

MAYOR
Brian West

CITY COUNCIL
Nick Hale
Cam Jackson
Tony Plouge
Nick Sears
Kathryn Williams



CITY MANAGER
Bret Bell

ASST CITY MANAGER
Michelle Owens

CITY CLERK
Fabian Mann

CITY ATTORNEYS
Edward M. Hughes
Tracy O'Connell

CITY OF TYBEE ISLAND

City Council Workshop **April 1, 2026 | 3:00 PM**

Tybee Island Public Safety Building
78 Van Horne Avenue
Tybee Island, GA 31328

A M E N D E D **A G E N D A**

Call to Order

Approval of Agenda

Short-Term Rental Ordinance Revisions

April 18 Spring Break Event Update

Memorial Park Master Plan Development

Public Comment

Adjournment

Individuals with disabilities who require accommodation 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 Fabian Mann at 912.472.5080 promptly to allow the City to provide reasonable accommodation.

403 Butler Avenue
P.O. Box 2749
Tybee Island, Georgia 31328-2749



(912) 786-4573 tel
(912) 786-5737 fax
www.cityoftybee.org

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Agenda Amendments

- **Item: Memorial Park Master Plan Development Added on 3/30/2026**
- **Item: National Fish and Wildlife Project Update Removed on 3/31/2026**
- **Meeting Time Changed from 2:00 PM to 3:00 PM on 3/31/2026**

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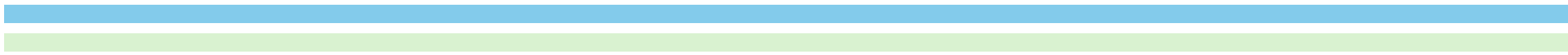
Short Term Rental Updates

LDC Section 4-051 Short-term rentals



Overall changes

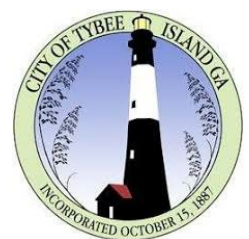
- Reorganizing and reformatting to consolidate sections and for readability.



Add purpose and Intent Statement

The purpose of this article is:

- To establish regulations for the use of residential dwelling units as short-term rentals and to ensure the collection and payment of hotel/motel fees and occupation tax certificate fees.
- to manage the impacts of transient lodging on residential communities by balancing tourism, neighborhood character, housing availability, and safety.
- To recognize the need to balance benefits against the need to professionally and responsibly manage such properties to ensure that the quality of life of citizens and neighborhoods is not compromised.



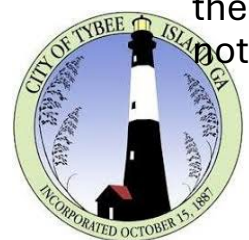
Definitions (Consolidated)

- **Authorized agent** means the owner's agent or the owner's designee who is normally available and authorized to respond to any issues arising from a short-term rental unit within two hours and who is authorized to receive written notice on behalf of the owner.
- **Cap** means the maximum number of properties that may be licensed for short-term rental use in a given zoning district which shall be defined or established with a restricted zoning or sector designation. The cap may be calculated as a percentage of the total number of developed dwelling units and developable lots within a zoning district or sector as a flat number or percentage of dwelling units in the district or sector. Once a zoning district or sector has met its cap, a waiting list or other means of determining eligibility for a permit may be established for properties which seek to obtain a short-term vacation rental permit.
- **Long-term rental** means a bona fide written lease agreement for the rental of a housing unit for a period of 30 days or more.
- **Nonconforming use** means the use of any land, building, or structure which does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.
- **Sector** means a given geographic area of the city where caps limits are in place for the number of short terms rentals allowed based on location and/or zoning district to avoid negative community impacts resultant from such concentrations.



Definitions (Consolidated 2)

- **Short-term rental** means an accommodation for guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types. This is also identified as "STR." This shall exclude bed and breakfast accommodations as they are currently defined by the City of Tybee Island Development Code. However, bed and breakfast establishments are required to have occupational tax certificates, and to pay taxes and fees as required by law or ordinance.
- **STR permit** means a permit or right to conduct short-term rental in the residential districts granted or renewed pursuant to sections 4-051.2, 4-051.3 or 4-051.11.
- **STR property** means each residence, structure or building in the residential districts for which a current STR permit has been issued, granted or renewed.
- **Sublet rentals** is a property which is leased from its owner on a long-term basis (30 days or longer) but then made available by the lessee for short-term rental or occupancy to a different party and shall be considered a short-term rental and both lessor and lessee are subject to ordinances regulating short-term rentals.
- **Transfer** means a conveyance of all, any portion of or any interest in the title to an "STR property" or the conveyance of any proprietary or beneficial interest in any trust or artificial entity (i.e., LLC, partnership, corporation) which owns or holds record title to a STR property; provided, however that, in the event a STR property is owned in whole or part in co-tenancy or by an artificial entity which has more than one cotenant, beneficiary, member, partner or shareholder (collectively referred to herein as "interest holder"), then a conveyance of an interest in that owner to another then existing interest holder of that owner (so that the number of interest holders in that owner is reduced) shall not be considered a transfer.
- **Waiting List** is the short term rental waiting list maintained by the short term rental administrator or as designated by the city manager, for those properties wishing to apply for a STR license in those zoning districts that have reached their sector cap. The City will contact the wait list applicant when an opening in the sector occurs. The waiting list is maintained on a first-come, first serve basis, except noted.



Application (consolidated)

- All instances of the application process is consolidated to this section.



Regulatory fee/renewal (modification)

- The short-term rental application shall be accompanied by an initial regulatory fee and be subject to an annual fee by January 1 of each calendar year thereafter, as established by the mayor and city council.
 - The fee shall be due January 1 of each year for short-term rental purposes and, if not paid within 90 days thereof, shall be subject to the delinquency and penalty provisions of section 58-163, as applicable, to occupation tax/business license provisions as well as the revocation of any right to use the unit for short-term rental purposes until payment of the penalties and fee.
 - In addition to the regulatory fee license as specified herein, the applicant shall also pay the required occupation tax each year.
 - An application, initial or renewal, is valid when completed and filed along with payment of the application regulatory fee set forth by city council.



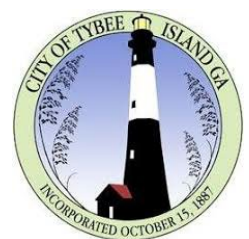
Procedures (Addition)

- Members of the city staff designated by the City Manager (the "staff") are responsible for reviewing applications for the issuance and renewals of permits includes for the legal ability to operate a short-term rental location.
- Staff shall make a determination of whether to issue or renew a permit based upon the application which shall, be considered evidence and the applicant shall be provided with reasonable notice of and opportunity to dispute a potential determination by staff that would be adverse to the applicant.
- Such notice shall specify the location and alternate times at which applicant may dispute such potential adverse determination. This would include, but not be limited to, situations where the alleged failure of the applicant to have accumulated the requisite rental periods required by ordinance or where review of the application revealed applicant's operation may be in violation of law.
- Following a final determination by staff which is adverse to the applicant and an application is denied, there may be an appeal as described below.



Appeals (Addition, consolidation and modification)

- Upon staff making an adverse determination and providing applicant notice thereof, the applicant may within fifteen (15) days of such notice appeal such decision by written notice to the clerk of council who shall promptly forward a copy of the notice to the mayor and council and the city attorney.
- Thereafter, an appeal hearing shall be held before the mayor and council in the nature of a show cause hearing requiring the applicant to appear before council to show or present any evidence required for securing the permit in accordance with all applicable ordinances and regulations.
- The hearing may be commenced, adjourned at various times as determined by the mayor and council on or before or during any ongoing or scheduled hearing.
- At the hearing or within seven (7) business days of the conclusion of the hearing, a written determination shall be made by the mayor and council, either upholding or revising the staff's decision or making such findings as are justified by the evidence. Findings of fact and conclusions of law shall not be required; however, the determination and the reasons shall be stated. The decision shall be in writing and provided by certified mail to the appealing party and any other interested individual including any complainant involved.
- Notice hereunder to be mailed to address provided on the application and if the notice is c/o to the clerk or attorney to “Attention Clerk of Council”, City of Tybee Island, 403 Butler Avenue, P.O. Box 2749, Tybee Island, GA 31328-2749.
- Notice to any witness at a hearing shall be to the mailing address provided by the witness.



Signs (modification to sign sizes)

- All one- and two-family STR units shall post a sign that shall be unobstructed, visible and legible from the address side of the street listing emergency contact name and phone number. **A QR code may also be included containing the same information.** The emergency contact name and number shall be the STR agent as required by subsection 4-051.1(D) unless otherwise specified and approved by the city staff and any rental agency involved. Such sign shall not be less than **12 inches by 12 inches** and shall not exceed **18 inches by 18 inches**. The purpose of the required sign is to enable officers and third parties to identify appropriate contacts for issues with the property and/or the occupants and, therefore the sign shall be located in such a location that it faces the street which is listed as the real property address or otherwise located at such location as approved by staff consistent with that purpose. The view of the sign shall not be obstructed by fencing, cars, vegetation, etc.
- Multi-family units shall post a sign which shall be visible and legible from a publicly accessible area outside the unit listing the required emergency contact name and phone number. Signs for multi-family units shall be **eight (8) by eight (8) inches next to each entry door**. All such signs shall be located no further than four (4) feet from the outer most edge of the front entry door or otherwise located at such location as approved by city staff consistent with that purpose. Multi-family units may have one (1) additional sign on the exterior of the property which complies with the standards of the one- and two-family STR unit for the purposes of advertising, branding and way finding.
- To the extent that the requirements herein are inconsistent with the sign ordinance the provisions hereof shall control in the case of short-term rental properties and shall supersede any inconsistent provisions of homeowner association agreements or policies or condominium association agreements or policies pertaining to signage.



Homestead exemption/estate planning (modification)

- For a property location that has been continuously held in individual or joint ownership by natural person(s) ~~for a period of at least five years and~~ which has been homesteaded for purposes of any of the city ordinances (Tybee Code section 58-30 and/or 58-33), such owner, may elect, upon proper application and permitting, to operate as a STR and to include the property as an authorized STR. **Homestead exempt properties are excluded from any STR cap and are not required to join any successive waiting lists.** Further, an estate of a deceased owner who qualified as stated above regarding ownership and homestead may have a one-time opportunity within one year of the death of the decedent to make the election provided for herein to secure a STR permit for a period of **one (1) year.**



Transfers

This section shall have application to STR properties or STR permits in the residential districts (R-1, R-1-B and R-2) and pertinent sectors.

- STR permits shall not transfer upon conveyance of the property. A new owner of a dwelling unit, formerly registered as an STR under the previous owner, shall be required to submit a new STR application and review fee. Upon approval pursuant to the provisions of this part, and if the waiting list permits, an STR permit can be issued to the new owner of the dwelling unit for use as a short term rental.
- If the residential dwelling unit operating as a short-term rental is owned as joint tenants with right of survivorship, the STR permit can be transferred to another joint tenant of the residential dwelling unit, upon the death of the short-term rental permit holder. A new permit is required upon the annual renewal deadline.
- In order for the STR permit to be transferred under this division, the joint tenant must be an immediate family member. An immediate family member is a spouse, parent, sibling, or child of the short-term rental permit holder.



Short Term Rental Sectors

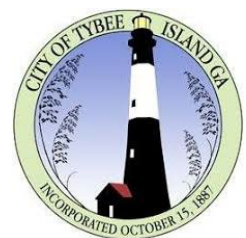
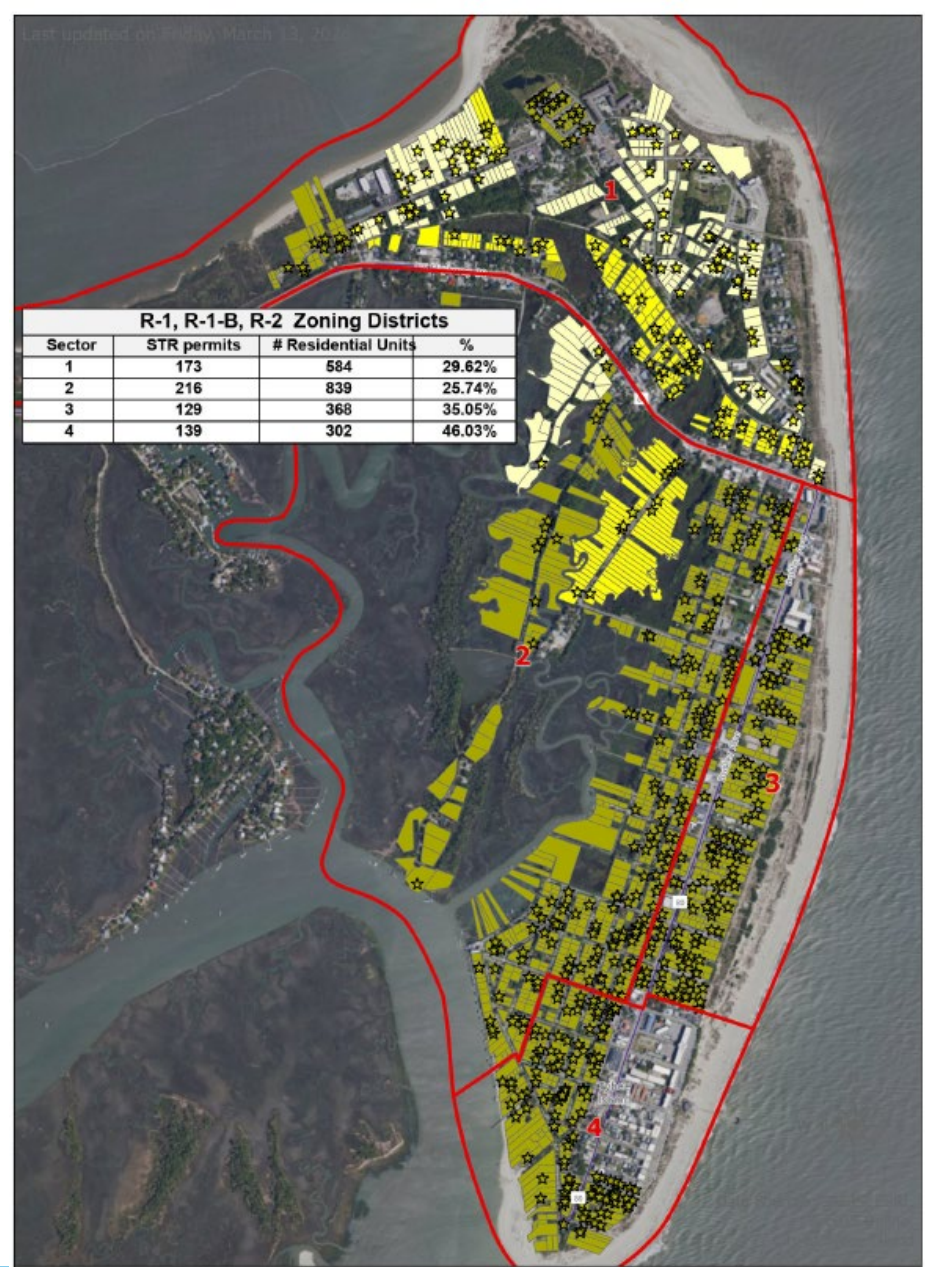
The city shall limit the number of short-term rental units in certain zoning districts in a given geographic area (sector) to avoid negative community impacts resultant from such concentrations. Short-term rentals shall be limited to a number cap per sector in the R-1, R-1-B, and R-2 zoning districts. The boundaries of each sector with the applicable cap are described below:

- **Sector 1:** North of US Highway 80 between the Lazaretto Creek Bridge and the end of First Street / beginning of Butler Avenue. The short term rental cap for sector one shall be 175 units permitted to operate as short term rentals in each calendar year.
- **Sector 2:** South of US Highway 80 between Lazaretto Creek Bridge and the end of First Street / Beginning of Lovell Avenue and North of 14th Street between Jones St and the ocean, west of Jones St between 14th St and 16th St, and north of 16th St. between Jones St and Chatham Ave, and north of Alley #3. The short term rental cap for sector two shall be 225 units permitted to operate as short term rentals in each calendar year.
- **Sector 3:** East of Lovell Avenue; between 1st St and 13th Lane on the north and south, to the east to the ocean. The short term rental cap for sector three shall be 180 units permitted to operate as short term rentals in each calendar year.
- **Sector 4:** South of 13th Lane, following Butler Avenue to 14th Street to the south; 5th Avenue and Alley 3 to the west; east and south towards the ocean. The short term rental cap for sector four shall be 180 units permitted to operate as short term rentals in each calendar year.



2025 Numbers

R-1, R-1-B, R-2 Zoning Districts			
Sector	STR permits	# Residential Units	%
1	173	584	29.62%
2	216	839	25.74%
3	129	368	35.05%
4	139	302	46.03%



City of Tybee Island STR Locations 2025 By Sector

- | | | |
|---------------|--------------------|----------------|
| Zoning | STR Permits | Sectors |
| ■ R-1 | ★ R-1 (81) | |
| ■ R-1-B | ★ R-1-B (68) | |
| ■ R-2 | ★ R-2 (505) | |

Waiting List

The city shall maintain a waiting list of short-term rental permit applications in sectors where additional units have been limited. Additional applications may be accepted on a 'first come, first served' basis when the number of units in any sector falls under the limits noted.

- These standards may be further restricted, based on substantial evidence after a noticed public hearing, if there is a concentration of short-term rental units that either affects the public health, safety, and welfare or significantly negatively impacts the character and standard of living within a specific neighborhood or within a specific geographic area, or both.



Sec. 4-051. Short-term rentals.

(Ord. No. 2023-01, § 1, 1-12-2023)

Ord. No. 2023-01, § 1, adopted Jan. 12, 2023, created a new § 4-051 in appendix A and redesignated ch. 34, art. VIII, §§ 34-260—34-266, as §§ 4-051.1—4-051.7. Additionally, provisions added by Ord. No. 2022-10, ch. 34, §§ 34-260—34-268, 34-270, and 34-271, were redesignated as appendix A, §§ 4-051.8—4-051.12. The historical notations of said sections have been preserved for reference purposes.

Sec. 4-051.1. Purpose and intent.

(A) The purpose of this article is to:

- (1) To establish regulations for the use of residential dwelling units as short-term rentals and to ensure the collection and payment of hotel/motel fees and occupation tax certificate fees-;
- (2) to manage the impacts of transient lodging on residential communities by balancing tourism, neighborhood character, housing availability, and safety; and
- (3) To recognize the need to balance benefits against the need to professionally and responsibly manage such properties to ensure that the quality of life of citizens and neighborhoods is not compromised.

Sec. 4-051.X. Definitions

The following words, terms and phrases, when used in Section 4-051, shall have the following meanings ascribed to them:

Authorized agent means the owner's agent or the owner's designee who is normally available and authorized to respond to any issues arising from a short-term rental unit within two hours and who is authorized to receive written notice on behalf of the owner.

Cap means the maximum number of properties that may be licensed for short-term rental use in a given zoning district which shall be defined or established with a restricted zoning or sector designation. The cap may be calculated as a percentage of the total number of developed dwelling units and developable lots within a zoning district or sector as a flat number or percentage of dwelling units in the district or sector. Once a zoning district or sector has met its cap, a waiting list or other means of determining eligibility for a permit may be established for properties which seek to obtain a short-term vacation rental permit.

Long-term rental means a bona fide written lease agreement for the rental of a housing unit for a period of 30 days or more.

Nonconforming use means the use of any land, building, or structure which does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

Sector means a given geographic area of the city where caps limits are in place for the number of short terms rentals allowed based on location and/or zoning district to avoid negative community impacts resultant from such concentrations.

Short-term rental means an accommodation for guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types. This is also identified as "STR." This shall exclude bed and breakfast accommodations as they are currently defined by the City of Tybee Island Development Code. However, bed and breakfast establishments are required to have occupational tax certificates, and to pay taxes and fees as required by law or ordinance.

Short-Term Rental Updates (DRAFT)

STR permit means a permit or right to conduct short-term rental in the residential districts granted or renewed pursuant to sections 4-051.2, 4-051.3 or 4-051.11.

STR property means each residence, structure or building in the residential districts for which a current STR permit has been issued, granted or renewed.

Sublet rentals is a property which is leased from its owner on a long-term basis (30 days or longer) but then made available by the lessee for short-term rental or occupancy to a different party and shall be considered a short-term rental and both lessor and lessee are subject to ordinances regulating short-term rentals.

Transfer means a conveyance of all, any portion of or any interest in the title to an "STR property" or the conveyance of any proprietary or beneficial interest in any trust or artificial entity (i.e., LLC, partnership, corporation) which owns or holds record title to a STR property; provided, however that, in the event a STR property is owned in whole or part in co-tenancy or by an artificial entity which has more than one cotenant, beneficiary, member, partner or shareholder (collectively referred to herein as "interest holder"), then a conveyance of an interest in that owner to another then existing interest holder of that owner (so that the number of interest holders in that owner is reduced) shall not be considered a transfer.

Waiting List is the short term rental waiting list maintained by the short term rental administrator or as designated by the city manager, for those properties wishing to apply for a STR license in those zoning districts that have reached their sector cap. The City will contact the wait list applicant when an opening in the sector occurs. The waiting list is maintained on a first-come, first serve basis, except noted.

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

(Ord. No. 2016-07B, 5-26-2016; Ord. No. 2021-01, 1-28-2021; Ord. No. 2022-10, § 34-260, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.2. Application.

- (A) Within 90 days of the effective date of the ordinance from which this article is derived, no person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as a short-term rental, as defined in section 4-051.4~~X~~, without the owner or rental agent first obtaining an occupation tax certificate and identifying the location of each STR with the city.
- (B) The city must be notified in writing within seven (7) days when there is a change in property ownership, management, agent or emergency contact. Failure to do so will void any permitted use as a STR.

Short-Term Rental Updates (DRAFT)

- (C) The application shall be furnished on a form (printed or online) specified by the city manager, accompanied by a non-refundable occupational tax and regulatory fee. Such application ~~should~~shall include:
- (1) The complete street address and property identification number (PIN) of the STR;
 - (2) Ownership, including the name, address, e-mail and telephone number of each person or entity with an ownership interest in the property;
 - (3) The number of bedrooms, the maximum occupancy and the number and location of off-street parking spaces on the premises and any off-premises parking applicable;
 - (4) Occupancy of any short-term rental property or unit shall be established in connection with the application for every short-term rental permit with the occupancy for overnight usage limited to two adults per bedroom plus two additional adults for the dwelling identified as existing on the property.
 - a. Any person over the age of 15 years old will be considered an adult for purposes of this section.
 - b. Occupancies beyond the established limits in the permit shall be a violation of this section;
 - (45) The name, address and telephone number of a short-term rental agent or local emergency contact if applicable; and
 - (56) Any other information that this chapter requires the owner to provide to the city, such as zoning designation, as part of the identification for a short-term rental. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
 - (67) The emergency contact number required.
 - (78) The property shall be covered by a homeowner's or other structural coverage as well as liability coverage and the insurance declaration shall list the unit as the rental property. The applicant shall acknowledge as part of the application the insurance requirement and agrees that within 30 days of receipt of a STR to supply to the city a copy of a conforming insurance declaration.
- 4(9) The form of the application for the renewal of a STR permit (the "application") shall require disclosure of the full name or names of the current (as of the filing of the application) owner or owners of the subject STR property and, if any of the owners is an artificial entity, shall require the names of all its current members, partners, shareholders or beneficiaries, as the case may be. Further, the form of the application to be filed in 2025 shall require disclosure of each transfer of the subject property which occurred after the "effective date" of the ordinance from which this section is derived; and after 2025, the application shall require disclosure of each transfer which occurred in the immediately preceding calendar year.
- (210) In conducting any audit under the verification program and policy referred to in section 4-051.10 or any other investigation of compliance by one or more STR properties, such audit or investigation by the city shall, if appropriate, include research of the Chatham County, Georgia real property and ad valorem tax records, filings and applications by the owner of the subject STR property and any relevant information in Zillow or other publicly accessible or available private sources.
- (D) The certification form pursuant to this section shall be processed and added to a database to be kept by staff or the manager's designee listing STR unit information and any citations that occur. The city shall notify the owner and agent of any instances that result in a citation for a code violation or other legal infraction.
- (E) Owner or rental agent for a short-term rental shall submit, on an annual basis, an occupational tax certificate to the City of Tybee Island.
- (F) An owner shall be required to designate an agent for any short-term rental unit, whose responsibility will be to comply with the requirements of this section on behalf of the owner. The owner may be the agent.

Short-Term Rental Updates (DRAFT)

(EG) The owner or agent shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the residential dwellings unit as a short-term rental unit.

(FH) All information supplied by the applicant to the city or the manager's designee shall be subject to verification as hereinafter provided.

(Ord. No. 2016-07B, 5-26-2016; Ord. No. 09-2019, § 1, 5-9-2019; Ord. No. 2021-01, 1-28-2021; Ord. No. 2021-29, § I, 11-10-2021; Ord. No. 2022-10, § 34-261, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051

Sec. 4-051.3. Regulatory fee/renewal.

(A) The short-term rental application shall be accompanied by an initial regulatory fee and be subject to an annual fee ~~every by~~ January 1 of each calendar year thereafter, as established by the mayor and city council.

(1) ~~The fee shall be due January 1 of each year for short-term rental purposes and, if not paid within 90 days thereof, shall be subject to the delinquency and penalty provisions of section 58-163, as applicable, to occupation tax/business license provisions as well as the revocation of any right to use the unit for short-term rental purposes until payment of the penalties and fee.~~

(2) ~~In addition to the regulatory fee license as specified herein, the applicant shall also pay the required occupation tax each year.~~

(3) ~~An application, initial or renewal, is valid when completed and filed along with payment of the application regulatory fee set forth below by city council. The fee shall be due January 1 of each year for short-term rental purposes and, if not paid within 90 days thereof, shall be subject to the delinquency and penalty provisions of section 58-163, as applicable, to occupation tax/business license provisions as well as the revocation of any right to use the unit for short-term rental purposes until payment of the penalties and fee. In addition to the regulatory fee license as specified herein, the applicant shall also pay the required occupation tax each year.~~

(BC) Each property or unit shall be issued a unique property identification number, which is not the same as the "PIN" assigned by the county for a parcel of land.

(CD) Failure to apply and/or identify as prescribed by this law will result in a fine of \$500.00 for each month that the unit continues to operate without compliance.

(DE) The annual identification of a unit and the regulatory fee are not transferrable.

(EF) In the event a property owner changes the management company it uses, the unit is to be re-identified by notice to the city.

(FG) Each applicant will pay a regulatory fee that is determined based upon the occupancy of the property to which the short-term rental application applies. Every applicant will pay a \$200.00 base fee. In addition to the base fee, each applicant will be responsible for an additional occupancy fee based upon the rental unit's occupancy. ~~As part of the application, the applicant shall disclose the total occupancy for the rental unit.~~ A fee will be charged for each person under the tiers below:

(1) Total occupancy of one to five persons—\$10.00 per person.

(2) Total occupancy of six to ten persons—\$15.00 per person.

(3) Total occupancy often or more persons—\$20.00 per person.

(H) As part of the application, the applicant shall disclose the total occupancy for the rental unit.

Short-Term Rental Updates (DRAFT)

(Ord. No. 16-2017-B, § 1, 12-19-2017; Ord. No. 09-2019, § 2, 5-9-2019; Ord. No. 2019-15, § 1, 11-11-2019; Ord. No. 2021-01, 1-28-2021; Ord. No. 23-2021, § 1, 9-9-2021; Ord. No. 07-2022, § 1, 6-23-2022; Ord. No. 2022-10, § 34-262, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.XX. Procedures

- (A) Members of the city staff designated by the City Manager (the "staff") are responsible for reviewing applications for the issuance and renewals of permits includes for the legal ability to operate a short-term rental location.
- (B) Staff shall make a determination of whether to issue or renew a permit based upon the application which shall, be considered evidence and the applicant shall be provided with reasonable notice of and opportunity to dispute a potential determination by staff that would be adverse to the applicant.
- (C) Such notice shall specify the location and alternate times at which applicant may dispute such potential adverse determination. This would include, but not be limited to, situations where the alleged failure of the applicant to have accumulated the requisite rental periods required by ordinance or where review of the application revealed applicant's operation may be in violation of law.
- (D) Following a final determination by staff which is adverse to the applicant and an application is denied, there may be an appeal as described below.

Sec. 4-051.XX. Appeals

- (A) Upon staff making an adverse determination and providing applicant notice thereof, the applicant may within fifteen (15) days of such notice appeal such decision by written notice to the clerk of council who shall promptly forward a copy of the notice to the mayor and council and the city attorney.
- (B) Thereafter, an appeal hearing shall be held before the mayor and council in the nature of a show cause hearing requiring the applicant to appear before council to show or present any evidence required for securing the permit in accordance with all applicable ordinances and regulations.
- (C) The hearing may be commenced, adjourned at various times as determined by the mayor and council on or before or during any ongoing or scheduled hearing.
- (D) At the hearing or within seven (7) business days of the conclusion of the hearing, a written determination shall be made by the mayor and council, either upholding or revising the staff's decision or making such findings as are justified by the evidence. Findings of fact and conclusions of law shall not be required; however, the determination and the reasons shall be stated. The decision shall be in writing and provided by certified mail to the appealing party and any other interested individual including any complainant involved.
- (E) Notice hereunder to be mailed to address provided on the application and if the notice is c/o to the clerk or attorney to "Attention Clerk of Council" City of Tybee Island, 403 Butler Avenue, P.O. Box 2749, Tybee Island, GA 31328-2749.
- (F) Notice to any witness at a hearing shall be to the mailing address provided by the witness.

Sec. 4-051.4. Good neighbor policy.

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

(Ord. No. 2016-07B, 5-26-2016; Ord. No. 2021-01, 1-28-2021; Ord. No. 2022-10, § 34-263, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.5. Signs.

(A) All one- and two-family STR units shall post a sign that shall be unobstructed, visible and legible from the address side of the street listing emergency contact name and phone number. A QR code may also be included containing the same information. The emergency contact name and number shall be the STR agent as required by subsection 4-051.1(D) unless otherwise specified and approved by the city staff and any rental agency involved. Such sign shall not be less than 18-12 inches by 24-12 inches and shall not exceed 24-18 inches by 24-218 inches. The purpose of the required sign is to enable officers and third parties to identify appropriate contacts for issues with the property and/or the occupants and, therefore the sign shall be located in such a location that it faces the street which is listed as the real property address or otherwise located at such location as approved by staff consistent with that purpose. The view of the sign shall not be obstructed by fencing, cars, vegetation, etc.

(B) Multi-family units shall post a sign which shall be visible and legible from a publicly accessible area outside the unit listing the required emergency contact name and phone number. Signs for multi-family units shall be eight and one-half inches by 11-8 inches next to each entry door. All such signs shall be located no further than four (4) feet from the outer most edge of the front entry door or otherwise located at such location as approved by city staff consistent with that purpose. Multi-family units may have one (1) additional sign on the exterior of the property which complies with the standards of the one- and two-family STR unit for the purposes of advertising, branding and way finding.

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

(Ord. No. 2016-07B, 5-26-2016; Ord. No. 16-2017-B, § 1, 12-19-2017; Ord. No. 2019-15, § 1, 11-11-2019; Ord. No. 2020-02, § 1, 2-27-2020; Ord. No. 2021-01, 1-28-2021; Ord. No. 2022-10, § 34-264, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.6. Unique location identification number required.

Each short-term rental property or unit is to have a unique location identification number, as referenced in subsection 4-051.3~~(B)~~. Any advertising, promotion or notice of availability of a property or unit for a short-term rental occupancy shall include the location identification number or numbers for every available property or unit which is the subject matter of the advertisement, promotion or notice. The phrase "advertisement, promotion or notice" as used herein shall include, but not be limited to, brochures, marketing material and any online, digital, social media or published promotion of any such property or unit. The failure to include such number as required herein shall be a violation hereof and punishable as otherwise provided in this Code.

(Ord. No. 2019-15, § 1, 11-11-2019; Ord. No. 2021-01, 1-28-2021; Ord. No. 2022-10, § 34-265, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.7. Compliance.

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

(Ord. No. 2016-07B, 5-26-2016; Ord. No. 2021-01, 1-28-2021; Ord. No. 2022-10, § 34-266, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.8. Homestead exemption/estate planning.

For a property location that has been ~~continuously held~~ in individual or joint ownership by natural person(s) ~~for a period of at least five years~~ and which has been homesteaded for purposes of any of the city ordinances (Tybee Code section 58-30 and/or 58-33), such owner, may elect, upon proper application and permitting, to operate as a STR and to include the property as an authorized STR. ~~for a period of up to three years. Homestead exempt properties are excluded from any STR cap and are not required to join any successive waiting lists.~~ Further, an estate of a deceased owner who qualified as stated above regarding ownership and homestead may have a one-time opportunity within one year of the death of the decedent to make the election provided for herein to secure a STR permit for a period of ~~three~~ one (1) years.

(Ord. No. 2022-10, § 34-267, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.9. Additional compliance and enforcement of requirements.

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

(Ord. No. 2022-10, § 34-268, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.10. Right to require verification of compliance.

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

(Ord. No. 2022-10, § 34-270, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023)

Note(s)—See editor's note at § 4-051.

Sec. 4-051.11. Transfers.

This section shall have application to STR properties or STR permits in the residential districts (R-1, R-1-B and R-2) and pertinent sectors.

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(A) STR permits shall not transfer upon conveyance of the property. A new owner of a dwelling unit, formerly registered as an STR under the previous owner, shall be required to submit a new STR application and review fee. Upon approval pursuant to the provisions of this part, and if the waiting list permits, an STR permit can be issued to the new owner of the dwelling unit for use as a short term rental.

(B) If the residential dwelling unit operating as a short-term rental is owned as joint tenants with right of survivorship, the STR permit can be transferred to another joint tenant of the residential dwelling unit, upon the death of the short-term rental permit holder. A new permit is required upon the annual renewal deadline.

(1) In order for the STR permit to be transferred under this division, the joint tenant must be an immediate family member and must submit the information listed in subsection (C). An immediate family member is a spouse, parent, sibling, or child of the short-term rental permit holder.

(2) As to properties in the residential districts only, upon the "transfer" defined below, of an "STR property" defined below, whether or not disclosed pursuant to subsection (C)(1) below, the "STR permit," defined below, for that STR property shall terminate and be of no further force or effect and such terminated STR permit shall not be assigned, transferred or renewed, and no permit shall be issued in its place; and no application to secure or renew a STR permit for such location shall be submitted or accepted by the city. This section shall have application to STR properties or STR permits in the residential districts (R 1, R 1 B and R 2).

(B) ~~Definitions~~ The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

"Short term rental" means an accommodation for guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types. This is also identified as "STR." This shall exclude bed and breakfast accommodations as they are currently defined by the City of Tybee Island Development Code. However, bed and breakfast establishments are required to have occupational tax certificates, and to pay taxes and fees as required by law or ordinance.

"STR permit" means a permit or right to conduct short term rental in the residential districts granted or renewed pursuant to sections 4-051.2, 4-051.3 or 4-051.11.

"STR property" means each residence, structure or building in the residential districts for which a current "STR permit" has been issued, granted or renewed.

"Transfer" means a conveyance of all, any portion of or any interest in the title to an "STR property" or the conveyance of any proprietary or beneficial interest in any trust or artificial entity (i.e., LLC, partnership, corporation) which owns or holds record title to a STR property; provided, however that, in the event a STR property is owned in whole or part in cotenancy or by an artificial entity which has more than one cotenant, beneficiary, member, partner or shareholder (collectively referred to herein as "interest holder"), then a conveyance of an interest in that owner to another then existing interest holder of that owner (so that the number of interest holders in that owner is reduced) shall not be considered a transfer.

(C) ~~(1) The form of the application for the renewal of a STR permit (the "application") shall require disclosure of the full name or names of the current (as of the filing of the application) owner or owners of the subject STR property and, if any of the owners is an artificial entity, shall require the names of all its current members, partners, shareholders or beneficiaries, as the case may be. Further, the form of the application to be filed in 2025 shall require disclosure of each transfer of the subject property which occurred after the "effective date" of the ordinance from which this section is derived; and after 2025, the application shall require disclosure of each transfer which occurred in the immediately preceding calendar year.~~

~~(2) In conducting any audit under the verification program and policy referred to in section 4-051.10 or any other investigation of compliance by one or more STR properties, such audit or investigation by the~~

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~~city shall, if appropriate, include research of the Chatham County, Georgia real property and ad valorem tax records, filings and applications by the owner of the subject STR property and any relevant information in Zillow or other publicly accessible or available private sources.~~

~~(C)(3)~~—Upon becoming aware of the occurrence of a possible transfer, whether because of a disclosure in an application pursuant to ~~subsection (C)(1) above~~Section 4.051(X), or because of an audit or investigation referred to in ~~subsection Section 4.051 (X)(C)(2) above~~ or for any other reason, the city shall notify the owner of the STR property involved of the transfer and the resulting termination of that STR property's STR permit.

~~(D)~~ Such notice shall be mailed by regular and certified return receipt mail to the address of the owner or the owner's manager supplied in that STR property's most recent application.

- ~~(1)~~ The owner shall have 20 days from the date such notice was mailed to refute the occurrence of a transfer and to contest the termination of the STR permit by a written notice to the city manager.
- ~~(2)~~ A hearing will be held before the city manager or the manager's designee within seven business days unless otherwise agreed upon in writing to a future specific date no more than 30 days thereafter.
- ~~(3)~~ Following the hearing, the manager or the manager's designee will make a written determination within three business days.
- ~~(4)~~ The provisions hereof relating to hearings may become subject to future code amendments providing for code enforcement hearings applicable to zoning and other codes.

(Ord. No. 2022-10, § 34-271, 10-13-2022; Ord. No. 2023-01, § 1, 1-12-2023; Ord. No. 08-2024, §§ 1—3, 6-13-2024)

Note(s)—See editor's note at § 4-051. Additionally, while transfers of STRs were previously permitted, Ord. No. 08-2024, prohibits permits following any transfer and states in § 5 that "All ordinances and parts of ordinances in conflict herewith are expressly repealed."

Sec. 4-051.12. Severability.

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

(Ord. No. 2023-01, § 1, 1-12-2023)

Sec. 4-052. Short-term rentals related to the R-1, R-1-B, and R-2 residential zoning districts.

~~(A) Purpose and intent. The purpose of this subsection is to clarify the definitions and uses for zone R-1, R-1-B, and R-2 residential zoning districts. Except as set forth herein, no residence, structure or building within zones R-1, R-1-B, and R-2 shall be operated as a short term rental or leased or rented or held available for rental for less than 30 days. Existing and ongoing properly permitted short term rentals which have been operated within the city in zones R-1, R-1-B, or R-2 prior to the effective date hereof [April 27, 2023] shall not be a use as of right, but rather, such use will be a nonconforming use hereafter, except for owner occupied locations as authorized below or in other sections of this Code (see section 4-051, short term rentals).~~

~~(B) Definitions. The following words and phrases, as used in this subsection, shall have the following meanings:~~

~~Authorized agent means the owner's agent or the owner's designee who is normally available and authorized to respond to any issues arising from a short term rental unit within two hours and who is authorized to receive written notice on behalf of the owner.~~

~~Cap means the maximum number of properties that may be licensed for short term rental use in a given zoning district which may be later defined or established with a restricted zoning designation. The cap may be calculated as a percentage of the total number of developed dwelling units and developable lots within a zoning district or, alternately, as a flat number, not a percentage. Once a zoning district has met its cap, a waiting list or~~

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~~other means of determining eligibility for a permit may be established for properties which seek to obtain a short-term vacation rental permit.~~

~~Nonconforming use means the use of any land, building, or structure which does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.~~

~~Short term rental (STR) property means an accommodation for guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types. This is also identified as "STR." This shall exclude bed and breakfast accommodations as they are currently defined by the City of Tybee Island's Land Development Code. However, bed and breakfast establishments are required to have occupational tax certificates, and to pay taxes and fees as required by law or ordinance.~~

~~Sublet rentals is a property which is leased from its owner on a long-term basis (30 days or longer) but then made available by the lessee for short-term rental or occupancy to a different party and shall be considered a short-term rental and both lessor and lessee are subject to ordinances regulating short-term rentals.~~

~~(A) (CA) Notice of and abandonment of nonconforming use.~~ If a property holding a short-term rental permit in zoning districts R-1, R-1-B, or R-2 fails to conduct short-term rentals (rentals of less than 30 days each), at least ~~60-45~~ days of rental ~~at full market value~~ within the preceding 12-month period, it shall be presumed that such short-term rental use has been abandoned and therefore such use shall be unauthorized. It is the owner or rental operator's burden to establish the rentals.

~~(1)~~ The existence of rentals shall be proven by the applicable tax returns filed by the owner for that location. In the event tax returns or other verifiable tax documentation are not available due to the rental occurring, or allegedly occurring, through a marketplace innkeeper or an online booking service (such as Airbnb or similar providers), the owner may establish rentals through other documentation including rental records to the city's satisfaction.

~~(2)~~ No new permit or renewal of a permit shall be granted if an owner or rental operator fails to make this showing of rentals.

~~(3)~~ Any new owner seeking a permit is responsible to demonstrate the prior property owner's rental history.

~~— Any previously operated short-term rental within the R-1, R-1-B, or R-2 zoning districts which is determined abandoned will no longer be allowed to operate as a short-term rental.~~

~~— Any property holding a STR permit is exempt from the above requirement to establish the short-term rental history for any period where the property is subject to a written lease for a long-term rental. "Long-term rental" as used herein means a bona fide written lease agreement for a period of 30 days or more.~~

~~(4)~~ Further, and notwithstanding the provisions above, property owners, managers or agents thereof may petition the mayor and council for relief from the ~~60-14~~-day requirement by demonstrating that due to damage to the property from fire, hurricane or other storm, and/or due to the unexpected spread of disease, such as the recent pandemic, the property was not available or appropriate for rent or there was no ability to rent during a period making compliance unachievable as a practical matter, relief may be granted if the mayor and council determines that the circumstances shown to exist were of such an extent, duration and/or nature that rentals would be substantially impaired for a period of time not less than 45 days.

~~(B) Rental Requirement Exemptions.~~ In addition to the circumstances identified in the above ~~paragraph~~ subsection, a property owner or representative of a property owner may apply for an exception to the ~~60-45~~-day rental requirement when circumstances exist which are peculiar to the particular property and which involve circumstances that the owner or representative contend(s) to be justification for allowing relief or an exemption to the 60-day requirement.

~~(1)~~ The owner or representative must petition for relief with identifying circumstances contended by the owner or representative believed to justify an exception to the requirement.

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a. Such circumstances must relate to the property and involve conditions that, although are not identified in the calamities described above, would create an undue hardship or other exceptional circumstances that would warrant relief.

b. The circumstances must be such as to significantly impact the availability or marketability of the property in question and must be directly related to the property itself, as opposed to any unique circumstances of the owner or representative of the owner.

~~(2) Applications for relief from the requirements of this subsection shall be made by petition on such forms as the city may designate and will identify the calamity or circumstances the owner or representative contend support entitlement to an exemption to the time rental requirements under this subsection. The matter will be reviewed by the planning commission and a public hearing will be held by the mayor and council pursuant to applications and ordinary procedures for a variance such as those provided in section 5-090. The mayor and council will determine, following a public hearing, whether the calamity or circumstances justify the exemption or relief and such conditions or terms as would be applicable to the relief in accordance with Section 4-051(X) Appeals~~

~~(C) (D) Allowances~~—In locations other than properties zoned R-1, R-1-B or R-2, notwithstanding any other provisions in this Code, a short-term rental use is allowable in any zoning districts where restrictions are not in place as long as the short-term rental location and the owners, agents or representatives for such location are in full compliance with all provisions of the city's then current short-term rental ordinance currently codified at [Section] 4-051.1 et seq. including, but not limited to, all requirements regarding the payment of taxes, compliance with the good neighbor policy, enforcement of the occupancy limits, compliance with noise and other regulations and such property has avoided citations for violating the disorderly house ordinance.

~~(D) Permits required for individual units.~~ Any structure on a property that contains multiple STR units must have a permit for each separate unit. In ~~zones R-1, R-1-B, and R-2~~ all zoning districts, if a property identified by a single parcel identification number per official tax records, has more than one structure on it that contains a STR unit, only one structure is eligible to apply for a permit.

~~(E) Caps in certain zoning districts.~~ For purposes of this section, a restricted zoning designation category or cap shall be any zoning district in which an ordinance exists limiting the number of authorized short-term rental units in that particular district. In the event a cap on short-term rental units exists for a certain zoning district and a permitted unit in that district is thereafter disqualified for a rental permit, that unit's permit shall be void.

~~(1) Cap restrictions.~~ No new location or unit will be issued a short-term rental permit to operate as a STR in any restricted zoning designation district which has already issued permits equaling the cap. Exceptions to this prohibition of issuing new permits over any cap may be allowed as set forth by ordinance.

~~(2) Waiting List.~~ The city may establish a waiting list or other means of determining eligibility for a permit for locations in a restricted zoning designation district as necessary.

~~(F) New permits prohibited.~~ No new permits are allowable in the R-1, R-1-B, and R-2 zones except as otherwise provided.

~~(G) Certain building permit holders' ability to obtain STR permit.~~

~~(1) As of the time the moratorium resolution addressing short term rentals was adopted on August 26, 2021, any person holding a valid building permit for construction or renovation of a property in [a] R-1, R-1-B, or R-2 district intended to be used as a STR may apply for a STR permit. Such applicant must establish eligibility for a STR permit under all applicable codes and regulations and must submit their application for a STR permit within six months of the issuance of the certificate of occupancy or other official notification that the construction and/or renovations have been completed and passed all applicable required inspections, or within six months of the adoption of this subsection. In order to be considered for a permit, the applicant must show:~~

~~a. The building permit was in place prior to August 26, 2021;~~

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- b. ~~The construction and/or renovation was such that no certificate of occupancy for the location could be secured and no certificate of occupancy in fact was possible due to the renovations; and~~
- c. ~~The applicant demonstrates by a preponderance of the evidence that the intention was to use the property for a STR by way of records or documents including contracts with agents or market place innkeepers for anticipated rentals intended upon completion of the repairs or construction, or any other evidence the applicant contends supports the intention to establish a STR at the location.~~

(2) ~~In regard to applicants claiming "extensive renovations," extensive renovations shall mean improvements that cost in excess of 50 percent of the pre-renovation of the value of the structure (residence) to which the application applies. Therefore, extensive renovations shall mean the same as a "substantial improvement" under the flood damage prevention ordinance (article 8) to the extent that such definition would be consistent with the purpose hereof. That is, in order for a renovation to allow an application for a short-term rental permit, the renovation permit must have been issued prior to the August 26, 2021 moratorium and shall have included, or ultimately included, repairs, reconstruction, alteration or improvements to a structure taking place during a one-year period in which the cumulative cost equals or exceeds 50 percent of the market value of the structure before the start of the construction of the improvement. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement.~~

(3) ~~City staff will investigate any such application to determine the existence and nature of the building permit as compliance with the above requirements and report to the mayor and council thereon. The mayor and council shall make all determinations hereunder.~~

(HG) Short Term Rental Sectors. The city shall limit the number of short-term rental units in certain zoning districts in a given geographic area (sector) to avoid negative community impacts resultant from such concentrations. Short-term rentals shall be limited to a number cap per sector in the R-1, R-1-B, and R-2 zoning districts. The boundaries of each sector with the applicable cap are described below:

(1) Sector 1: North of US Highway 80 between the Lazaretto Creek Bridge and the end of First Street / beginning of Butler Avenue. The short term rental cap for sector one shall be 175 units permitted to operate as short term rentals in each calendar year.

(2) Sector 2: South of US Highway 80 between Lazaretto Creek Bridge and the end of First Street / Beginning of Lovell Avenue and North of 14th Street between Jones St and the ocean, west of Jones St between 14th St and 16th St, and north of 16th St, between Jones St and Chatham Ave, and north of Alley #3. The short term rental cap for sector two shall be 225 units permitted to operate as short term rentals in each calendar year.

(3) Sector 3: East of Lovell Avenue; between 1st St and 13th Lane on the north and south, to the east to the ocean. The short term rental cap for sector three shall be 180 units permitted to operate as short term rentals in each calendar year.

(4) Sector 4: South of 13th Lane, following Butler Avenue to 14th Street to the south; 5th Avenue and Alley 3 to the west; east and south towards the ocean. The short term rental cap for sector four shall be 180 units permitted to operate as short term rentals in each calendar year.

(H) Waiting List. The city shall maintain a waiting list of short-term rental permit applications in sectors where additional units have been limited. Additional applications may be accepted on a 'first come, first served' basis when the number of units in any sector falls under the limits noted.

(1) These standards may be further restricted, based on substantial evidence after a noticed public hearing, if there is a concentration of short-term rental units that either affects the public health, safety, and welfare or significantly negatively impacts the character and standard of living within a specific neighborhood or within a specific geographic area, or both.

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(H) *[Repealer.]* All ordinances and parts of ordinances in conflict herewith are expressly repealed.

(Ord. No. 2022-04, §§ 1—7, 10-10-2022; Ord. No. 2022-11, §§ 1—7, 10-10-2022; Ord. No. 2023-11, §§ 1, 2, 4—7, 4-27-2023; Ord. No. 2023-12, § 1, 4-27-2023; Ord. No. 2023-15A, § Ord. No. 2023-18, § 1, 6-22-2023)