

**PLANNING COMMISSION**

Demery Bishop  
Ron Bossick  
Marianne Bramble  
Tina Gann  
Charles Matlock  
David McNaughton  
Alan Robertson



**CITY MANAGER**

Shawn Gillen

**COMMUNITY DEVELOPMENT DIRECTOR**

George Shaw

**CITY ATTORNEY**

Edward M. Hughes

**Planning Commission Meeting  
AGENDA**

**March 11, 2019 – 7:00 p.m.**

*For City Council Meeting April 11,, 2019 – 7:00 p.m.*

**A. Call to order:**

**B. Consideration of Minutes:**

1. Minutes of February 11, 2019

**C. Disclosures/Recusals:**

**D. Old Business:**

**E. New Business:**

1. **Text Amendment:** Sec. 5-090. Variances. (B) *Height* – text addition/change.

**F. Discussion and Presentation:**

1. Carrying Capacity Study Implementation Coastal Incentive Grant – Goodwyn Mills Cawood Ecological Planning Group – Courtney Reich
2. Sec. 4-050 -Zoning districts (G) changes to the NM district to potentially limit uses.
3. Sec. 3-090 –Schedule of development regulations (A) (1) Interpretation of the 200' rule.

**Adjournment:**

*Lisa L. Schaaf*

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

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## Planning Commission Meeting MINUTES February 11, 2019

**Ron Bossick** called the February 11, 2019, Tybee Island Planning Commission meeting to order. Commissioners present were **Alan Robertson, David McNaughton, Tina Gann, Ron Bossick, Marianne Bramble,** and **Charles Matlock.** **Demery Bishop** was not present.

### Planning Commission Oath administered by Mayor Jason Buelterman (2-year terms end January 31, 2021):

**Ron Bossick** stated the first order of business would be the installation of our newly appointed members, which are **Alan Robertson, David McNaughton** and **Charles Matlock.** He asked Mayor Buelterman to come up and administer the oath to the new members. **Mayor Jason Buelterman** approached the Planning Commission and asked the newly appointed members to stand and raise their right hand and repeat after him the oath. **Mayor Jason Buelterman** then thanked the new members and stated how important their work is to this community.

### **Elections:**

**Ron Bossick** asked if there were any nominations for Chair and Vice Chair of the Planning Commission. **Alan Robertson** made a motion to nominate Demery Bishop for Chair and Ron Bossick for Vice Chair. **Marianne Bramble** seconded. The vote to approve was unanimous.

### **Consideration of Minutes:**

**Vice Chair Ron Bossick** asked for consideration of the January 14, 2019 meeting minutes. **Alan Robertson** made a motion to approve. **Marianne Bramble** seconded. The vote to approve was unanimous.

### **Disclosures/Recusals:**

**Vice Chair Ron Bossick** asked if there were any disclosures or recusals. There were none.

### **Old Business:**

**Vice Chair Ron Bossick** asked if there was any old business. **Alan Robertson** asked what the status of the Casino Boat is. **Mr. Shaw** stated the owner said he did not intend to reapply with Tybee. **Alan Robertson** also stated the experience with the boat suggest the need for some sort of limitation of what could be placed at that dock in the future. In addition, the area needs to look at some of the issues that came up and address them. He also stated that any other business even if it is small could create problems. **Mr. Shaw** stated to the best of his knowledge none of the water-based businesses have ever been asked to do a site plan. The land-based businesses have. In addition, yes this did bring up that we have a lot of overlap in that area. **Mr. Shaw** stated yes we could certainly look into those issues.

**New Business:**

**Variance: requesting to impact marshland to maintain right of way–Polk Street right of way & 318 Polk Street–City of Tybee & Michael Leonard –Zone C2-EC-4-0025-01-005Y & 005Z.**

**Mr. Shaw** approached the Planning Commission and stated that this property has been on the agenda a few times. The City is seeking to maintain the City's right-of-way in conjunction of working with Mr. Leonard so he can maintain his driveway. He stated we need to give ourselves the variance and then apply with the State. The reason we are reapplying for the variance again is that we have not received the permit before the variance expires. **Mr. Alton Brown** with Resource and Land consultants working as the agent on behalf of the City of Tybee Island approached the Planning Commission and stated the Corp of Engineers permit has been obtained for the road improvements and maintenance. We have also applied to the DNR for a coastal marshlands permit. He also stated because of the two recent hurricanes and a variety of other things the project review by Coastal Resources Division has been delayed. Now we are back on track with the review and need to renew the variance. The DNR line has been surveyed again and will be updated. The scope of the project will stay the same. **Alan Robertson** asked how long will this construction take. **Mr. Brown** stated that the Corp of Engineers permit is valid until 2022 and the Coastal marshlands permit will be valid for five years from the day that it is issued. **Alan Robertson** made a motion to approve. **Marianne Bramble** seconded. The vote to approve was unanimous.

**Discussion and Presentation:**

**Carrying Capacity Study Implementation Coastal Incentive Grant – Goodwyn Mills Cawood Ecological Planning Group – Courtney Reich**

**Mr. Shaw** approached the planning commission and stated Ms. Reich did not show tonight so he would try to share what he knows about the grant. He stated the coastal incentive grant had three goals or outputs. One a water and sewer rate setting which has been done and will be looked at. Two would be potential code changes to reduce density due to water and sewer issues and another to reduce impacts in areas that flood. The one point Courtney wants to point out is whether we want to make some changes to the code to reduce the potential density with an example being how a variety of lots that could become two lots. Also changing the 65 percent buffer greenspace. With the amount of rentals on the Island, there is a big demand to fill every buildable space on lots. In addition, the pool market has expanded from the rental market and those take up the greenspace. **Mr. Shaw** stated those are some of the issues I know Ms. Reich wanted to bring up. **Vice Chair Ron Bossick** stated he would like to ask Courtney Reich to come back to Planning Commission at the next meeting so they can ask the questions they have. **Alan Robertson** stated that our March meeting would be a good time for Courtney Reich to come since she will have went to City Council February 28, 2019, that will give us input from City Council.

**Adjournment: Tina Gann** made a motion to adjourn. **Marianne Bramble** seconded. Meeting adjourned at 7:30pm.

*Lisa L. Schaaf*

## Sec. 5-090. - Variances.

(A) *Standards.* After an application has been submitted to the designated city official, reviewed by the planning commission, and a public hearing has been held by the mayor and council, the mayor and council may grant a variance from the strict application of the provisions in this Land Development Code only if a physical circumstance, condition, or consideration exists as described in subsection (1).

(1) There are unique physical circumstances or conditions or considerations beyond that of surrounding properties, including a substandard lot of record that existed prior to March 24, 1971 (see [section 3-040](#)); irregularity; narrowness; or shallowness of the lot shape; or exceptional topographical or other physical circumstances, conditions, or considerations related to the environment, or to safety, or to historical significance, that is peculiar to the particular property; and;

(2) Because of such physical circumstances or conditions or considerations, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.

(3) A nonconforming use or structure does not constitute a unique physical circumstance, condition, or consideration.

(B) *Height.* No part of any structure shall project beyond 35-feet above the average adjacent grade of a property except:

(1) ~~Chimneys, flues, stacks, heating units, ventilation ducts, air conditioning units, gas holders, elevators, solar panels and similar appurtenances needed to operate and maintain the building on which they are located.~~ Those items specifically excluded from consideration as described in [Section 2-010 Terms and Definitions: Height of building.](#)

(2) The following items that were existing on the date of the adoption of this ordinance: flag poles, television aerials, water towers and tanks, steeples and bell towers, broadcasting and relay towers, transmission line towers, and electric substation structures.

(C) *Variance longevity.* After a variance has been granted by the mayor and council it shall be valid for a period of 12 months from date of 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 the mayor and council.

(D) *Reviewing variance applications.* The designated city official, planning commission, and governing body, shall consider the factors stated herein in reviewing variance applications in taking action on a particular variance. In exercising the powers to grant variances, the mayor and council may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

(E) *Application approval.* Notwithstanding any other provisions of this Code of Ordinances, the designated city official may approve applications for variances without the need of public hearings and without the need of review by the planning commission or the mayor and council as follows:

(1) When either of the following circumstances exists:

a. The proposed improvement or alteration will not result in an expansion of the existing footprint of the existing structure; or

b. No additional encroachment into any setback shall be created by the proposed improvement, construction or addition.

(2) When each of the following circumstances also exists:

a. No encroachment or construction of habitable space or other prohibited improvements will exist below one foot above the base flood elevation; and

b. The requested improvements or construction will not violate existing zoning provisions.

This subsection shall have specific application to existing nonconforming structures as referred to in [section 3-020](#).

(F) *Compliance with ordinances.* Notwithstanding any other provision of this Code of Ordinances, no application for a variance may be accepted nor may any variance be granted with respect to any property that is then not in compliance with the requirements of ordinances for the condition on which the variance is sought, unless the applicant files with the application a detailed written explanation of how, when, and by whom the need for a variance was created. In such a case, the planning commission shall make a recommendation to the mayor and council as to whether the variance should be approved or rejected or modified and the mayor and council, following a public hearing, may approve, reject or modify the variance request. In the event property is constructed in violation of the ordinances, the violation status remains until such time as the condition is rectified and placed in conformity with the ordinances. Violations of the ordinances may be subject to the enforcement provisions of this Code and all penalties permissible by law. A variance that is granted under this section does not excuse prior violations including those that have resulted or may result in enforcement action by the city.

(Ord. No. 1999-27, 8-12-1999; Ord. No. 2002-08, 5-9-2002; Ord. No. 2002-08 Variances, amended 8-29-2002; Ord. of 8-11-2005; Ord. No. 14-2010, 8-26-2010; [Ord. No. 57-A-2014, § 1, 12-11-2014](#).)



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January 29, 2019

## MEMORANDUM

### Background

Tybee Island received a Coastal Incentive Grant (CIG) in 2015 to perform a Carrying Capacity Study of the island to identify issues related to year-round and seasonal population density and its impact on island infrastructure and resources. This study resulted in the identification of a number of key issues related to population growth and seasonal population including: 1) Limits in the permitted water withdrawal from the Floridan Aquifer; 2) Significant increases in water withdrawal, wastewater discharge, and solid waste/litter generation during tourism season; 3) Effects of king tides and sea level rise on the stormwater drainage system; and 4) Development pressure in the R-2 zoning district, the highest density residential district which is also subject to king tide flooding. The overall approach recommended by the CCS was twofold:

- Make improvements to the City's existing infrastructure systems to provide additional capacity to accommodate growth in a more sustainable manner, and
- Identify ways to better manage future growth to limit stresses on infrastructure and impacts to the environment.

Tybee Island subsequently received a CIG in 2018 to implement several of the specific recommendations of Carrying Capacity Study, which included the following:

1. Perform a water & sewer rate study to address needed infrastructure improvements and "peak usage rates" to encourage water conservation during peak tourism season, and to prepare for future needed infrastructure investments.
2. Draft revisions to the City's code that will reduce stormwater impacts from new development.
3. Draft revisions to the City's code that will reduce the density and impact of future development and direct it away from areas of King Tide flooding.

EPG/GMC has worked with Tybee Island staff and the Masterplan Implementation Committee over the past year to identify opportunities to make amendments to the City's Zoning code to address the issues described above. The alternatives are presented below for your consideration:

### **Alternative #1: Potential Changes to the R-2 Schedule of Development Regulations (Sec 3-090)**

The greatest opportunity for additional residential development on Tybee Island is within the R-2 Zoning Category. This category was initially established to allow for one and two-family residential development. Roughly 40% of the island is currently zoned R-2, much of which is currently developed as a single-family residential housing. However, the minimum lot size requirements to subdivide lots to build and develop multi-unit dwellings is reason for concern as it relates to increased residential density. Since most of the island has been developed, subdivision and subsequent development of existing single-family residential parcels presents the greatest opportunity for growth on the island. Recent development activity indicates that there is a growing trend in R-2 to tear down single-family structures, subdivide,



and build at higher densities, i.e. duplexes. This memo evaluates the lot sizes in the R-2 category and recommends potential changes in lot size requirements to reduce the future density in R2.

The schedule of development regulations (Sec 3-090) defines the allowable lot sizes for residentially zoned property in the City. The minimum lot size for development of a single-family dwelling unit is 4,500 square feet in the R-2 district. The minimum lot size for a two-family structure in this district is 6,750 square feet.

Properties currently located in the R-2 zoning district have been broken down into the following categories based on lot size:

- Less the 6,750 square feet. Parcels in this category could only be developed as single-family homes.
- 6,750 - 11,250 square feet. Parcels in this category could be developed as two-family residential, either as a duplex, or as two, single-family residential parcels (if over 9,000 square feet).
- 11,250 - 13,500 square feet. These parcels could be split and developed with one-single family and one, two-family structure.
- Over 13,500 square feet. Parcels that can be developed as two, two-family structures.

The following table summarizes the number of parcels and the potential units that could be developed within each of these categories:

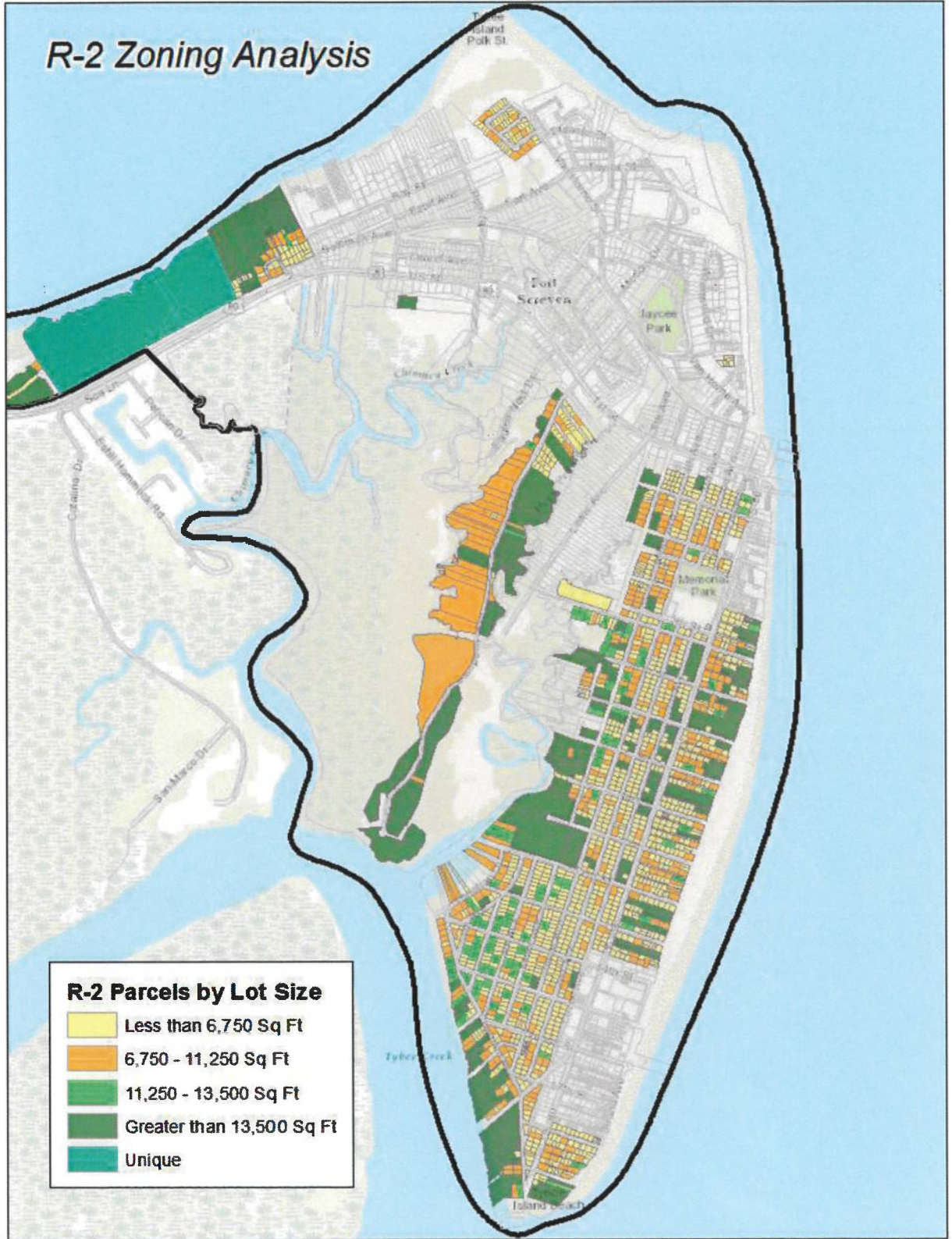
CURRENT	NUMBER OF PARCELS	POTENTIAL UNITS
LESS THAN 6,750 SQ FT	1097	1,097
6,750 - 11,250 SQ FT	310	620
11,250 - 13,500 SQ FT	94	282
GREATER THAN 13,500 SQ FT	240	960

Build-out based on the numbers above could generate 2,959 residential units. Based on the assumptions in the Carrying Capacity Study, we estimate that the future overnight population (both residents and short-term rental occupants) in this district, at full build-out, could be 11,363. It is important to consider that much of the R-2 district is in areas subject to storm surge and King tides. Additional density in this area puts the property at risk and also impacts Tybee's Emergency Response Operations as homes in this area are at a higher risk to experience flooding and require evacuation and/or rescue of inhabitants.

The maps on the following pages shows the breakdown of R-2 parcels on Tybee and also show the flood risk and extent of recent storm surge flooding.



# R-2 Zoning Analysis







# Tybee Island Flood Properties





In an effort to minimize the density of future residential development within areas of the City zoned R-2, we propose modifying the development regulations (Sec 3-090) by changing the minimum lot size requirements for two family from 6,750 square feet to 9,000 square feet.

Based on this change, R-2 properties would be broken down into the following categories:

- Less the 9,000 square feet. Parcels in this category could only be developed as single-family homes.
- 9,000 – 13,500 square feet. Parcels in this category could be developed as two-family residential, either as a duplex, or as two, single-family residential parcels.
- 13,500 – 18,000 square feet. These parcels could be split and developed with one-single family and one, two-family structure.
- Over 18,000 square feet. Parcels that can be developed as two, two-family structures.

The following table summarizes the number of parcels and potential units that could be developed within each of the proposed categories:

PROPOSED	NUMBER OF PARCELS	POTENTIAL UNITS
LESS THAN 9,000 SQ FT	1,300	1300
9,000 – 13,500 SQ FT	201	402
13,500 - 18,000 SQ FT	46	138
GREATER THAN 18,000 SQ FT	194	776

Build-out based on the modified R-2 schedule would generate 2,616 residential units which is 343 units less than the full build-out potential under the existing schedule.

The following table summarizes the number of parcels and the impact the proposed categories would have on existing parcels. This table also shows the number of properties currently undeveloped within each of the square footage ranges.

CURRENT	PARCELS	ASSESSMENT	LAND USE
LESS THAN 6,750	1097	No impact	
6,750-9,000	203	Existing allows 2 units Amended would allow 1 unit	30 currently coded as undeveloped
9,000-11,250	107	No impact	
11,250 - 13,500	94	Existing allows 3 units Amended would allow 2 units	23 currently coded as undeveloped
13,500-18,000	46	Existing allows 4 units Amended would allow 3 units	14 currently coded as undeveloped
GREATER THAN 18,000	194	No impact	

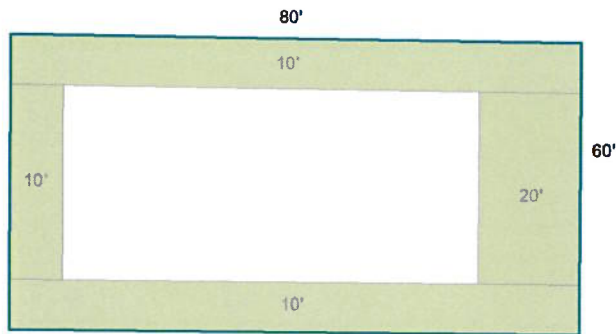


## Alternative #2: Greenspace Requirements and Impervious Area Coverage

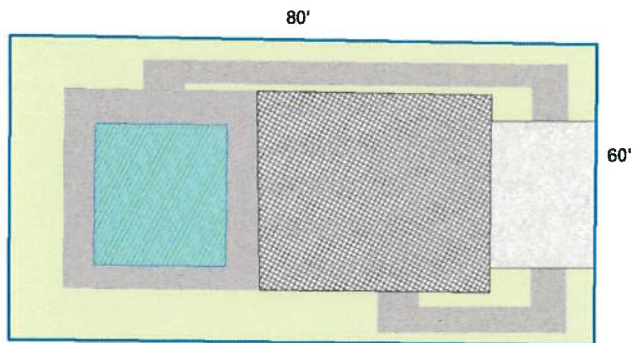
Impervious surface impedes the infiltration of rainfall and can result in stormwater flooding, particularly during high tide events, when the capacity of the stormwater drainage systems is extremely limited. The City of Tybee Island Land Development Code requires that all zoning districts maintain 65% of the designated setback area in a vegetative state (Sec 3-165), i.e. with no impervious surfaces. This section examines the R-2 zoning district in terms of setbacks and greenspace requirements to determine how much impervious area exists on a typical R-2 parcel. The average size of a parcel located in the R-2 district is 60 feet x 80 feet (4,800 square feet). The following setbacks are defined in section 3-090:

- Front = 20 feet
- Rear and Side = 10 feet

The figure below illustrates the lot size and setbacks for a subject parcel located in the R-2 district.



With a lot size of 4,800 square feet, 2,800 square feet (area based on setbacks) is subject to the greenspace requirements, which means that 1,820 square feet of this lot would be required to remain in a vegetative state. The illustration below shows what this lot could look like at build out based on the existing setbacks and greenspace requirements. Based on these calculations, 60% of the lot would be impervious.



Studies by the Center for Watershed Protection have shown that watersheds with total impervious coverage exceeding 10-20% can be impacted and those with total impervious surface coverage exceeding 30% are often degraded. Impervious area also creates hotter temperatures. Given the amount of king tide flooding that the Island already experiences, and the potential impacts of additional impervious surfaces related to new development, Tybee may wish consider increasing the amount of buffer that must remain in a vegetated state or decreasing the amount of future development allowed.



### Alternative #3: Buildable Lot Area

The City may wish to consider adding a definition of “buildable area” to Section 2-010 – Terms and Definitions” in the Land Development Code.

The parcels outlined in red below illustrate situations that occur throughout the island where lots are made up of large areas of coastal marshland. Under the current code, this unusable area is included in determining the buildable area of a lot. The City should consider modifying the schedule in Sec 3-090 and utilize buildable area versus lot size.

*Buildable Area:* The contiguous area of upland soils designated for development on a lot. The area identified as coastal marshlands are excluded from the buildable area associated with a lot. Area subject to setbacks may be included when calculating buildable area.



## 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 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. 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 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. 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 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. 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. Passenger cruise lines;
- 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.* 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 and 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.

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.

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.

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.

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)

**Sec. 3-090. - Schedule of development regulations.**

*(A) Schedule of residential district dimensional requirements.*

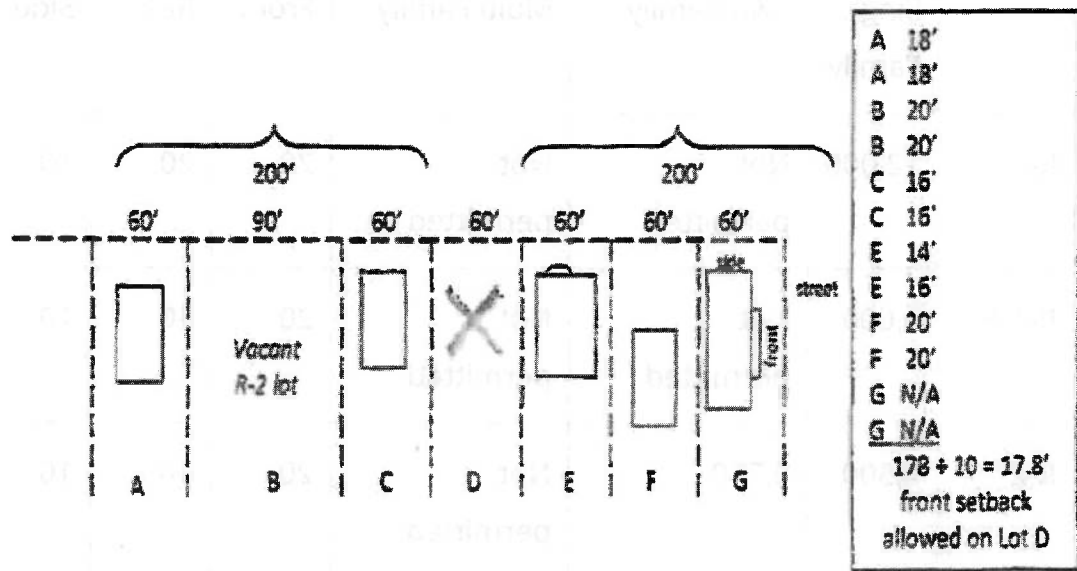
Zoning District	Minimum Lot Area (square feet)			Minimum Yard Setback Distance (feet)			Maximum Structure Height (feet)
	Single-Family	Two-Family	Multi Family	Front	Rear	Side	
—	Single-Family	Two-Family	Multi Family	Front	Rear	Side	—
R-1	12,000	Not permitted	Not permitted	20	20	10	35
R-1-B	6,600	Not permitted	Not permitted	20	10	10	35
R-2	4,500	6,750	Not permitted	20	10	10	35
RT	7,000	8,000	8,000 buildable to 80 percent of the property exclusive of the setbacks	20	20	10	35

- (1) In any residential district (R-1, R-1-B, R-2 and RT) where the average front setback distance for existing buildings on all lots located wholly or partly within 200 feet to each side of any lot, and within the same zoning district and fronting on the same side of the same street and on the same block as such lot, is less than the minimum setback required in such zoning district, the front setback on such lot may be less than the required setback but not less than the existing average setback distance for all lots within 200 feet to each side, provided that in no case



shall the front setback on new construction be less than ten feet. When lots within 200 feet on each side are vacant such vacant lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance. When existing structures on lots within 200 feet on each side exceed minimum front setback required in such zoning district, the required setback shall be used for the purpose of computing an average setback distance.

See illustration and table for visual clarification.



- (2) A second set of stairs from an existing elevated home or existing home to be elevated in the future may encroach into the setback upon approval of the zoning administrator. The stairs shall encroach as little as possible into the setback.

(B) Schedule of other than residential districts (commercial, maritime and transitional business-residential) dimensional requirements \*.

Zone	Minimum Lot Area (square feet)	Front Yard	Rear (feet)	Side (feet)	Maximum Structure Height (feet)
C-1(A)	(Not applicable to allowed uses)	0	None required except 15 feet if bordering residential use.	None required except 15 feet if bordering residential use.	35

C-1(B)	(Not applicable to allowed uses)	8	6	5	35
C-1(C)	4,500 Single-Family 6,750 Two-Family 1,125 per unit Multi-Family	20	10	10	35
C-2	(Not applicable to commercial uses)	10	6	6	35
M-D	(Not applicable to allowed uses)	20	10	10	35
TBR	4,500 Single-Family 6,750 Two-Family	20	10	10	35

\* When abutting public streets, any principal structure shall be located no nearer than five feet to that lot line.

\*\* Where a commercial establishment abuts a residential zoning, a suitable screen will be required. See [section 3-160](#). This screen shall be either natural (planting) or manmade and shall be maintained in good order and approved by the zoning administrator. Minimum height is six feet.

\*\*\* C-1(A) Retail uses and food/beverage service uses.

C-1(B) Hotel and motel uses, with 80 percent maximum lot coverage.

C-1(C) Residential uses, including single-family, two-family, and multi-family (triplexes,

quadraplexes, townhomes, apartments, tourist homes, condominiums, timeshares, and similar uses), bed and breakfast uses, and public structures.

- (C) *Structures above 35 feet.* If a variance is granted by the mayor and council for a building with a height in excess of 35 feet, in no event shall a building permit be granted without the following restrictions:
- (1) Structures greater than 35 feet in height shall be fully equipped with fire safe guards consisting of sprinkler systems, smoke detectors and any other fire protection measures deemed necessary at the time by the mayor and council.
  - (2) Before a permit can be granted on said request, an affidavit of the builder and owner must be executed agreeing to same to be completed within an agreed upon reasonable time.
- (D) *Calculating maximum height for development on existing structures or slabs.* In any situation, including specifically but not limited to, the batteries that were formerly part of Fort Screven, where new construction or remodeling of existing improvements is proposed, the elevation for purposes of calculating the finished height of the proposed structure shall be determined by the following rules:
- (a) The finished height of any new construction or remodeling shall not exceed 35 feet from the lower of the existing elevation as determined from either of the following:
    - (1) The elevation of the top of the lowest floor's slab of the existing improvement or structure, or
    - (2) The elevation of the crown of an existing improved street, public or private, that abuts or is nearest to the property on which the proposed structure is planned.

This section is applicable in circumstances where the existing structure, improvement, or slab is to be continued in use or in place, incorporated into the proposed improvement. If an improvement, slab and/or foundation is to be removed entirely, the elevation for new construction will be measured from the lower of the average adjacent grade of the lot or the elevation of the crown of an existing improved street, public or private, that abuts or is nearest to the property on which the proposed structure is planned.

As used in this article, the phrase "is nearest to" is to be determined by a measurement in any direction and without regard to property lines, easements, etc. but rather is to be determined "as the crow flies," beginning with the closest point on the property to be developed to the nearest improved public or private street.

As used in this article, the words "grade," "foundation" and "slab" shall be defined as demonstrated

and depicted on the attached Exhibit "A" and this article is to be applied and interpreted consistently therewith.

**Editor's note**— Exhibit A referenced in this section is not set out at length in this code, but may be found in the offices of the city.

(Ord. No. 1995, 12-7-1995; Ord. No. 2002-6, 4-11-2002; Ord. No. 1995-17, 12-7-1995; Ord. No. 2003-01, 1-9-2003; Ord. No. 1990-09, 4-22-1999; Ord. No. 2000-12, amended 2-11-2000; Ord. Correction to dates, amended 4-14-2005; Ord. No. 2002-01 JOY, amended 2-5-2003; Ord. No. 2002-06, amended 5-15-2002; 3-090, amended 3-20-2001, RT-deleted in error and is re-instated by Jackie Brown 3-20-2001; Ord. No. 2000-12, amended 5-24-2000; Ord. No. 1999-, amended 12-17-1999; Manual, amended 11-10-1999; Manual, amended 10-20-1999, Corrected prior update errors; Ord. No. 1999-09, amended 5-24-1999; Ord. of 1-26-2006(2); Ord. No. 14-2011, 4-14-2011; Ord. No. 24-2013, § 1, 8-8-2013; Ord. No. 18-2014, § 1, 2-27-2014; Ord. No. 40-2014, § 1, 8-14-2014; Ord. No. 23-2016, § 1, 8-25-2016; Ord. No. 01-2017-C, § 1, 4-27-2017; Ord. No. 02-2018, § 1, 3-22-2018)