



**AGENDA**  
**PLANNING COMMISSION**  
**September 21, 2020 at 7:00 PM**

Call to Order

Consideration of Minutes

- 1 Minutes of August 17, 2020 -PC

Disclosures and Recusals

Old Business

- 2 Site Plan: requesting office and warehouse expansion – 201 McKenzie Ave. – 4002602011 - Zone C-2 – 201 McKenzie St. LLC.

New Business

- 3 Text Amendment: Sec. 3-190 Swimming pool requirements.
- 4 Text Amendment: ARTICLE 7. – Changes to Tree Removal regulations.

Adjournment

Standing Items

Adjournment

**PLANNING COMMISSION**

Demery Bishop  
 Ron Bossick  
 Charles Matlock  
 Elaine T. McGruder  
 David McNaughton  
 J. Whitley Reynolds  
 Alan Robertson



**CITY MANAGER**  
 Shawn Gillen

**COMMUNITY DEVELOPMENT DIRECTOR**  
 George Shaw

**CITY ATTORNEY**  
 Edward M. Hughes

**Planning Commission Meeting  
 MINUTES  
 August 17, 2020**

**Chair Bishop** called the August 17, 2020 Tybee Island Planning Commission meeting to order. Commissioners present were **Charles Matlock, Elaine T. McGruder, J. Whitley Reynolds, Alan Robertson** and **David McNaughton**. **Vice Chair Ron Bossick** was absent.

**Consideration of Minutes:**

**Chair Demery Bishop** asked for consideration of the July 20, 2020 minutes. **Commissioner Alan Robertson** made a motion to approve. **Commissioner Charles Matlock** seconded. The vote to approve was unanimous.

**Disclosures/Recusals:**

**Chair Demery Bishop** asked if there were any Disclosures or Recusals. **Commissioner J. Whitley Reynolds** disclosed he did the original survey for item one. **Chair Demery Bishop** disclosed in the past he had a real-estate transaction with the owner from item one.

**Old Business:**

**Commissioner Charles Matlock** asked for an overview of how the short term rental working group was coming along. **Chair Demery Bishop** stated they have discussed having adequate short term vacation rental data of which the City is attempting to address and bring that to an RFP company to track and oversee. They also recommended some changes to the nuisance ordinance and asked that they go forward with that. He also stated that the notes are posted on the website. Every recommendation will be submitted as they finish to avoid having to many at one time to send to City Council.

**New Business:**

**Variance: requesting setback encroachment – 409 Tybrisa Street – 4000812010 – Zone R-2 – Paul Murach.**

**George Shaw** stated the applicant had a home and pool built at the same time and during the construction of the pool there were some problems with soils and the contractor moved the pool further toward the property line and it is now in the setback. This is why staff had applicant request the variance. Staff cannot support a pool so denial is recommended. **Commissioner David McNaughton** asked was this discovered in the as-built survey and has the pool contractor built on Tybee before.

**George Shaw** stated yes on both. **Commissioner David McNaughton** also asked if the pool contractor was sighted or fined. **George Shaw** stated no they have not been sighted. **Paul Murach** who owns at 409 Tybrisa Street approached the Planning Commission and stated he would like to give a packet to the commission members and handed them out. He then stated that neither he nor any of the contractors did willfully intend to break the City setback ordinance. He stated he only became aware of setback encroachment on the as- built dated July 22, 2020. He also stated that his neighbor on the side of the

pool has no problem with it being there. **Commissioner David McNaughton** asked if the property is for sale. **Mr. Murach** stated yes. **Commissioner Alan Robertson** made a motion to approve with a recommendation to discipline the building contractor and the pool contractor with a financial penalty of up to 1,000.00. **Commissioner J. Whitley Reynolds** seconded. The vote was 3 for the motion, **Commissioners David McNaughton, J. Whitley Reynolds and Alan Robertson** and 2 against the motion **Commissioners Charles Matlock and Elaine McGruder**. The vote to approve passed.

**Sit Plan: requesting office and warehouse expansion – 201 McKenzie Ave. – 4002602011 - Zone C-2 – 201 McKenzie St. LLC.**

**George Shaw** stated the applicant would like to add warehouse space and add an office. The City gave the applicant permission to access the property through this unopened right of way and to make improvements to it. Also the City will not be maintaining the right of way. Staff does not recommend approval for the chain link fence but does recommend approval for the improvements. **Commissioner David McNaughton** asked if they should have a vegetation buffer on the far side of Laurel Lane.

**George Shaw** stated yes they will have to have one and he noticed there is not one on the site plan at all, which will make it incomplete. **Commissioner Elaine McGruder** made a motion to continue till the September Planning Commission meeting to give the applicant time to update and complete the site plan. **Commissioner Alan Robertson** seconded. The vote to continue was unanimous.

**Discussions:**

**Commissioner Alan Robertson** asked that we bring back the waved fees for pedestrian dune crossover applications. The dunes have been built since April and we should make a recommendation to City Council to end that process.

**Adjournment: 8:12pm**

*Lisa L. Schaaf*



## STAFF REPORT

PLANNING COMMISSION MEETING: August 17, 2020

CITY COUNCIL MEETING: September 10, 2020

LOCATION: 201 McKenzie St.

PIN: 40026 02011

APPLICANT: 201 McKenzie St., LLC

OWNER: 201 McKenzie St., LLC

EXISTING USE: Commercial

PROPOSED USE: Commercial

ZONING: C-2

PROPOSED ZONING: C-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Commercial Gateway

APPLICATION: Site plan review

PROPOSAL: The applicant requests site plan approval to enlarge warehouse and add office space.

ANALYSIS: The owner intends to remove current retail use and have only office and warehouse on site. The access to the proposed parking spaces comes directly from a currently unopened right of way. While this is not normally ideal, the right of way is an unused dead end currently. This should not pose a problem. Using Chatham County's code for warehouse parking of 1 space for 1000 square feet of warehouse plus Tybee's code for 1 space for 350 square feet of office the amount of parking is sufficient and there will be an ADA space on site. The City's engineer has approved the drainage plan.

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	N/A
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

8.	Review parking requirements to ensure they are not prohibitive to future commercial development	N/A
----	---	-----

**STAFF FINDING**

Staff recommends approval.

*This Staff Report was prepared by George Shaw.*

**ATTACHMENTS**

- A. Site plan review application
- B. Site plans
- C. Property card
- D. SAGIS map



**CITY OF TYBEE ISLAND  
SITE PLAN APPROVAL APPLICATION**

Fee  
Commercial \$500  
Residential \$250

AE10'

Applicant's Name 201 MCKENZIE ST. LLC

Address and location of subject property 201 MCKENZIE AV.

PIN 4-0026-02-011 Applicant's Telephone Number 912-308-9294

Applicant's Mailing Address P.O. Box 2497, TYBEE IS. GA. 31228

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

OFFICE AND WAREHOUSE EXPANSION

Property Owner's Name 201 MCKENZIE ST. LLC Telephone Number 912-308-9294

Property Owner's Address 201 MCKENZIE AV.

Is Applicant the Property Owner?  Yes  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

Current Zoning of Property C-2 Current Use COMMERCIAL

Names and addresses of all adjacent property owners are attached:  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] 1.21.20  
Signature of Applicant Date

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

Fee Amount \$ \_\_\_\_\_ Check Number \_\_\_\_\_ Date \_\_\_\_\_

City Official \_\_\_\_\_

NOTE: This application must be accompanied by following information:

- 1 copy, no smaller than 11 x 17, of the proposed site plan and architectural renderings.
- 1 copy, no smaller than 24 x 36, of the engineered drainage and infrastructure plan.
- 1 copy, no smaller than 11 x 17, of the existing tree survey and the tree removal and landscaping plan.
- Disclosure of Campaign Contributions

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 and has provided the required information to the best of his/her ability in a truthful and honest manner.

  
\_\_\_\_\_  
Signature of Applicant

7-31-20  
\_\_\_\_\_  
Date



### 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   X  

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           *AM*          

Printed Name           Ashley O. Mosley          

Date           7-24-20



**Sec. 5-080. - Site plan approval.**

The site plan approval process is intended to provide the general public, planning commission, and mayor and council with information pertinent to how a new development will affect the surrounding area and the city as a whole and to ensure compliance with all applicable regulations and considerations as hereinafter stated. Where a variance, special review, or any other land development activity is involved in connection with a site plan, the standards applicable to the variance, special review, and/or land development activity applied for shall apply.

- (A) **Process.** Upon submittal of the site plan, the designated city official will review the site plan or noticeable discrepancies and determine if there is a need to apply for other zoning actions. The site plan is then forwarded to the city's consulting engineer. Once the engineer has submitted comments to the designated city official, a public hearing before the planning commission shall be scheduled. The public hearing shall be held regardless of whether the site plan meets the requirements of this Land Development Code. Until the applicant addresses all of the engineer's comments and the site plan is satisfactory, the mayor and council will not consider the plan. In addition to all other requirements, any applicant for a site plan must identify all prior site plan applications made by the applicant, any affiliates/relatives, corporate or business entities in which the applicant has had an interest for the property which is the subject matter of the current application. The applicant must identify any parking meters proposed to be eliminated from city rights-of-way by the proposed site plan implementation. The applicant must demonstrate compliance with all other applicable ordinances including but not limited to stormwater, flood damage prevention, and buffering. In considering a site plan, the mayor and council may consider whether the proposed development will be unreasonably detrimental to adjacent or nearby uses and whether the proposed development will adversely impact existing conditions in the overall neighborhood, including but not limited to:
- (1) The impact or lack thereof on available resources and utilities.
  - (2) Whether the proposed development is of a scale and mass so as to be compatible with the character of the neighborhood.
  - (3) Whether the proposed development is consistent with the character area under the master plan.
  - (4) Density considerations for the neighborhood including demands on infrastructure, traffic, and other relevant factors. In considering a site plan, the mayor and council may approve or deny the application as submitted, or add or delete conditions appropriate to protecting the interest of the applicant as well as those of nearby properties. Buffering requirements beyond those expressly identified may also be imposed. If conditions are added or deleted the applicant must subsequently submit a revised plan of the proposed development to the designated city official and all such conditions that had been added or deleted must be accepted by the city's consulting engineer. If all of the foregoing requirements have been satisfied and further if the mayor and council find that the benefits of and need for the proposed use and project are greater than any possible depreciating effects and damages to the neighboring properties, the application may be granted.
- (B) **Other zoning actions.** Because special review, variances and map amendments require site plans, site plan review may be the first step in the permitting process, however, the site plan should identify any other zoning actions necessary in order for the intended development to be constructed so that a public hearing can be held on all such zoning actions simultaneously with the public hearing on the site plan. Site plan approval should encompass approval of all other zoning actions necessary to accomplish the development, however, if the intended development is to be altered from an approved site plan, additional public hearing and review is necessary if an additional special review, variance or map amendment is necessitated by the proposed alteration.
- (C) **Site plan longevity.** After a site plan has been approved by the mayor and council it shall be valid for a period of 18 months from the date of approval. If a building permit has not been obtained and work has not begun, the site plan approval shall be void and a new application must be submitted for site plan approval.

(Ord. No. 1999-26, 8-12-1999; Ord. No. 2002-15, 7-11-2002; Ord. No. 2002-15, amended 1-9-2003; Ord. No. 1999-26, amended 8-12-1999; Ord. No. 1999-19, amended 6-15-1999; Ord. No. No. 2005-14, § 1, 5-26-2005; Ord. No. 2005-14, § 1, 5-26-2005; Ord. No. 01-2015, § 1, 1-15-2015)

**Property Names**

Re: 201 McKenzie Avenue  
Tybee Island, Georgia 31328

4-0026-02-013A  
Marie S. Haymans  
109 McKenzie Avenue  
Tybee Island, Ga. 31328

4-0026-02-010  
Sundance Ventures, LLP  
1205 U.S. Hwy. 80  
P.O. Box 1016  
Tybee Island, Ga. 31328

4-0026-02-009  
Sundance Ventures, LLP  
1207 U.S. Hwy. 80  
P.O. Box 1016  
Tybee Island, Ga. 31328

4-0026-02-008  
Sundance Ventures, LLP  
1211 U.S. Hwy. 80  
P.O. Box 1016  
Tybee Island, Ga. 31328

4-0026-02-007  
Salt Island Investments, LLC  
1213 U.S. Hwy. 80  
P.O. Box 2281  
Tybee Island, Ga. 31328

4-0026-03-021  
Gerald Schantz  
1115 U.S. Hwy. 80  
P.O. Box 1095  
Tybee Island, Ga. 31328

4-0026-03-001  
JPW III, LLC  
202 McKenzie Ave.  
820 Southbridge Blvd.  
Savannah, Ga. 31405

**DAVIS ENGINEERING, INC.**

PO Box 1663 Tybee Island, Georgia 31328  
Tel. (912) 695-7262 dkdbus@gmail.com

August 10, 2020

George Shaw  
Director of Community Services  
City of Tybee Island  
P.O. Box 2749  
Tybee Island, GA 31328 Phone (912) 786-4573 Fax: (912) 786-9539

RE: 220043 McKenzie \$5 Store

Dear Mr. Shaw:

I have reviewed the site design submittal for the above referenced project. I have not attempted to duplicate the work of the Planning Commission or City staff with regard to setbacks, density or other zoning, tree protection or subdivision regulation issues.

It is my understanding City Staff is addressing ADA compliance.

Within the scope of plan review standards, to the best of my knowledge and belief, it is my opinion the site design elements, that I have reviewed, meet the requirements of the Land Development Code of the City of Tybee Island. Any recommendations do not relieve the project of the requirement to obtain any other required permits, approvals, etc... by any other governmental body or authority having jurisdiction over any portion of this project.

Please contact me if you have any questions on this matter

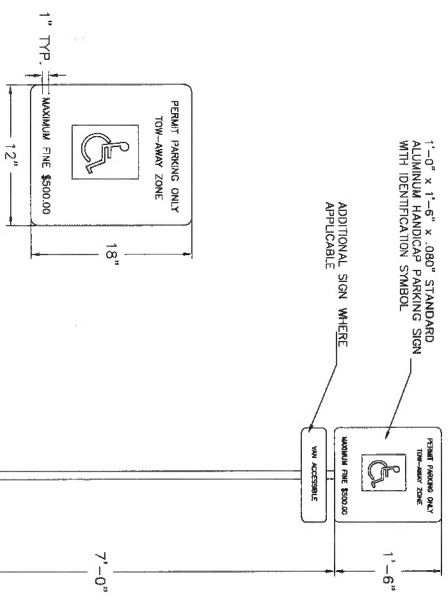
Sincerely,



Downer K. Davis, Jr., P.E.  
President

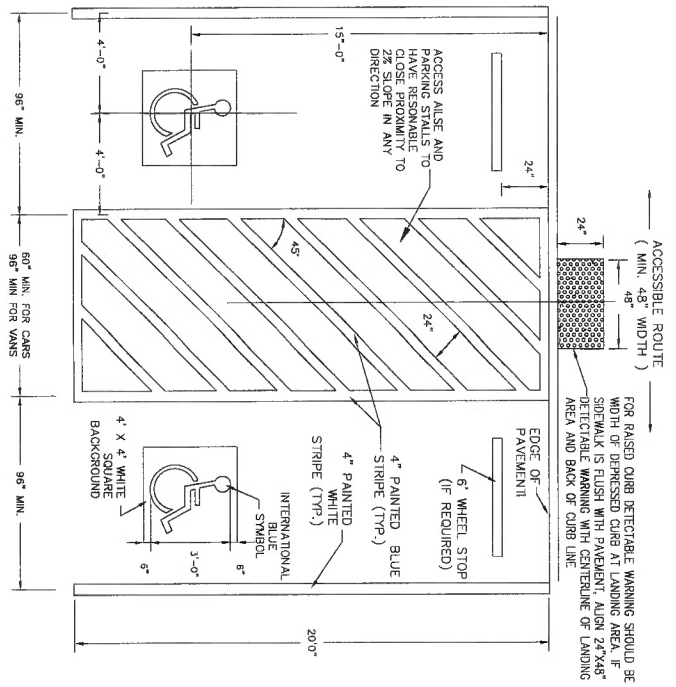
cc: Lisa Schaaf

2200430B



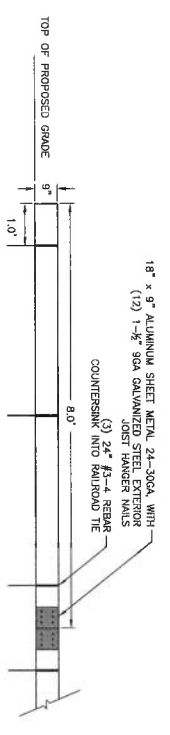
NOTE:  
SIGNAGE SHALL CONFORM TO ALL APPLICABLE FEDERAL, STATE AND CITY OF SAVANNAH CODES AND SPECIFICATIONS

1 HANDICAP PARKING SIGN DETAIL  
SCALE: NTS

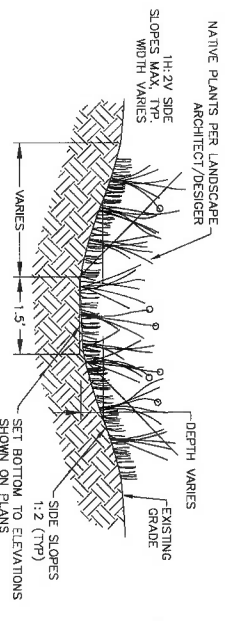


NOTE:  
1. STRIPING AND CONSTRUCTION SHALL CONFORM TO ALL APPLICABLE FEDERAL, STATE AND CITY OF SAVANNAH CODES AND SPECIFICATIONS.  
2. ALL PAVEMENT MARKINGS AND STRIPING IN THE RIGHT-OF-WAY SHALL BE THERMOPLASTIC.

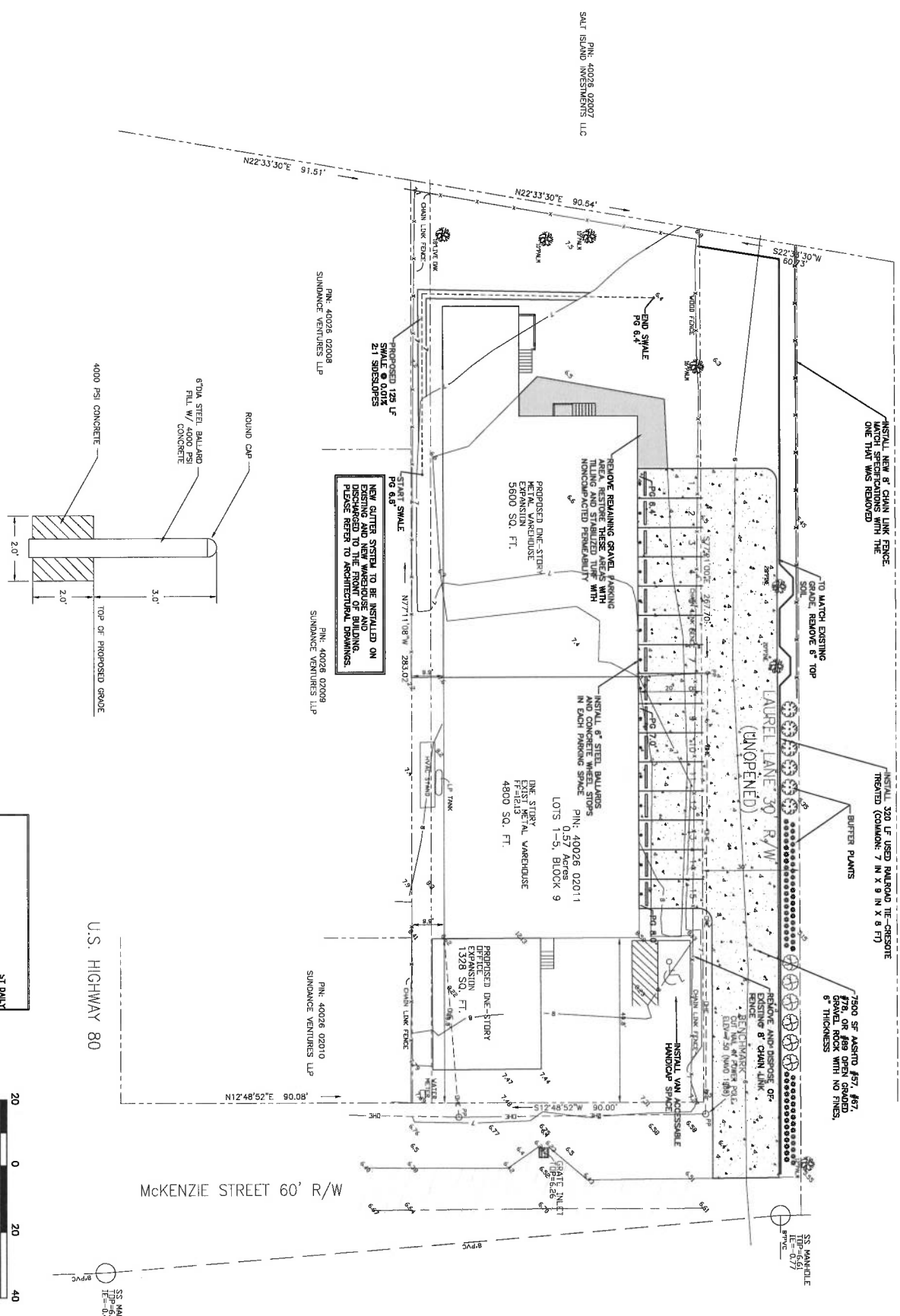
2 ADA HANDICAP PARKING SPACE STRIPING DETAIL  
SCALE: NTS



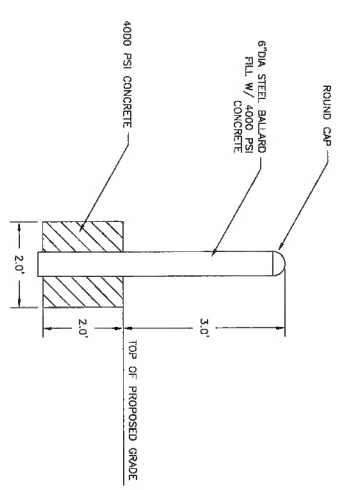
4 TYPICAL RAILROAD TIE DETAIL  
SCALE: NTS



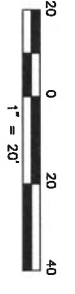
5 TYPICAL SWALE DETAIL  
SCALE: NTS



3 TYPICAL BALLARD DETAIL  
SCALE: NTS



AND PRIOR TO ANY PREDICTED RAINFALL, 3" DAILY



	<b>201 MCKENZIE AVE</b> PREPARED FOR <b>MARK CADMAN</b> <b>DRAINAGE PLAN AND DETAILS</b>		<b>DATE</b> 7-27-20 8-5-20 8-7-20 9-14-20	<b>REVISION</b> REVISED PER CITY OF TYBEE REVISED PER CITY OF TYBEE REVISED PER CITY OF TYBEE
	JOB NO. FILE: 201 MCKENZIE AVE DATE: 01/20/20		CHATHAM COUNTY TYBEE ISLAND, GA	313 East 65th Street Savannah, Georgia 31405 Phone (912) 354-7114 Fax (912) 355-7534



**PLANNING COMMISSION  
NOTICE OF DETERMINATION**

Meeting date: August 17, 2020

Project Name/Description: 201 McKenzie Avenue

Action Requested: Site Plan – requesting office and warehouse expansion

Special Review	Subdivision:
Site Plan Approval    X	Sketch Plan Approval ____      Conceptual ____
Variance	Preliminary Plan Approval ____
Map Amendment	Final Plat Approval ____
Text Amendment	Minor Subdivision ____      Major Subdivision ____

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition:     Approval     Denial     Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Bishop			Chair
Bossick			Vice Chair - absent
Matlock	X		
McGruder	X		MOTION
McNaughton	X		
Reynolds	X		
Robertson	X		SECOND

Planning Commission Chair:

Date:

8/20/2020

Planning & Zoning Manager:

Date:

8-20-2020



# STAFF REPORT

PLANNING COMMISSION MEETING: September 21, 2020

CITY COUNCIL MEETING: October 8, 2020

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 3-190, Swimming pool requirements and placement.

PROPOSAL: To require that the initial fill and subsequent significant refills of a swimming pool be done with water from an off island source.

ANALYSIS: This amendment will reduce water withdrawal from the City's system.

### STAFF FINDING

This amendment will save approximately 5,000 to 10,000 gallons of water withdrawal from the City's system for each new pool built.

*This Staff Report was prepared by George Shaw.*

### ATTACHMENTS

- A. Amendment





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

Fee \$500

Applicant's Name CITY OF TYBEE ISLAND


Applicant's Telephone Number 912-472-5031

Applicant's Mailing Address P.O. Box 2749, TYBEE ISLAND, GA 31328

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



9-11-2020  
Date

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

City Official \_\_\_\_\_


Date \_\_\_\_\_

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>Y</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.
<u>Y</u>	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.
<u>N</u>	5-110 (A)	The existing land use pattern;
<u>N</u>	5-110 (B)	The possible creation of an isolated district unrelated to adjacent and nearby districts;
<u>N</u>	5-110 (C)	The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
<u>N</u>	5-110 (D)	Whether changed or changing conditions make the passage of the proposed amendment reasonable;
<u>N</u>	5-110 (E)	Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
<u>N</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>N</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>N</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>N</u>	5-110 (I)	Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
<u>N</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>N</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 Text Amendments and has provided the required information to the best of his/her ability in a truthful and honest manner.

  
Signature of Applicant

9-11-2020  
Date





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 X \_\_\_\_\_

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 George B. Shaw

Printed Name George B. Shaw

Date 9-11-2020

## ORDINANCE NO. 2020 \_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES SECTION 3-190 SWIMMING POOL REQUIREMENTS AND PLACEMENT SO AS TO IMPOSE A REQUIREMENT THAT WATER TO BE APPLIED TO A NEWLY CONSTRUCTED POOL OR A POOL THAT RECEIVES MAJOR RENOVATIONS CONSISTING OF MORE THAN TWENTY-FIVE PERCENT OF THE POOL BASED ON THE VOLUME OF WATER SHALL BE FILLED FROM OR BY AN OUTSIDE WATER SOURCE RATHER THAN THE CITY'S MUNICIPAL WATER SYSTEM

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, the City of Tybee Island has approached and does approach its withdrawal capacity from the Floridan Aquifer; and

WHEREAS, the City has been expecting to have a deep well constructed on the island however, due to a failure of the structure during construction the well has not been built; and

WHEREAS, in order to protect the resources of the City and to continue to establish or promote principles of conservation, the Mayor and Council have determined that the Code of Ordinances of the City of Tybee Island should be amended so as to address the use of water in connection with privately constructed swimming pools.

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

**SECTION I**

Section 3-190 shall be amended to add a new subsection "(H) water restriction" which shall read as follows:



**(H) Water Restriction**

For the initial filling of a newly constructed swimming pool, the water to fill the pool shall be from an outside source and not from the City's municipal water system. Further; when due to repair, malfunction or renovation of a pool, whether now existing or hereafter constructed, the addition of twenty-five percent or more of the ordinary capacity of the swimming pool requires refilling, such refilling, "capping" or topping off shall be accomplished by water from an independent water source other than the City's municipal water system.

**SECTION 2**

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

**SECTION 3**

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.

**SECTION 4**

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to The Code of the City of Tybee Island, Georgia.

This Ordinance shall become effective on \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ENACTED: \_\_\_\_\_



# STAFF REPORT

PLANNING COMMISSION MEETING: September 21, 2020

CITY COUNCIL MEETING: October 8, 2020

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 clean up some language and increase the replacement size for replacement trees pursuant to a citation for violation.

ANALYSIS: This amendment makes the replacement size for a tree following a violation increase from 2” diameter at breast height (dbh) to 4” dbh.

### STAFF FINDING

While some species may be hard to find in the larger size this will provide incentive to obtain a tree permit before removing trees.

*This Staff Report was prepared by George Shaw.*

### ATTACHMENTS

- A. Amendment



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

Fee \$500

Applicant's Name CITY OF TYBEE ISLAND

Applicant's Telephone Number 912-472-5031

Applicant's Mailing Address P.O. Box 2749, TYBEE ISLAND, GA 31328

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

[Signature]  
Signature of Applicant

9-11-2020  
Date

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

City Official \_\_\_\_\_

Date \_\_\_\_\_

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>Y</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.
<u>Y</u>	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.
<u>N</u>	5-110 (A)	The existing land use pattern;
<u>N</u>	5-110 (B)	The possible creation of an isolated district unrelated to adjacent and nearby districts;
<u>N</u>	5-110 (C)	The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
<u>N</u>	5-110 (D)	Whether changed or changing conditions make the passage of the proposed amendment reasonable;
<u>N</u>	5-110 (E)	Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
<u>N</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>N</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>N</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>N</u>	5-110 (I)	Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
<u>N</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>N</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 Text Amendments and has provided the required information to the best of his/her ability in a truthful and honest manner.

  
Signature of Applicant

9-11-2020  
Date



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 X \_\_\_\_\_

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 George B. Shaw

Printed Name George B. Shaw

Date 9-11-2020



ARTICLE 7. - TREE REMOVAL REGULATIONS<sup>[3]</sup>

## Footnotes:

--- (3) ---

**Editor's note**— Ord. No. 12-2012, adopted April 26, 2012, amended and restated former Art. 7, s;§ 7-010—7-100, in its entirety to read as herein set out. Former Art. 7 pertained to similar subject matter and derived from Ord. No. 1996-14, 7-11-1996; Ord. No. 1999-20, 6-10-1999; Ord. No. 1999-21, 6-10-1999; Ord. No. 2002-20, 9-12-2002; Ord. No. 2003-22, 11-13-2003; Ord. of 12-15-2003; Ord. of 9-22-2005.

## Sec. 7-010. - Findings of fact.

- (A) Natural vegetative growth and trees add physical, aesthetic, and economic value to the island and should be preserved where possible.
- (B) Trees help stabilize the soil with their root systems and control soil erosion caused by storm damage as well as moderate surface runoff of rainwater.
- (C) Trees make life more comfortable on the island by providing shade, cooling both land and air, reducing noise and air pollution, providing scenic amenities, and provide habitat of desirable wildlife.
- (D) Trees are essential to the present and future health and welfare of residents and visitors to Tybee Island.

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

## Sec. 7-020. - Purpose.

The various sections of this article are adopted for the following purposes:

- (A) To help control the effects of accelerated water run-off and soil erosion due to clearing, and assist in dune stabilization and mitigation of storm drainage.
- (B) To preserve and protect trees for buffers where land use and zoning requirements dictate such buffers.
- (C) To maximize the positive benefits of sitting buildings and parking on land in relationship to mature trees.
- (D) To ensure that responsible public agencies are made aware in timely fashion of proposed tree removal activities.
- (E) To help protect the investments of property owners and buyers, and provide mature native island trees for the enjoyment of future generations.
- (F) To help protect the health and well-being of Tybee Island residents and guests by providing shade and otherwise moderating potential dangerous summer temperatures.

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

## Sec. 7-030. - Applications and exceptions.

The requirements of this article shall apply to all parcels and public rights-of-way within the city. No trees shall be removed within the City of Tybee Island except in compliance with this article, with the following exceptions:

- (A) No permit shall be required for the removal of trees which endanger or obstruct public safety and welfare as determined by the zoning administrator or designated city representative.
- (B) No permit shall be required for the trimming or pruning of trees, provided that such maintenance activity shall not be so extensive as to constitute tree removal as defined above.
- (C) This article shall not apply to utility rights-of-way.
- (D) No permit or mitigation shall be required in the event the zoning administrator or designated city representative determines that a tree is or imminently will cause damage to a structure or to appurtenances such as decks, patios, porches and the like. This subsection shall not have application to potential damage to sidewalks or driveways from tree roots.

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

Sec. 7-035. - Tree protection during plat and plan approval.

During the subdivision plat approval process and also during the site plan approval process, the existing location of all significant trees shall be considered so as to preserve such trees unless no feasible alternative exists in order to make reasonable, beneficial economic use of the property. To be considered are the locations and the anticipated locations of drainage and utility structures, water and sewer lines, streets, sidewalks, driveways, final site contours, building footprints, and other impacts on existing significant trees. When no feasible alternative exists except to remove existing significant trees, their planned removal shall be noted on the plans, as well as the location, size and types of the trees planned to meet mitigation requirements as outlined in section 7-080.

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

Sec. 7-040. - ~~Building~~ Tree 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~~ tree permit from the city. See section 9-030 of this Land Development Code for requirements and application procedure. A tree survey must be submitted before a permit can be issued.

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

Sec. 7-050. - Tree removal requirements.

- (A) Under the limits and conditions set forth below, trees may be removed from a lot or parcel provided that a minimum density of three trees per each 4,500 square feet of area is maintained.
- (B) Except as provided in section 7-060 no significant tree shall be removed from any vacant lot, undeveloped parcel, or public right-of-way within the city.
- (C) If the siting of a building footprint, the associated driveway, and parking areas require the removal of trees to a density less than that stated in subsection (A) [of this section], the city manager or designated city representative may issue a permit to remove trees to a density below this standard under the following conditions:
  1. The applicant must show that, within the applicable setback limitations, no locations for building footprints and driveway/parking exist that comply with the density requirement above.
  2. Removal of trees shall be limited to either the fewest number or the least total DBH necessary for siting of the building and the least destructive configuration of driveway/parking.

3. Following construction, trees shall be re-planted on the lot/parcel to establish the minimum density as stated in subsection (A) [of this section]. Such planting shall be in accordance with the standards set forth in section 7-090.
- (D) No trees shall be removed from the DNR marsh setback line. Trees in the marsh setback may not be counted as "remaining trees" for mitigation purposes.

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

Sec. 7-060. - Removal of significant trees.

- (A) Significant trees may be removed only under the following situations or conditions:
1. Upon showing by the applicant that removal of a significant tree is necessary to make reasonable beneficial, economic use of the property; such showing must demonstrate that there is no feasible alternative that would preserve the tree, and must be made for each significant tree the applicant proposes to remove;
  2. For improvements, expansion and/or new construction of infrastructure services, including water/sewer systems and streets, but only if no alternatives are available; and
  3. Prior to the issuance of a permit allowing the removal of a significant tree, the zoning administrator shall confirm in writing that one or more of the situations enumerated herein exists.
- (B) The tree removal permit allowing the removal of significant trees shall require the landowner/permittee to comply with the requirements set forth in sections 7-070 and 7-080 and the additional following conditions:
1. Each removed significant tree shall be replaced with one or more trees of like species having an aggregate DBH at least equal to the DBH of the removed tree, and meeting the requirements of section 7-080; such replacement tree(s) shall be considered to be one tree for the purpose of meeting density requirements established in section 7-050(A); the exception to this provision is a dead tree, or a diseased tree that is a danger to or obstructs public safety and welfare or that might infect otherwise healthy trees.
  2. ~~Native~~ **Significant** trees left remaining on the site may be counted as replacement trees according to the mitigation schedule. These trees must be noted on the plat and shall be protected as a tree as defined by section 2-010.

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

Sec. 7-070. - Tree protection during development.

On each lot or tract where construction is ongoing pursuant to a validly issued building permit, protective barricades shall be placed around trees at the tree drip line which are to be retained, and shall remain in place throughout construction. The areas within the protective barricades shall remain free of all building materials, construction debris, vehicles, and development activities. Penalties for violation of this section shall be the same as found in section 7-090.

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

Sec. 7-080. - Standards for tree planting and replacement.

- (A) *Pursuant to building permit* . Trees planted or replaced, or left remaining on the site pursuant to a validly issued building permit in accordance with this article shall be botanically compatible with local conditions, healthy, disease and pest free, and ~~may~~ **shall** have a minimum size of two inches **DBH**,

caliper measure. The permittee/landowner shall choose the species of replacement trees from the native significant species list for Tybee Island. At least one replacement tree or remaining tree shall be of the same species as the tree(s) that are planned to be removed. **In no case may palm trees be used as a replacement for any tree except a palm to be removed.** Ideally, planting should be done immediately following construction or in the earliest growing season thereafter.

- (B) *Pursuant to citation of violation* . Replacement trees planted pursuant to citation of violation shall be of the same type (species) as the tree being removed and shall be the maximum DBH that is commercially available **and at least 4" DBH**. The aggregate DBH of trees planted as replacement shall equal the DBH of the tree that was removed in violation of this article.
- (C) *[Survival of replacement trees.]* All replanted or replacement trees must survive at least two full calendar years for the permittee/landowner to be considered to be in full compliance with this article. If the replanted tree becomes unhealthy or dies, it must be removed from the site and replaced as soon as conditions permit. This duration is not to exceed one calendar year.
- (D) *Off-site tree planting option* . If it is not possible to replant trees to the specifications required in these regulations, the applicant may choose to plant the required trees on city property in a location specified by the zoning administrator. A donation may be made to the trees for Tybee fund. All significant trees may be mitigated at a cost of ~~\$50.00~~ **\$100.00** per inch.
- (E) *[Definition of replanted, remaining, and replacement trees.]* All replanted, remaining, or replacement trees shall be considered a "tree" as defined in section 2-010.

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

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

Violation of this article shall be subject to the following fines and restrictions:

- (A) Any person who violates any provision of this article or fails to comply with any notice issued pursuant to the provisions of this article, upon being found guilty of violation, shall be subject to a fine not to exceed \$1,000.00 for each unlawfully removed tree.
- (B) In addition to the penalties imposed in subsection (A) herein above, the party or parties found to be in violation of this article shall be required to plant or replace trees, pursuant to the requirements of section 7-080. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violations of this article.
- (C) Where violation of this article is associated with construction, pursuant to a city building permit, a certificate of occupancy may not be issued until such violation has been remedied and trees are planted or replaced, pursuant to the requirements of section 7-080, as necessary to meet the requirements of this article. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violation of this article.

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

Sec. 7-100. - Appeals of actions.

Appeals of decisions of the city administrator, city marshal, or his designee, pursuant to this article shall be made to the mayor and council pursuant to city council meeting procedures.

Significant Species Common Name and Scientific Name	Mitigation Equivalent Per One Inch Live Oak For New Plantings	Minimum DBH Required for Remaining	Special Note
---	---	---	--------------

		Trees	
Red cedar <i>Juniperus virginiana</i>	1:1	4"	
Live oak <i>Quercus virginiana</i>	1:1	4"	
Laurel oak, water oak, etc. <i>Quercus sp.</i>	NA	4"	Water oaks left only in naturalized area
<i>Magnolia grandiflora</i>	1:1	4"	
Sugarberry <i>Celtis laeigata</i>	1:1	4"	
Red bay <i>Persea borbonia</i>	1:1	4"	
Sycamore <i>Plantanu occidentalis</i>	1:1	4"	
Sweetgum <i>Liquidamber syraciflora</i>	NA	4"	
Native hollies <i>Ilex sp.</i>	1:1	3"	
Native maples <i>Acer sp.</i>	1:1	3"	
Toothache tree <i>Xanoxylum clava-hercules</i>	1:2 (1 inch toothache = 2 inch Live Oak)	3"	
Eastern redbud <i>Cercis Canadensis</i>	1:1	3"	
Devilwood (wild olive) <i>Osmanthus americanus</i>	NA	3"	
Carolina laurelcherry <i>Prunus caroliniana</i>	2:1	4"	
Carolina willow <i>Salix</i>	1:1	4"	

<i>caroliniana</i>			
Tough bumelia (buckthorn) <i>Bumelia tenex</i>	1:2	3"	
Sparkleberry <i>Vaccinium arboretum</i>	1:2	3"	
Palm numerous scientific names	1:1	3"	

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