

Sec. 4-050. - Zoning districts.

- (A) *R-1 residence district.* This land use district is established to minimize development densities in certain portions of the island to prevent overall development on the island from exceeding its environmental carrying capacity. Also, to provide for quiet, livable, low-density single-family neighborhoods including compatible and supporting low impact educational, religious, and public institutions, as well as limited provisions for bed and breakfast operations. The character of development in these areas is oriented for permanent residents. This district shall remain single-family residential with some light family oriented service uses. Commercial and industrial uses are incompatible with this district.
- (1) *Uses permitted by right.* In a R-1 residence district, land may be used and buildings or structures may be erected or used for the following purposes:
- a. Single-family dwellings;
 - b. Nonhabitable accessory buildings;
 - c. Public utility structures;
 - d. Home business offices; and,
 - e. Public community buildings, libraries, recreation centers and museums.
- (2) *Uses permitted after special review.* In an R-1 residence district, land may be used and buildings or structures may be erected or used for the land uses listed below after a hearing has been held by the planning commission and the mayor and council has granted approval at a scheduled meeting:
- a. Bed and breakfast, residential;
 - b. Reserved;
 - c. Primary and secondary schools;
 - d. Nursing homes and ancillary activities;
 - e. Public parks and neighborhood playgrounds;
 - f. Churches, including Sunday schools or educational buildings;
 - g. Schools of general education, including kindergarten and day nurseries;
 - h. Guest cottages; and,
 - i. Home occupations.
- (B) *R-1-B residence district.* In an R-1-B residence district, land may be used and buildings or structures may be erected or used for the purposes stated above in the R-010 residence district regulations; the only distinguishing factor being one of density. [See [section 3-090\(1\)](#), "schedule of residential district dimensional requirements."] The purpose of R-010-B districts is to provide a transition from R-010 to higher density development. This is intended to ensure adequate infrastructure capacity and mitigate adverse impacts associated with more intensive land uses.
- (C) *R-2 one- and two-family residential district.* The purpose of this district is to provide for affordable development of single-family and duplex style development. This district is intended for medium density residential neighborhoods which are quiet and livable. This district includes a mixture of one- and two-family homes with compatible educational, religious, and public institutions as well as limited home occupations.
- (1) *Uses permitted by right.* In an R-2 residence district, land may be used and buildings or structures may be erected, altered, or used for the following purposes:
- a. Uses permitted in R-1 residence district; and
 - b. Two-family dwellings, (see also subdivision regulations).

- (2) *Uses permitted after special review.* In an R-2 residence district, land may be used and buildings or structures erected or used for the land uses listed below after a hearing has been held by the planning commission and a council has granted approval at a scheduled meeting.
- a. Uses permitted after special review in R-1 residence district.
- (D) *R-T residential tourist district.* The purpose of this district is to provide for areas where tourists and residents are mixed. Development in this district is primarily residential; however, limited accommodations are made for the housing of the tourist population visiting overnight, weekends, weeks, or extended periods.
- (1) *Uses permitted by right.* In an R-T residential tourist district, land may be used and buildings or structures may be erected, altered or used for the following purposes:
 - a. Uses permitted by right in R-2 residence district only.
 - (2) *Uses permitted after special review.* In an R-T residence district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the zoning administrator, a hearing has been held by the planning commission, and the mayor and council has granted approval at a scheduled meeting.
 - a. Apartment houses and condominiums exceeding two units.
 - b. Bed and breakfast inns, exceeding five units per lot subject to an approved site development plan as required in [Article 5](#).
 - c. Theater facilities or houses that are historical in nature, when the review process includes standards and/or restrictions as to hours of operation, and requirements with respect to lighting, signage, and buffering so as not to unreasonably interfere with the residential uses of abutting properties. A parking plan shall also accompany any such application. Any permitted use must adhere to the approved standards, restrictions and parking plans and any other conditions imposed by the mayor and council.

Neither a site plan nor special approval is required on internal changes to existing structures unless it causes or requires external changes to meet the requirements of this Land Development Code.

- (E) *C-1 beach business district.* The purpose and intent of commercial districts is to provide central locations for city business and services to meet the market needs of the city's residents and visitors. The focus of the C-1 beach business land use district is to provide for commercial and residential land uses that support and complement recreational use of the beach and general tourism of the island. The land uses permitted in this district provide for a substantial amount of the island's employment base. The amount of C-1 acreage is directly proportional to the city's economic activity. These land uses are designed to harness economic activity of the daytime visitor as well as residents and overnight visitors.

Multi-family uses are not permissible in the following areas included within the C-1 beach business district:

- (i) On the lots abutting Butler Avenue on the east and west sides thereof, from 14th Street, commencing at its southernmost intersection with Butler Avenue, to Izlar Avenue at its southernmost intersection with Butler Avenue;
- (ii) On lots abutting Tybrisa Street on the north and south sides from Butler Avenue to Strand Street; and
- (iii) On lots on Strand Street abutting that street on the western boundary thereof from 14th Street beginning at its northernmost intersecting point with Strand Street to 17th Street at its northernmost intersecting point with Strand Street. Notwithstanding the foregoing, multi-family residential uses shall be permissible on floors above the first or ground floor of business establishments located in such areas.

- (1) *Uses permitted by right after site plan approval.* In a C-1 beach business district, land may be used and built structures may be erected or used for the land uses listed below after a site plan has been submitted to the administrator, the planning commission has reviewed the site plan and made comments, and the mayor has granted site plan approval at a scheduled meeting.
- a. Apartments, condominiums, townhouses, guest cottages, hotels, motels, time shares, tourist homes, bed and breakfast inns; plus single-family, two-family, three-family, and four-family dwellings;
 - b. Apothecary shops;
 - c. Gift shops;
 - d. Barbershops, beauty shops;
 - e. Finance, investment and insurance offices;
 - f. Florist shops;
 - g. Restaurants, concession stands;
 - h. Commercial amusements, including amusement parks and other commercial games and sports;
 - i. Retail stores; and
 - j. Public structures.
- (2) *Uses permitted after special review and site plan approval.* In a C-1 beach business district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the zoning administrator, a hearing has been held by the planning commission, and the mayor and council has granted approval at a scheduled meeting. At these public meetings, the proposed land is reviewed under criteria for both site plan approval and special approval.
- a. Lounges and package shops, for the retail sale of malt and alcoholic beverages.
 - b. Dwellings or structures rented for special events. For all uses in a dwelling or structure to be rented for special events as defined herein, special approval and review shall include consideration of all relevant factors including but not limited to the availability of parking or an appropriate parking plan, the hours of operation and any limitations to be placed thereon, the capacity of the dwelling or structure in terms of occupancy, compliance with applicable noise limitations with the express authority of the mayor and council to impose stricter requirements than would otherwise be permissible for the impacted zoning districts; the use of live entertainment or amplified sound equipment subject to limitations to be placed thereon; and approval by the planning and zoning department; the methods of lighting signage and buffering as necessary to provide reasonable protection to nearby property owners.

Each such authorized structure shall be subject to an established occupancy as determined by the fire marshal and events that are likely to result in an occupancy greater than that permitted shall require an additional application to the city with adequate information for staff to assess the additional impact from the anticipated occupancy including all of the factors listed herein and to permit staff to grant a permit for such event with additional conditions. For events that contemplate the use of premises outdoors, the occupancy shall be based upon a calculation of one person per 15 square feet of usable exterior space.

As used herein the term "dwellings or structures rented for special events" means a facility used or available for hire for festivities, parties, receptions, weddings, ceremonies and similar activities or occasions conducted on the property.

A "parking plan" as used herein may include off-site parking arranged by the applicant or owner subject to the approval of the planning and zoning department; parking must accommodate one place per four persons as determined by occupancy as specified herein.

Any permitted use must adhere to the approved standards, restrictions, plans and conditions imposed by the mayor and council and/or the planning and zoning department.

- (3) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in C-1 beach business district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this Code.

Neither a site plan nor special approval is required on internal changes to existing structures unless it causes or requires external changes to meet the requirements of this Land Development Code.

- (F) *C-2 highway business district.* The purpose and intent of commercial districts is to provide central locations for city business and services to meet the market needs of the city's residents and visitors. The focus of the C-2 highway business land use district is to provide for commercial land uses that support and complement the motorized consumer. C-2 districts are intended for location along arterial streets where the negative impacts of traffic congestion, noise, intrusions into residential neighborhoods will be minimized.

- (1) *Uses permitted by right after site plan approval.* In a C-2 business district, land may be used and buildings or structures may be erected, altered or used only for the following purposes once the required site plan has been reviewed by the planning commission and approved by the mayor and council:
- a. Service stations;
 - b. Restaurants, including drive-in restaurants;
 - c. Gift shops (goods sold within an enclosed building);
 - d. Motels;
 - e. Grocery stores;
 - f. Tourist homes and bed and breakfast inns;
 - g. Parks, playgrounds and recreation facilities under the supervision of the city;
 - h. Professional and business offices;
 - i. Retail stores;
 - j. Marinas; and
 - k. Seafood warehouses, retail and wholesale sales.
- (2) *Uses permitted after special review and site plan approval.* In a C-2 highway business district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the zoning administrator, a hearing has been held by the planning commission, and the mayor and council has granted approval at a scheduled meeting. At these public meetings, the proposed land is reviewed under criteria for both site plan approval and special approval.
- a. Lounges and package shops for the retail sale of malt and alcoholic beverages.
 - b. Dwellings or structures rented for special events. For all uses in a dwelling or structure to be rented for special events as defined herein, special approval and review shall include consideration of all relevant factors including but not limited to the availability of parking or an appropriate parking

plan, the hours of operation and any limitations to be placed thereon, the capacity of the dwelling or structure in terms of occupancy, compliance with applicable noise limitations with the express authority of the mayor and council to impose stricter requirements than would otherwise be permissible for the impacted zoning districts; the use of live entertainment or amplified sound equipment subject to limitations to be placed thereon; and approval by the planning and zoning; the methods of lighting signage and buffering as necessary to provide reasonable protection to nearby property owners.

Each such authorized structure shall be subject to an established occupancy as determined by the fire marshal and events that are likely to result in an occupancy greater than that permitted shall require an additional application to the city with adequate information for staff to assess the additional impact from the anticipated occupancy including all of the factors listed herein and to permit staff to grant a permit for such event with additional conditions. For events that contemplate the use of premises outdoors, the occupancy shall be based upon a calculation of one person per 15 square feet of usable exterior space.

As used herein the term "dwellings or structures rented for special events" means a facility used or available for hire for festivities, parties, receptions, weddings, ceremonies and similar activities or occasions conducted on the property.

A "parking plan" as used herein may include off-site parking arranged by the applicant or owner subject to the approval of the planning and zoning department. Parking must accommodate one place per four persons as determined by occupancy as specified herein.

Any permitted use must adhere to the approved standards, restrictions, plans and conditions imposed by the mayor and council and/or the planning and zoning department.

c. Miniature golf courses.

d. Uses as of right:

1. Residential uses permissible in the R-2 district including those permissible as of right and after special review. The uses permissible in R-2 after special review shall also require special review to be permissible in the C-2 zone.
2. Following required site plan approval for commercial development residential uses above commercial shall be allowed by right if onsite parking is available.

(3) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in C-2 highway business district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this Code.

Neither a site plan nor special approval is required on internal changes to existing structures unless it causes or requires external changes to meet the requirements of this Land Development Code.

(G) *N-M neighborhood marina district.* The purpose of this district is to reserve those waterfront areas which have value for commercial land uses involving pleasure and commercial watercraft. The N-M district is intended to be used for neighborhood marina facilities with a modest scale of operation. These facilities shall be

developed to be compatible with any adjacent residential properties and shall not be detrimental to persons or property on or off the site.

- (1) *General requirements.* A site plan shall be submitted to the planning commission for review and to the mayor and council for approval that meets the requirements of Article 5 and contains the following information:
 - a. A document indicating the general operating hours of all activities to be included in the marina and what safeguards are to be used to insure that the marina's activities will not become or represent a nuisance or hazard to the surrounding property owners or tenants thereof. Examples of additional subjects to be covered shall include, but not necessarily be limited to, probable flooding, erosion, fire, explosion and subsidence of the proposed buildings and structures.
- (2) *Design standards.* The development plan shall comply with the following standards:
 - a. Access shall be located, designed and improved for safety, convenience, efficient circulation, on the property and minimum interference with normal traffic flow on adjoining streets. Driveways and curb cuts intersecting with public rights-of-way shall be marked and shall not exceed a maximum width of 30 feet. Curbs, blockades, bumper blocks or other devices shall be used to control and channel traffic, to separate pedestrian ways from vehicular ways, and to prevent entry to and from adjoining streets except via a designated driveway.
 - b. Yards shall be provided as required for the adjoining districts and shall be landscaped and improved in a manner appropriate to the residential character of the adjacent district; provided, however, that a street front and residential side setback be a minimum of five feet when a six-foot minimum height solid faced and continuous fence, or other structure with no openings shall be erected and maintained. Any hedge and other screening structures shall screen the adjoining property from the activities of the marina.
 - c. The structure(s) housing the activities of the marina shall not occupy more than 40 percent of the total lot area.
 - d. Only one principal use sign shall be visible from the adjacent public street. That sign shall not exceed a maximum size of 32 square feet in area nor eight feet in any outer dimension. Any sign if illuminated shall be externally lit, nonflashing and containing no neon illumination. The maximum height of the sign shall not exceed 15 feet above the average ground elevation of the base of the sign or from the structure foundation to which it is attached. No sign shall be located closer than five feet to the property line or street right-of-way.
 - e. Plans for extensions and/or business expansion will be accompanied by a detailed proposal and submitted to the governing body for approval prior to implementation.
 - f. All structures built within this district shall comply with the same height requirements specified in section 3-090 for R-020.
- (3) *Uses permitted by right after site plan approval.* In an N-M neighborhood marina district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the zoning administrator, the planning commission has reviewed the site plan and made comments, and the mayor and council has granted site plan approval at a scheduled meeting.
 - a. Boat launching facilities;
 - b. Bait shops; and
 - c. Retail sale of boating provisions.

- (4) *Uses permitted after special review and site plan approval.* In an N-M neighborhood marina district, land may be used for the following buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the zoning administrator, a hearing has been held by the planning commission, and the mayor and council has held a scheduled meeting. At these public meetings, the proposed land is reviewed under criteria for both site plan and special approval.
- a. Lounges and package shops, for the retail sale of malt and alcoholic beverages;
 - b. Restaurants;
 - c. Watercraft and equipment rental;
 - d. Watercraft sales and dry dock storage;
 - e. Wholesale and retail seafood sales; and
 - f. Machine repair shops.
- (5) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in N-M neighborhood marina district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this code.

Neither a site plan nor special approval is required on internal changes to existing structures unless it causes or requires external changes to meet the requirements of this Land Development Code.

(H) Reserved.

- (I) *PC public parks-conservation district.* The purpose of this zoning district is to create an area or areas to be conserved for public use, to preserve areas established by tradition and custom for public use, and to prevent development of these areas for other than approved public and/or municipal use. Permitted uses include parks-public, playgrounds; ball fields and/or sports arenas, picnic facilities, public schools, public libraries, public parking and municipal buildings/structures, other public uses as approved by the governing body of the city.

Notwithstanding the above-described permitted uses within public parks, special review (section 5-070) and site plan approval (section 5-080) requirements shall be applicable to any proceedings (to include motions of council or petitions by the public) to alter the uses currently in existence within the area of Memorial Park that is generally depicted on the diagram attached hereto, so that public hearings in connection with any alteration of structures or the installation or addition of new structures or facilities or uses is required before any construction, building activities or preparation therefore may occur or any new uses permitted.

- (J) *EC environmental-conservation district.* The purpose of this district is to protect the ecologically sensitive areas of the city and to limit the active development to those uses which are compatible with natural limits of the land. No building permit can be issued for either a use permitted by right or a use permitted after special approval until the proper state and federal permits have been acquired by the applicant.
- (1) *Uses permitted by right.* In an EC environmental-conservation district, land may be used and structures may be erected or used for the following purposes:
- a. Growing of gardens; and
 - b. Piers, docks, and wharfs.
- (K) *PUD planned unit development district* The existing planned unit development districts, at the time of the

adoption of the ordinance from which this section is derived, shall remain. No further planned unit development district shall be created. The existing planned unit development districts are Northshore Subdivision, Seaside Colony, Oceanside Dunes, Oceanview Townhomes, and Gulick Row.

(L) *Maritime district.* The purpose of this district shall be to protect the character of the commercial development along Lazaretto Creek within the city limits. In the maritime district, land may be used and buildings or structures may be erected or used for the following purposes.

(1) Uses permitted after site plan approval. In a maritime district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the designated city official, the planning commission has reviewed the site plan and made comments, and the mayor and council has granted site plan approval at a scheduled meeting.

- a. Boat launching facilities;
- b. Bait shops; and
- c. Retail sale of boating provisions;
- d. Aquaculture projects;
- e. Assembly hall, club, or lodge;
- f. Boat building and repair facilities;
- g. Commercial charter or sightseeing watercraft facilities;
- h. Commercial fishing and crabbing;
- i. Government buildings;
- j. Marina;
- k. Recreational activities carried on wholly within a building including theaters, dance halls, and activities of a similar nature;
- l. Reserved.
- m. Private or community dock;
- n. Public utility structures;
- o. Wholesale/retail seafood/sales/warehouses;
- p. Restaurant — (no alcohol) — limited to sit down facility with no drive through;
- q. Restaurant, sit down facility which serves alcoholic beverages (must have council approval for liquor, beer, wine, and Sunday sales) and no drive through;
- r. Watercraft rentals.

(2) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in the maritime district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this code.

Existing structures. Site plan approval is not required for interior changes to existing structures. Site plan approval is required for exterior changes to existing structures.

(M) Reserved.

(N) Reserved.

(O) *South End business overlay district.*

- (1) *Purpose.* The purpose of this district is to promote the welfare and vitality of the city's original main commercial and resort area and preserve its historic character and identity for future generations.
- (2) *Uses.* All commercial and multi-family residential uses are permissible subject to site plan approval, or special review and site plan approval, as is required by the particular zoning classification of the property. In this district, the site plans established herein shall prevail over any setbacks in any other part of this Code, specifically including section 3-090 regardless of the use of the property. Mixed uses of the property are permissible. Site plan approval and special review is required for new construction and redevelopment of existing sites. New construction when a project includes the redevelopment of a parcel, a development agreement with the owner/developer and the city specifying the site plan, location of utilities, improvements, setbacks, driveway locations and dimensions and lot coverage may be required.
- (3) *Signs.* Signage within the district shall be as specified herein to the extent of any inconsistency with the sign ordinance. Permissible signage shall include sandwich boards not to exceed three feet by five feet, which may be displayed during business hours on sidewalks immediately adjacent to the business advertised on the sandwich board. No advertising benches shall be permissible in the district. The existing advertising benches located in the Fourteenth Street parking lot may remain until such time the city provides public benches.
 - a. Within the district, café style seating on sidewalks may be permissible provided that sidewalks in the area involved, must be at least ten feet in width.
 - b. Notwithstanding any other provision of this Code, no outdoor selling of merchandise on public or private sidewalks is permissible in the district except as may be allowed in connection with authorized special events.
- (4) *Demolition and relocation of historic buildings.* The following standards apply to all historic buildings within the overlay district that are 50 years of age or older and identified as listed, eligible, or may be eligible for listing in the National Register of Historic Places within the 2016 City of Tybee Island Historic Resources Survey, Phase 1. The Historic Preservation Commission shall review permit applications for demolition and relocation and provide recommendations to the zoning administrator.
 - a. *Demolition.* Demolition of historic buildings undermines the character of Tybee Island and shall only be permitted if the demolition is required to alleviate a threat to public health or public safety as determined by the zoning administrator based on supporting documentation from a licensed structural engineer licensed in the State of Georgia.
 - b. *Relocation.* Relocation of historic buildings can impact the character of Tybee Island and should only be considered as a last resort in order to preserve the building. It shall only be permitted if all of the following conditions are met:
 1. The current location and surrounding context no longer contribute to the overall character of the property (i.e. residential property now surrounded by new construction and commercial development).
 2. The character of the property onto which the building will be relocated and its surrounding context are compatible with the historic building (i.e. relocating a residential building within a residential area).
 3. The relocation is as close to the original site as possible (i.e. the relocation of a building to a new location on the same parcel or an adjacent parcel).

- (5) *Appeals.* Any applicant for a permit shall have the right to appeal to the planning commission and mayor and the zoning administrator refuse to approve the issuance of a permit in accordance with section 9-030.
- (6) *Definitions.* In addition to existing definitions in section 2-010, the following terms apply to this overlay district:

Compatibility. The positive relationship of existing buildings, relocated buildings, and/or designs for new construction to their environs.

Demolition. The act of either demolishing or removing 50 percent or more of the exterior walls of a building; or any primary exterior wall facing a public street or beach; or 50 percent or more of the roof area.

Historic building. A building that is worthy of preservation by reason of value to Tybee Island, Chatham County, State of Georgia, region, or nation, for one of the following reasons:

- a. It is an example of a building representation of its era;
- b. It is one of the few remaining examples of past architectural style, or building type;
- c. It is associated with an event or persons of historic or cultural significance to Tybee Island, Chatham County, State of Georgia, region, or nation; or
- d. It contributes to the cultural or historical development and heritage of Tybee Island, Chatham County, State of Georgia, region, or nation.

Policies and procedures applicable in this district are on file in the offices of the planning and economic development director and are incorporated herein.

(P) *North end parks and public overlay district.*

- (1) *Purpose.* The purpose of the north end parks and public overlay is to promote the development of properties in a manner that integrates public uses, open space, municipal uses, and recreational uses compatibly into a residential area. The north end parks and public overlay will provide for a livable environment for residents and visitors alike.
- (2) *Applicability.* The north end parks and public overlay may only be implemented within specific geographic areas as defined in exhibit A (water/sewer plant, DPW, campground, TIPD). The north end parks and public overlay shall be restricted to the redevelopment and enhancement of uses existing at the time of adoption of this subsection and to the development of uses to enhance or further support existing uses. Such uses include but are not limited to expansion of the water and sewer plant, expansion of the department of public works, expansion and/or enhancement of the River's End Campground, expansion and/or enhancement of the city's police department, the dedication of areas for parks, recreational facilities, or open space. Regulations applicable in the R-1 Zone shall not apply in the overlay district.
- (3) *Permitted uses.* The following uses, though not exclusive, are specifically permitted within the north end parks and public overlay:
 - a. Municipal and public safety uses including but not limited to the city water and sewer department, the city department of public works, the city police department;
 - b. Public campgrounds;
 - c. Parks and open space to include passive and active parks;
 - d. Picnic grounds, barbecue pits and similar cooking facilities;

- e. Shelters, observation decks, platforms, pavilions, storage sheds; patios, and restroom facilities;
 - f. Pedestrian walkways, sidewalks, and bicycle trails; and
 - g. Jogging trails, tennis courts, swimming pools and bicycling paths.
- (4) *Prohibited uses.* The following uses, though not exclusive, are specifically prohibited within the north end parks and public overlay:
- a. Any activity involving operating, riding, or the use of the following:
 - 1. Survival games;
 - 2. Any activity involving the use of firearms, including hunting, skeet shooting and target practice;
 - 3. Crossbow or archery;
 - 4. Private dumping of trash, waste or other materials of any kind; and
 - 5. Fireworks.
- (5) *Site plan review.* Any expansion of existing uses requires site plan review by the planning commission and approval by the mayor and council.

Any new use that is expressly permitted by this subsection requires site plan review by the planning commission and approval by the mayor and council.

All submittals for site plan review must comply with section 5-040 of this Land Development Code.

(Q) *North end cultural overlay district.*

- (1) *Purpose.* The purpose of the north beach overlay is to promote the development of properties in a manner that promotes arts, cultural, heritage, and educational opportunities in conjunction with recreational and light commercial uses while protecting surrounding residential uses from adverse impact. The north beach overlay will provide for a livable environment for residents and visitors alike.
- (2) *Applicability.* The north beach overlay may only be implemented within specific geographic areas as defined in exhibit A [attached to the ordinance adopted January 8, 2009, codified in this subsection]. Existing conditions of zoning which apply to north beach overlay properties shall be repealed upon official designation of the north beach overlay.
- (3) *Permitted uses.* The following uses, though not exclusive, are specifically permitted within the north beach overlay:
 - a. Municipal and public safety uses;
 - b. Cultural, educational and historical facilities, including re-enactment activities;
 - c. Parks and open space to include passive and active parks;
 - d. Picnic grounds, barbecue pits and similar cooking facilities;
 - e. Shelters, observation decks, platforms, pavilions, storage sheds; patios, and restroom facilities;
 - f. Pedestrian walkways, sidewalks, and bicycle trails;
 - g. Jogging trails, tennis courts, swimming pools and bicycling paths; and
 - h. Publicly owned facilities operated under lease or agreement with the city for commercial or fraternal purposes.
- (4) *Prohibited uses.* The following uses, though not exclusive, are specifically prohibited within the north beach overlay:

Any activity involving operating, riding, or the use of the following:

- a. Golf courses, except for miniature golf courses.
 - b. Survival games.
 - c. Any activity involving the use of crossbows, archery, firearms, including hunting, skeet-shooting and target practice.
 - d. Dumping of trash, waste or other materials of any kind.
 - e. Fireworks.
- (5) *Site plan review.* Any expansion of existing uses requires site plan review by the planning commission and approval by the mayor and council.

Any new use that is expressly permitted by this article requires site plan review by the planning commission and approval by the mayor and council.

All submittals for site plan review must comply with section 5-040 of this Land Development Code.

(R) *Neighborhood grocery store district.*

- (1) *Purpose.* The purpose of the neighborhood grocery store district is to preserve what was previously an existing non-conforming use and to protect adjoining and nearby properties from intrusion of commercial property and to further preserve the residential character of the area while meeting the needs of the community for a grocery store. The neighborhood grocery store district will provide a means of improving the existing parcels within the district without negatively affecting the aesthetic character of the area. The neighborhood grocery store district is to provide a livable environment for residents and visitors while preserving a grocery store operation and to provide for the operation to adequate parking and improved traffic flow into and out of the grocery store area.
- (2) *Applicability.* The neighborhood grocery store district shall encompass those properties currently described as Property Identification Numbers 4-0006-19005 and 4-0006-19013, also known as Lots 21A, 21B, 22A and 22B, Ward 3, Tybee Island, Georgia, and Property Identification Numbers 4-0006-19-14 and 4-0006-19015, also known as Lots 20-A and 20-B, Ward 3, Tybee Island, Georgia.
- (3) *Permitted uses/setbacks.*
 - a. The following uses are the exclusive permitted uses within the neighborhood grocery store district and are subject to site plan review:
 1. A grocery store with associated parking as required. A grocery store is herein defined as a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores. The grocery store is not allowed to have facilities for providing gasoline to motor vehicles or other service, mechanical or garage type activities for motor vehicles.
 2. Single-family residences.
 3. Multi-family residential above grocery associated warehouse of no more than two units.
 4. Non-habitable accessory buildings, public utility structures; home business offices and, following special review: bed and breakfast residential, guest cottages, home occupations, and two family dwellings.
 - b. Setbacks in this district for new structures shall be as provided in the R2 district under section 3-090.
 - c. This district shall have the same lot size and height restrictions applicable in the R2 district under

section 3-090 for new construction or new structures.

- (4) *Parking.* Off-street parking for a grocery store operation shall require one parking spaces per every 370 feet of gross grocery store floor area under roof on a square foot basis regardless of the use of such area so as to include offices, stock rooms, freezers, etc. Parking for all permitted uses other than a grocery store shall be as required in section 3-080.
- (5) *Buffer.* A buffer of not less than three feet, including arboreal features and suitable fencing, shall be provided where the grocery store and parking is adjacent to the right-of-way of Lovell Avenue and neighboring residential property.
- (6) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in the neighborhood grocery store district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this Code.
- (7) Notwithstanding anything to the contrary, the following conditions shall be applicable to the parcel described as Parcel Identification Number 4-0006-20-009:
 - a. Parking of vehicles. The only motor vehicles that may be parked on this property are those which are either owned or leased by the owner of the adjacent grocery store, the store employees, located on the lot on the east side of Lovell Avenue adjacent to the subject lot and residents of the building on this identified parcel.
 - b. Temporary storage containers used to store products which are sold in the grocery store located on the lot on the east side of Lovell Avenue adjacent to the subject lot are allowed.
The temporary storage containers must be capable of being removed immediately upon notice provided by the appropriate authorities. Provided, however, that if a permanent structure is built on this lot, pursuant to R(3)(a)(3), the parking of temporary storage containers shall be impermissible.
 - c. A warehouse to be used solely by the grocery store located across Lovell on Butler Avenue and any allowable residential uses above is permissible.
 - d. Notwithstanding the lot size restrictions applicable to this district, the minimum lot area a two family shall be at least 4,680 square feet.
 - e. Any two family residential units constructed on the parcel shall not be used as short term rentals and, therefore, no rentals for occupancy of such a unit may be for a period of less than 30 days.

(Ord. No. 2001-24, 11-8-2001; Ord. No. 2003-22, 10-9-2003; Ord. No. 1999-10, 4-22-1999; Ord. No. 1995-17, 12-7-1995; Ord. No. 2004-7, amended 1-31-2005; Ord. No. 2004-07, amended 4-8-2004; Ord. No. 2004-02, amended 2-26-2004; Ord. No. 2003-22 Business Districts, amended 12-2-2003; Ord. No. 2001-24, amended 12-12-2001; Manual, amended 11-10-1999; Ord. No. 1999-10, amended 5-24-1999; Ord. of 2-27-2007; Ord. of 4-26-2007(2); Ord. of 6-26-2008(2); Ord. of 6-26-2008(3); Ord. of 10-23-2008(2); Ord. No. 29-2008, § 1, 1-8-2009; Ord. of 5-14-2009; Ord. No. 15-2009, 10-22-2009; Ord. No. 08-2010, 5-27-2010; Ord. No. 37-2011, 8-25-2011; Ord. No. 22-2012, 7-12-2012; Ord. No. 23-2012, 7-12-2012; Ord. No. 08-2013, 1-10-2013; Ord. No. 26-2013-A, § 1, 8-22-2013; Ord. No. 35-2013-A, § 1, 12-12-2013; Ord. No. 50-A-2014, § 1, 8-28-2014; Ord. No. 56-2014, § 1, 10-9-2014; Ord. No. 03-2015, § 1, 1-15-2015; Ord. No. 2016-01, 2-11-2016; Ord. No. 30-2016, §§ 1—3, 11-10-2016; Ord. No. 1-2019, 1-10-2019; Ord. No. 2020-01, § 1, 1-9-2020)

Sec. 5-070. - Standards for special review.

Land uses listed in Article 4 of this Land Development Code that are permitted after special review must follow an administrative procedure prior to the issuance of any land development permit.

- (A) *Review criteria.* The planning commission shall hear and make recommendation upon such uses in a district that are permitted after special review. The application to establish such use shall be approved by the mayor and council on a finding that:
- (1) The proposed use will not be contrary to the purpose of this Land Development Code;
 - (2) The proposed use will not be contrary to the findings and recommendations of the master plan;
 - (3) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood or adversely affect the health and safety of residents and workers;
 - (4) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement associated with the use, noise or fumes generated by or as a result of the use, or type of physical activity associated with the land use;
 - (5) The proposed use will not be affected adversely by the existing uses of adjacent properties;
 - (6) The proposed use will be placed on a lot which is of sufficient size to satisfy the space requirements of said use;
 - (7) The parking and all development standards set forth for each particular use for which a permit may be granted will be met.
- (B) *Additional mitigation requirements.* The planning commission may suggest and the mayor and council may impose or require such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.):
- (1) As may be necessary to protect the health and safety of workers and residents in the community; and
 - (2) To protect the value and use of property in the general neighborhood.
- (C) *Adherence to requirements.* Provided that wherever the mayor and council shall find in the case of any permit granted pursuant to the provisions of these regulations, noncompliance of any term, condition, or restrictions upon which such permit was granted, the mayor and council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.
- (D) *Permit longevity.* If a building permit or other preparations or conditions are required prior to implementing special review approval granted by the mayor and council such

permitting or other preparations or conditions must occur within 12 months from the date of special review approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by planning commission and mayor and council. In the event of a hardship or other extenuating circumstance the permit holder may apply to the designated city official for a one-time extension of permit approval. Permit extensions may not be approved in extenuating circumstances for a period of no more than 180 days. Should the permit not be exercised in the extension period it will expire.

(Ord. No. 05-2013, 1-10-2013)