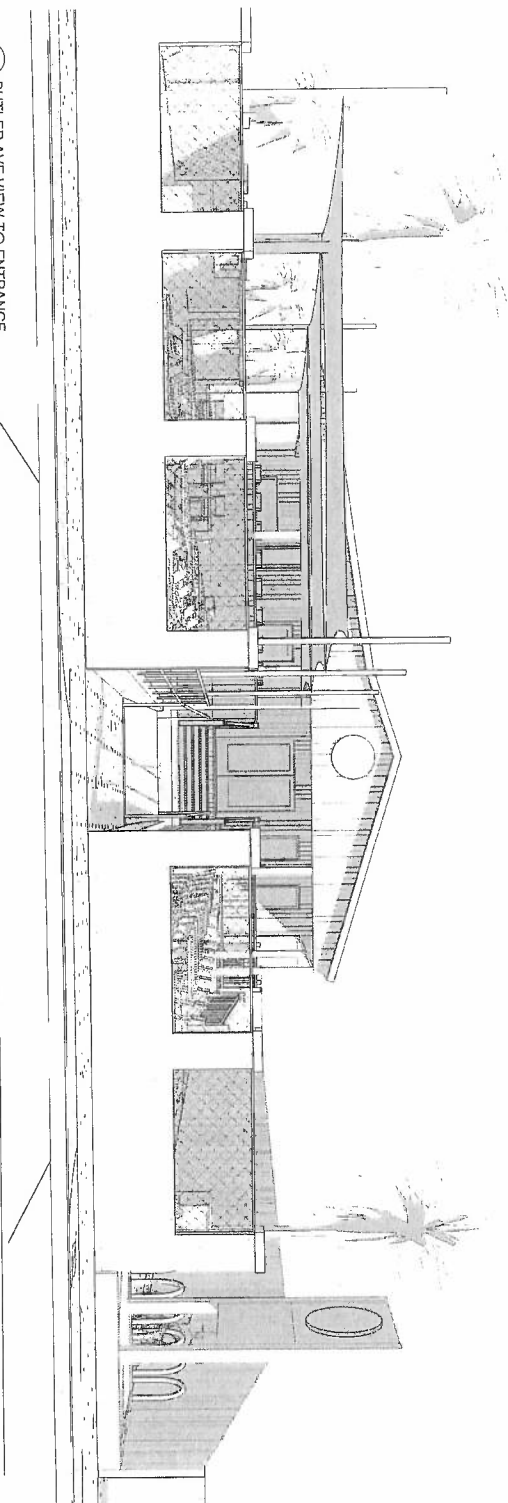
Project Status:  
Site Plan Review

Date:  
3/23/22

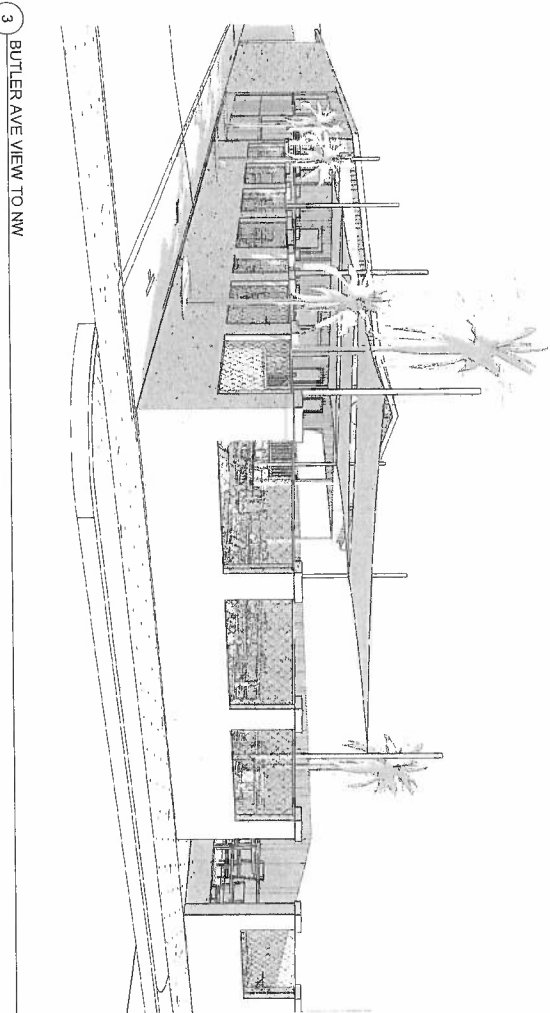
Revision Data / Description:  
Revision Data / Description:



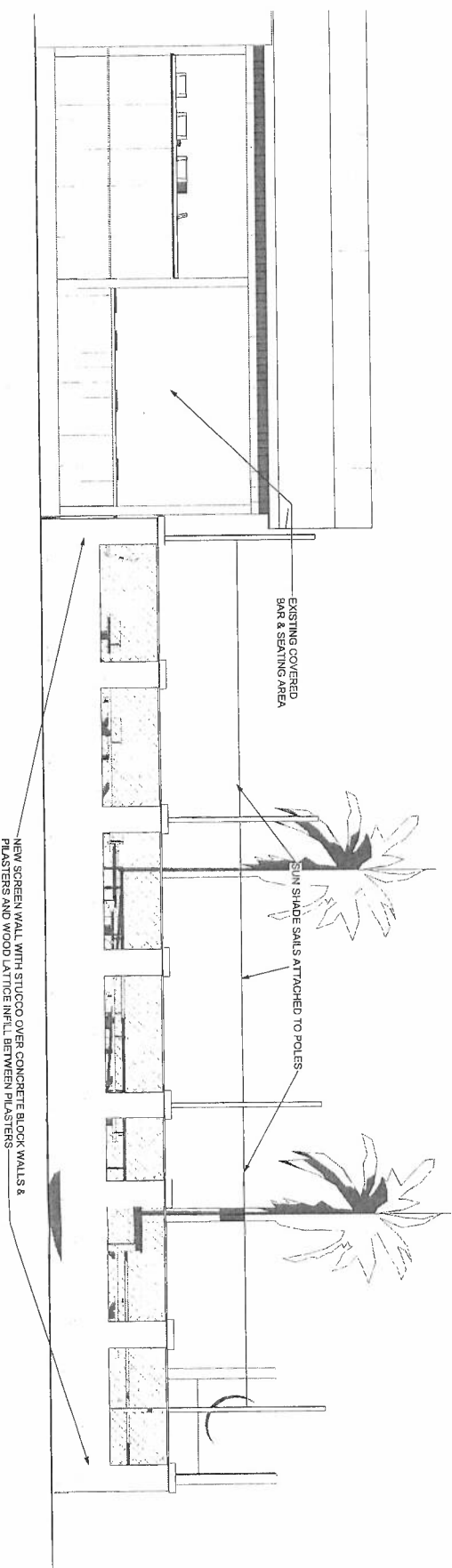
1 BUTLER AVENUE ELEVATION LOOKING WEST  
1/4" = 1'-0"



2 BUTLER AVE VIEW TO ENTRANCE



3 BUTLER AVE VIEW TO NW



4 SOUTH ELEVATION  
1/4" = 1'-0"

Site Development Plan for Future Location of  
Treyler Park Tybee Island  
1311 Butler Avenue  
Tybee Island, Georgia

Project Status:  
Site Plan Review  
Date:  
9/29/22  
Revision Date/Description:  
Revision Date/Description:



**BARNARD ARCHITECTS**  
ARCHITECTURE, PLANNING, LANDSCAPE, INTERIORS, HISTORIC  
220 EAST HALL STREET, SAVANNAH, GA 31401 (912) 232 - 6173 www.BarnardArchitects.com  
ASSOCIATES: ROBERT J. PORTMAN & WHITNEY E. ARMENTA

SHEET NO.:  
**A-V**  
OF  
0  
ARCHITECTURAL SHEETS

ELEVATION VIEWS



# STAFF REPORT

PLANNING COMMISSION MEETING: November 14, 2022

CITY COUNCIL MEETING: December 8, 2022

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 4, Zoning Districts.

PROPOSAL: To create a new Section 4-051. Short –Term Rentals with the Land Development Code

ANALYSIS: The purpose of this amendment is to establish regulations for the use of dwelling units as short - term rentals.

STAFF FINDING: This is consistent with previous STR ordinances. Staff recommends approval.

*This Staff Report was prepared by George Shaw.*

## ATTACHMENTS

- A. Amendment

## ORDINANCE NO. 16-2022

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF TYBEE ISLAND, GEORGIA, TO ESTABLISH AS  
ZONING THE IMPLEMENTATION OF SHORT-TERM RENTALS ON  
LOCATIONS WITHIN THE CITY INCLUDING LIMITATIONS BY  
PARTICULAR ZONES, METHODS OF REGULATIONS TO RECOGNIZE  
FEES FOR CONDUCTING SUCH OPERATIONS, OCCUPANCY CHANGES  
AND REGULATORY FEES, AND FOR OTHER PURPOSES

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the "City") 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, home rule powers, and powers under the Georgia Constitution, and

WHEREAS, the City of Tybee Island is a municipal corporation authorized under Georgia law to enact ordinances addressing land use matters, including zoning land use matters, and

WHEREAS, the City has conducted numerous workshops and public meetings in order to adopt ordinances addressing multiple issues on Short-Term Rental properties, and

WHEREAS, in order that the ordinances addressing Short-Term Rental properties may be properly codified and implemented as part of the zoning code of the City of Tybee Island, it is necessary and appropriate to revise the prior Short-Term Rental ordinance in order to transfer provisions thereof into the zoning code of the City and to include in such transfer revisions that are pending to the code, and

WHEREAS, the City has previously adopted certain zoning amendments dealing with Short-Term Rental properties and locations, including the ordinance previously identified "Z-2", and such ordinances include definitions, notice of

abandonment of nonconforming uses, allowances and limits on new permits in zones R-1, R-2, and R-1B, and

WHEREAS, the City may continue to work to improve the ordinances, and

WHEREAS, additional public hearings will be conducted in connection with consideration of this ordinance in order to accomplish the intention of the zoning procedure law and all other applicable considerations,

NOW THEREFORE, it is hereby ordained by the Mayor and Council duly assembled the Code of Ordinances will be amended so as to provide as follows:

### **SECTION 1**

The provisions of the ordinance and sections previously codified at Sec. 34-260 through Sec. 34-272, with the express addition of Section 2 below as Sec. 34-272 are hereby adopted as part of the zoning ordinances of the City and to be designated as Section 4-051, entitled "Short-Term Rentals".

### **SECTION 2**

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance. It is hereby declared as the intent of the City of Tybee Island Mayor and Council that this ordinance would have been adopted had such invalid or unconstitutional portion not been included herein.

### **SECTION 3**

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

### **SECTION 4**

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 \_\_\_\_\_, 2022.

ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF COUNCIL

FIRST READING: \_\_\_\_\_  
SECOND READING: \_\_\_\_\_  
ENACTED: \_\_\_\_\_



## Section 4-051. Short-Term Rentals

### Sec. 34-260. Purpose and intent.

- (a) The purpose of this article is to establish regulations for the use of residential dwelling units as short-term rentals and to ensure the collection and payment of hotel/motel fees and occupation tax certificate fees.
- (b) "Short-term rental" means an accommodation for guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types. This is also identified as "STR". This shall exclude bed and breakfast accommodations as they are currently defined by the City of Tybee's land development code. However, bed and breakfast establishments are required to have occupational tax certificates, and to pay taxes and fees as required by law or ordinance.
- (c) An owner shall be required to designate an agent for any short-term rental unit, whose responsibility it will be to comply with the requirements of this section on behalf of the owner. The owner may be the agent.
- (d) "Short-term rental agent" is a local contact person designated by the owner who shall be available at all times to respond to complaints regarding the condition, operation, or conduct of occupants of the STR. Such person is customarily present at a location within the city for purposes of transacting business, and is responsible for taking remedial action to resolve issues within one hour.
- (e) The owner or agent shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwellings unit as a short-term rental unit.

(Ord. No. 2016-07B , 5-26-2016; Ord. No. 2021-01 , 1-28-2021)

### Sec. 34-261. Application.

- (a) Within 90 days of the effective date of the ordinance from which this article is derived, no person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term rental, as defined in section 34-260, without the owner or rental agent first obtaining an occupation tax certificate and identifying the location of each STR with the city.
- (b) The city must be notified in writing within seven days when there is a change in property ownership, management, agent or emergency contact. Failure to do so will void any permitted use as an STR.
- (c) The application shall be furnished on a form specified by the city manager, accompanied by a non-refundable occupational tax and regulatory fee. Such application should include:
  - (1) The complete street address and property identification number (PIN) of the STR;
  - (2) Ownership, including the name, address, e-mail and telephone number of each person or entity with an ownership interest in the property;
  - (3) The number of bedrooms, the maximum occupancy and the number and location of off-street parking spaces on the premises and any off-premises parking applicable;
 

Occupancy of any short-term rental property or unit shall be established in connection with the application for every short-term rental permit with the occupancy for overnight usage limited to two adults per bedroom plus two additional adults for the dwelling identified as existing on the property. Any person over the age of 15 years old will be considered an adult for purposes of this section. Occupancies beyond the established limits in the permit shall be a violation of this section;
  - (4) The name, address and telephone number of a short-term rental agent or local emergency contact if applicable; and

- (5) Any other information that this chapter requires the owner to provide to the city, such as zoning designation, as part of the identification for a short-term rental. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
- (6) The emergency contact number required.
- (7) The property shall be covered by a homeowner's or other structural coverage as well as liability coverage and the insurance declaration shall list the unit as the rental property. The applicant shall acknowledge as part of the application the insurance requirement and agrees that within 30 days of receipt of an STR to supply to the city a copy of a conforming insurance declaration.
- (d) The certification form pursuant to this section shall be processed and added to a database to be kept by staff or the manager's designee listing STR unit information and any citations that occur. The city shall notify the owner and agent of any instances that result in a citation for a code violation or other legal infraction.
- (e) Owner or rental agent for a short-term rental shall submit, on an annual basis, an occupational tax certificate to the City of Tybee Island.
- (f) All information supplied by the applicant to the city or the manager's designee shall be subject to verification as hereinafter provided.
- (Ord. No. 2016-07B , 5-26-2016; Ord. No. 09-2019 , § 1, 5-9-2019; Ord. No. 2021-01 , 1-28-2021; Ord. No. 2021-29 , § I, 11-10-2021)

#### **Sec. 34-262. Regulatory fee/renewal.**

- (a) The short-term rental application shall be accompanied by an initial regulatory fee and be subject to an annual fee every January 1 thereafter, as established by the mayor and city council.
- An application, initial or renewal, is valid when completed and filed along with payment of the application regulatory fee set forth below. The fee shall be due January 1 of each year for short-term rental purposes and, if not paid within 90 days thereof, shall be subject to the delinquency and penalty provisions of section 58-163, as applicable, to occupation tax/business license provisions as well as the revocation of any right to use the unit for short-term rental purposes until payment of the penalties and fee. In addition to the regulatory fee license as specified herein, the applicant shall also pay the required occupation tax each year.
- (b) Each property or unit shall be issued a unique property identification number, which is not the same as the "PIN" assigned by the county for a parcel of land.
- (c) Failure to apply and/or identify as prescribed by this law will result in a fine of \$500.00 for each month that the unit continues to operate without compliance.
- (d) The annual identification of a unit and the regulatory fee are not transferrable.
- (e) In the event a property owner changes the management company it uses, the unit is to be re-identified by notice to the city.
- (f) Each applicant will pay a regulatory fee that is determined based upon the occupancy of the property to which the short-term rental application applies. Every applicant will pay a \$200.00 base fee. In addition to the base fee, each applicant will be responsible for an additional occupancy fee based upon the rental unit's occupancy. As part of the application, the applicant shall disclose the total occupancy for the rental unit. A fee will be charged for each person under the tiers below:
- Total occupancy of one to five persons—\$10.00 per person.
- Total occupancy of six to ten persons—\$15.00 per person.
- Total occupancy of ten or more persons—\$20.00 per person.

(Ord. No. 16-2017-B , § 1, 12-19-2017; Ord. No. 09-2019 , § 2, 5-9-2019; Ord. No. 2019-15 , § 1, 11-11-2019; Ord. No. 2021-01 , 1-28-2021; Ord. No. 23-2021 , § 1, 9-9-2021)

Editor's note(s)—Ord. No. 16-2017-B , § 1, adopted Dec. 19, 2017, amended § 34-262 in its entirety to read as herein set out. Former § 34-262 pertained to registration fee/renewal, and derived from Ord. No. 2016-07B , adopted May 26, 2016; and Ord. No. 06-2017-A , § 1, adopted Mar. 9, 2017.

### **Sec. 34-263. Good neighbor policy.**

The city shall make available on its website a list of STR good neighbor policies which STR agents must share with their clients, owners, and guests.

(Ord. No. 2016-07B , 5-26-2016; Ord. No. 2021-01 , 1-28-2021)

### **Sec. 34-264. Signs.**

All one- and two-family STR units shall post a sign that shall be visible and legible from the address side of the street listing emergency contact name and phone number. The emergency contact name and number shall be the STR agent as required by section 34-260(d) unless otherwise specified and approved by the city staff and any rental agency involved. Such sign shall not be less than 18 inches by 24 inches and shall not exceed 24 inches by 24 inches. The purpose of the required sign is to enable officers and third parties to identify appropriate contacts for issues with the property and/or the occupants and, therefore the sign shall be located in such a location that it faces the street which is listed as the real property address or otherwise located at such location as approved by staff consistent with that purpose. The view of the sign shall not be obstructed by fencing, cars, vegetation, etc.

Multi-family units shall post a sign which shall be visible and legible from a publicly accessible area outside the unit listing the required emergency contact name and phone number. Signs for multi-family units shall be eight and one-half inches by 11 inches. All such signs shall be located no further than four feet from the outer most edge of the front entry door or otherwise located at such location as approved by city staff consistent with that purpose. Multi-family units may have one additional sign on the exterior of the property which complies with the standards of the one and two family STR unit for the purposes of advertising, branding and way finding.

To the extent that the requirements herein are inconsistent with the sign ordinance the provisions hereof shall control in the case of short-term rental properties and shall supersede any inconsistent provisions of homeowner association agreements or policies or condominium association agreements or policies pertaining to signage.

(Ord. No. 2016-07B , 5-26-2016; Ord. No. 16-2017-B , § 1, 12-19-2017; Ord. No. 2019-15 , § 1, 11-11-2019; Ord. No. 2020-02 , § 1, 2-27-2020; Ord. No. 2021-01 , 1-28-2021)

**Sec. 34-265. Unique location identification number required.**

Each short-term rental property or unit is to have a unique location identification number, as referenced in 34-262(b). Any advertising, promotion or notice of availability of a property or unit for a short-term rental occupancy shall include the location identification number or numbers for every available property or unit which is the subject matter of the advertisement, promotion or notice. The phrase "advertisement, promotion or notice" as used herein shall include, but not be limited to, brochures, marketing material and any online, digital, social media or published promotion of any such property or unit. The failure to include such number as required herein shall be a violation hereof and punishable as otherwise provided in this code.

(Ord. No. 2019-15 , § 1, 11-11-2019; Ord. No. 2021-01 , 1-28-2021)

**Sec. 34-266. Compliance.**

- (a) It shall be the responsibility of the owner or agent to pay all required taxes required by chapter 58, article IV, room excise tax.

(Ord. No. 2016-07B, 5-26-2016)

**Sec. 34-267. – Homestead Exemption/Estate Planning.**

For a property location that has been continuously in individual or joint ownership by natural person(s) for a period of at least five (5) years and which has been homesteaded for purposes of any of the City ordinances, (Tybee Code Section 58-30 and/or 58-33) such owner, may elect, upon proper application and permitting, to operate as a STR and to include the property as an authorized STR for a period of up to three (3) years. Further, an estate of a deceased owner who qualified as stated above regarding ownership and homestead may have a one-time opportunity within one year of the death of the decedent to make the election provided for herein to secure an STR permit for a period of three (3) years.

**Sec. 34-268. – Additional Compliance and Enforcement of Requirements.**

- (a) In the event taxes, license fees, fines or other assessments relating to the operation or ownership of a STR property remain unpaid or if there is evidence of improper advertising of the STR property or improper conduct at the STR property violating any of the below City ordinances or rules, notice of these deficiencies will be sent to the STR owner or the owner's designated agent. Ordinances which will result in a notice to the owner or the owner's agent are: failure to comply with marketing restrictions as provided in Subsection b. hereof. Following notice to the owner or owner's designated agent of the deficiency and a failure to address such deficiency within 30 days of receipt of the notice of deficiency, following notice and an opportunity to be heard there may be a determination of abandonment of the permit for a STR use and such permit may terminate and not be renewed.
- (b) Any marketing or advertisement relating to the use of a Short-Term Rental location which markets occupancy beyond or in excess of the occupancy contained in the application for the Short-Term Rental permit, tax certificate or license, as required, shall be a violation of this ordinance. This violation may result in the permit being revoked, suspended or addressed as found appropriate by the City Official and/or the Mayor and Council.
- (c) The refusal to participate in or cooperate with a verification process as provided hereafter shall be a violation of this ordinance and any intentional misstatements or inaccuracies contained in the application including the insurance obligation shall be a violation of this ordinance subject to penalties as provided above.

---

**Sec. 34-270. – Right to Require Verification of Compliance.**

The verification program will be conducted under a policy to be established by the Mayor and Council and shall specifically cover all ordinance compliance requirements and obligations of the applicant, including, but not limited to, insurance requirements, zoning designation, parking site plan and occupancy.

**Sec. 34-271. – Transfers.**

Upon a bona fide transfer of ownership of a properly permitted location, the new owner, when requirements for an application are satisfied, will be granted a permit for the same location.

**Sec. 34-272. – Severability.**

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance. It is hereby declared as the intent of the City of Tybee Island Mayor and Council that this ordinance would have been adopted had such invalid or unconstitutional portion not been included herein.

**Secs. 34-269, 34-273—34-299. Reserved.**