

MAYOR
Brian West

MAYOR PRO TEM
Monty Parks

CITY COUNCIL
Bill Garbett
Spec Hosti
Tony Ploughe
Nick Sears
Kathryn Williams



CITY MANAGER
Bret Bell

CITY CLERK
Fabian Mann

ASST CITY MANAGER
Michelle Owens

CITY ATTORNEYS
Edward M. Hughes
Tracy O'Connell

CITY OF TYBEE ISLAND

City Council Regular Meeting September 25, 2025 | 6:30 PM

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

AGENDA

Opening Ceremonies

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Executive Session

Discuss Litigation

Announcements

Recognitions

Tybee Island Maritime Academy, 2025 School of Distinction Honoree

Consideration of Items for Consent Agenda

Consideration of Approval of Consent Agenda

City Manager Discussion

1. Action Item List Update

Public Comments

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



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

If anyone wishes to speak on any item on the agenda, please approach the podium and limit your comments to five minutes.

Consideration of Approval of Meeting Minutes

- [2.](#) City Council Regular Meeting Minutes — September 11, 2025

Consideration of Ordinances and Resolutions

- [3.](#) Second Reading and Approval of Ordinance 2025-05, Amendments to Sec. 22-69 of the Property Maintenance Ordinance to Revise Definitions of Personal Property
- [4.](#) Second Reading and Approval of Ordinance 2025-06, Amendments to Sec. 22-29 of the Code of Ordinances to Clarify the Definitions of Nuisance Conditions on Private Property
- [5.](#) Second Reading and Approval of Ordinance 2025-07, Amendments to Sec. 10-5 of the Code of Ordinances to Clarify Enforcement on Nuisance Animals and Fowls
- [6.](#) Second Reading and Approval of Ordinance 2025-08, Amendments to Sec. 10-16 of the Code of Ordinances to Address Animals Left Unattended in a Parked Car
- [7.](#) Second Reading and Approval of Ordinance 2025-09, Amendments to Sec. 66-150 of the Code of Ordinance to Address Parking in Public Rights of Way
- [8.](#) Second Reading and Approval of Ordinance 2025-11, Text Amendment to Land Development Code Regarding Significant Trees
- [9.](#) First Reading of Ordinance 2025-10, Sec. 34-39.1 of the Code of Ordinances to Create an Appeal Process for the Denial of Business License and Permit Requests Related to Short-Term Rental Properties
- [10.](#) Resolution 2025-15 to Ratify the Approval of a Revenue Bond Issued by the Tybee Island Building & Public Facilities Authority for Acquiring Real Property and Conveying that Property to the Authority to be Leased to the City for a Fire Station Complex

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.

***PLEASE NOTE:** Those wishing to speak on items listed on the agenda, other than public hearings, should do so during the citizens to be heard section. Citizens wishing to place items on the council meeting agenda must submit an agenda request form to the City Clerk's office by Thursday at 5:00PM prior to the next meeting scheduled. Agenda request forms are available outside the Clerk's office at City Hall and at www.cityoftybee.org.



THE VISION OF THE CITY OF TYBEE ISLAND

"is to make Tybee Island the premier beach community in which to live, work, and play."

P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
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THE MISSION OF THE CITY OF TYBEE ISLAND

“is to provide a safe, secure and sustainable environment by delivering superior services through responsible planning, preservation of our natural and historic resources, and partnership with our community to ensure economic opportunity, a vibrant quality of life, and a thriving future.”

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File Attachments for Item:

2. City Council Regular Meeting Minutes — September 11, 2025

MAYOR
Brian West

CITY COUNCIL
Bill Garbett
Spec Hosti
Tony Ploughe
Nick Sears
Kathryn Williams



CITY MANAGER
Bret Bell

ASST CITY MANAGER
Michelle Owens

MAYOR PRO TEM
Monty Parks

CITY CLERK
Fabian Mann

CITY ATTORNEYS
Edward M. Hughes
Tracy O'Connell

CITY OF TYBEE ISLAND

City Council Regular Meeting
September 11, 2025 — 6:30 PM

Minutes of Meeting

Call to Order — The City of Tybee Island City Council held a regular city council meeting on Thursday, September 11, 2025, at 78 Van Horne Avenue, Tybee Island, GA 31328. The meeting was called to order by Mayor Brian West at approximately 6:30 PM. Mayor Pro Tem Monty Parks, Councilmember Bill Garbett, Councilmember Michael "Spec" Hosti, Councilmember Tony Ploughe, Councilmember Nick Sears, and Councilmember Kathryn Williams were also present.

Administrative Staff Attendance — City Manager Bret Bell, City Clerk Fabian Mann, City Attorney Edward Hughes, and City Attorney Tracy O'Connell were present.

Invocation — The invocation was led by **Mayor West**.

Pledge of Allegiance — The pledge of allegiance was led by **Mayor West**.

Consideration of Approval of Agenda

Councilmember Sears made a motion to approve the agenda. **Councilmember Garbett** seconded the motion. **Motion passed unanimously.**

Announcements

- Mayor West led a moment of silence to honor the brave victims of September 11, 2001.
- Solomon Avenue Community Meeting | September 17, 2025 | 6:00 PM | Guard House
- Voter Registration Reminder
- Parks for Pollinator Event | September 20, 2025 | 10:00 AM | Community Orchard

Recognitions

- Maggie Wright was recognized as Tybee Island's employee of the second quarter.
- Lynn Davis was recognized for her 10 years of service with Tybee Island's Parking Services Department.
- An overview of the "Designated Driver" campaign was presented, with statistics of DUI arrests and the reach of the campaign's messaging. Local taxi companies (Breezy Riders and Tybee Turtle Transit) were recognized for their services.

403 Butler Avenue
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Island, Georgia 31328-2749



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Consideration of Items for Consent Agenda

- City Council Regular Meeting Minutes — August 28, 2025
- First Reading of Ordinance 2025-05, Amendments to Sec. 22-69 of the Property Maintenance Ordinance to Revise Definitions of Personal Property
- First Reading of Ordinance 2025-06, Amendments to Sec. 22-29 of the Code of Ordinances to Clarify the Definitions of Nuisance Conditions on Private Property
- First Reading of Ordinance 2025-07, Amendments to Sec. 10-5 of the Code of Ordinances to Clarify Enforcement on Nuisance Animals and Fowls
- First Reading of Ordinance 2025-08, Amendments to Sec. 10-16 of the Code of Ordinances to Address Animals Left Unattended in a Parked Car
- Resolution 2025-14 to Authorize the Execution of a Real Estate Purchase Agreement for the Acquisition of 0 Butler Avenue and 103 Butler Avenue

Consideration of Approval of Consent Agenda

Councilmember Hosti made a motion to approve the consent agenda. **Councilmember Parks** seconded the motion. **Motion passed unanimously.**

Citizens to be Heard

- Shirley Wright — Tybee Neighborhoods and Celebrating National Good Neighbor Day

Shirley Wright announced that Forever Tybee's inaugural National Good Neighbor Day celebration will be held on Sunday, September 28, from 2:00 PM until 4:00 PM in Memorial Park. The event is free and open to all Tybee residents of all ages.

Public Comments

- **Robert Matkowski** explained his decision to withdraw his application for consideration to the Sustainability Committee. He cited his decision to run for city council as the primary reason for withdrawal.

Public Hearing

- Approval of a Text Amendment to the Land Development Code Regarding Significant Trees

Community Development Director Patricial Sinel introduced a text amendment to the Land Development Code affecting Article 2 (definitions) and Article 7 (tree removal regulations). The amendment was initiated in July at the direction of the city council to address the diminishing tree coverage. The amendment would clarify the status of palm trees as well as add pine trees to the significant tree list and to the definition of significant trees. Currently, palm trees are on the significant tree list but not in the definition of significant trees. However, pine trees are not currently on the significant tree list or in the definition of significant trees. Sinel emphasized pine trees' vital role in coastal ecosystems. The amendment proposes adding language to include palm trees (with scientific names) and pine trees (*Pinus* species) in the definition of significant trees. Additionally, the amendment would add that palm trees or pine trees cannot be used as replacement for any tree except for their own kind.

The Planning Commission unanimously recommended approval of the amendment with the condition to move the significant tree list to Section 7.60 (removal of significant trees).

Council Discussion

In response to **Councilmember Williams'** question, Sinel stated that over 60% of tree removal permits are for pine trees.

Councilmember Ploughe discussed tree density versus significant trees. Applicants must replace the inch-for-inch amount of significant tree removed.

Councilmember Hosti expressed concern of the abundance of pine trees on the Island during major weather events.

Councilmember Parks cited the amendment as a "knee jerk response" and recommended taking additional time to correct any discrepancies in the ordinance.

Councilmember Garbett discussed the definition of a tree, referencing both dictionary and botanical definitions.

Public Comments

Sinel read a statement from **Debra Kearney** in support of the text amendment.

David Roberts suggested amending the significant tree list to align with the significant tree definitions.

Dale Williams expressed concern about the loss of the maritime forest and the need to protect pine trees. He further stated that eliminating pine trees removes the first line of defense against storms.

Patricia Leiby expressed support for including pine trees in the text amendment.

Councilmember Garbett made a motion to approve the text amendment to the land development code regarding significant trees with the modification to specify Sabal palmetto (cabbage palm) as the only significant palm tree on the significant tree list. **Councilmember Sears** seconded the motion. **Motion passed unanimously.**

Consideration of Committee Appointments

- Appointment of Seven Applicants to the Sustainability Committee

Magan Kilzer, Ted Dennard, Mike Goldberg, Timothy Arnold, Elizabeth Reed, Debbie Kearney, and Richard Rosenfield were appointed to the Sustainability Committee.

Considerations of Ordinances and Resolutions

- First Reading of Ordinance 2025-09, Amendments to Sec. 66-150 of the Code of Ordinance to Address Parking in Public Rights of Way

Councilmember Sears made a motion to approve the first reading of Ordinance 2025-09 with the modifications to Section C1 to replace the word "property" with "residence" and "adjacent" to "contiguous with." **Councilmember Williams** seconded the motion. **Motion passed unanimously.**

Consideration of Agreements

- Real Estate Purchase Agreement for the Acquisition of 0 Butler Avenue and 103 Butler Avenue

Councilmember Williams made a motion to approve the real estate purchase agreement for the acquisition of 0 Butler Avenue and 103 Butler Avenue. **Councilmember Parks** seconded the motion. **Motion passed unanimously.**

Executive Session

No executive session was held.

Adjournment

Councilmember Hosti made a motion to adjourn the meeting. **Councilmember Garbett** seconded the motion. **Motion passed unanimously.**

City of Tybee Island



Brian West, Mayor

Attest:



Fabian Mann, Jr., City Clerk

DRAFT

**P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
(912) 786-4573 – FAX (912) 786-5737
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Item #2.



File Attachments for Item:

3. Second Reading and Approval of Ordinance 2025-05, Amendments to Sec. 22-69 of the Property Maintenance Ordinance to Revise Definitions of Personal Property



City of Tybee Island

Memorandum

To: City of Tybee Island City Council
From: Bret Bell, City Manager
Date: September 18, 2025
Re: Second Reading of Ordinance 2025-05, Amendments to Sec. 22-69 of the Property Maintenance Ordinance to Revise Definitions of Personal Property

Title

Second Reading of Ordinance 2025-05, Amendments to Sec. 22-69 of the Property Maintenance Ordinance to Revise Definitions of Personal Property

Action

Approval of Second Reading of Ordinance 2025-05, Amendments to Sec. 22-69 of the Property Maintenance Ordinance to Revise Definitions of Personal Property

Background

Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia allows municipalities to adopt reasonable ordinances to protect and improve the public health, safety and welfare of its citizens.

The City's Property Maintenance Ordinance is designed to reduce the incidences of blight and other property issues that detract from the appearance of neighborhoods and create public safety and public health problems.

The current Ordinance is overly vague in some of its definitions, which has created enforcement challenges.

First Reading of this proposed Ordinance amendment was held during the September 11, 2025, City Council Meeting. No changes have been made to the draft Ordinance.

Facts and Findings

In order to clarify the Ordinance and enhance enforcement, the following amendments are recommended to clarify the following definitions of personal property:

1. Derelict watercraft
2. Objects, including junk materials, machinery and equipment, appliances, building materials, and other objects.
3. Derelict vehicles
4. Derelict vehicle trailer

In addition, the draft ordinance reduces the number of consecutive days from 30 to 10 that an object not in compliance with the ordinance can be placed on private property.

Alternatives

1. Approve proposed ordinance amendments and allow ordinance to move to second reading
2. Continue second reading of ordinance to future agenda and direct City Manager to make revisions to draft ordinance
3. Deny proposed amendments to ordinance

ORDINANCE NO. 2025-05

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF TYBEE ISLAND, GEORGIA, TO REVISE DEFINITIONS OF PROPERTY TO ASSIST IN ENFORCEMENT OF ORDINANCES REGARDING PROPERTY MAINTENANCE AND TO ASSIST WITH THE GENERAL ENVIRONMENT AND APPEARANCE OF THE COMMUNITY

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the “City”) is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the City believes it is important to the entire community that properties be maintained to enhance the appearance of neighborhoods; and

WHEREAS, the City recognizes that there are some items of personal property that when left on the premises may at best be visually unappealing and at worst the source of disease and pestilence; and

WHEREAS, the City wants to ensure that personal property or other items are maintained to promote the welfare of the community; and

WHEREAS, the City seeks to provide guidance as to the definition and types of personal property to be maintained under the ordinances; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended as follows:

SECTION 1

The definitions contained in Section 22-69 regarding personal property are revised as follows:

Sec. 22-69. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a carport, garage, storage building or other such not-for-habitation building on the premises.

Derelict Watercraft means a craft intended for water transportation which:

- (1) Is a watercraft that is wrecked, damaged, in a state of disrepair, dismantled, partially dismantled, discarded, lacking a watertight hull, inoperable, or not mounted on a trailer; or
- (2) Does not have lawfully displayed certificate of registration; or
- (3) Constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents, or other animals to exist, or that it attracts children, vagrants or other individuals and may cause injury or harm to them.

Established driveway means an area that is paved, graveled, bare of vegetation, or otherwise clearly indicative of the area that is normally used for vehicles to enter onto or exit from real property onto a public or private street.

Front yard means any portion of the property between the right-of-way line of an abutting street and the building line for the principal building on the lot and extending from property line to property line along such building line. If there is no building on the property, the entire property shall be deemed the front yard.

Object means any item of personal property, other than a vehicle, boat or trailer-type vehicle, which is not related to the use and purpose for which the real property is occupied or owned or permitted by the applicable zoning classification. "Object" under this article shall include, but not be limited to: junk materials (any item that has no significant value in its present form); machinery and equipment; appliances or other household items; lumber and building materials; fill type materials including but not limited to dirt, sand, rock, and stone; fallen trees or tree limbs; or other materials not forming part of the structure or landscaping on the property.

Person means any natural person, corporation, partnership, authority created by statute, association or other entity or combination thereof.

To place means to establish the presence on property of an object which:

- (1) Is not affixed to the real property and thus is capable of being moved or removed;

- (2) Is present for a period of 10 consecutive days or longer than a total of thirty days in a single calendar year whether or not the location on the property is changed.

Vehicle, automotive, means an automobile, truck, van or other motorized vehicle designed and intended to be used for transporting people or goods.

Derelict Vehicle - Automotive, means a vehicle which:

- (1) Is physically incapable of traveling under its own power:
- (2) Is physically capable of traveling under its own power but such travel on a public road would be in violation of the Official Code of Georgia;
- (3) Is unusable or unsafe for operation due to damage or disrepair or because one or more of its major parts has been removed or destroyed; or
- (4) Constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents, or other animals to exist, or that it attracts children, vagrants or other individuals and may cause injury or harm to them.

However, a derelict vehicle -automotive does not include vehicles maintained by a collector as defined below or any special interest vehicle as defined below.

A motor vehicle collector means: 1) a person who owns one or more antique or special interest vehicles; and 2) acquires, collects, or disposes of antique or special interest vehicles or parts of an antique or special interest vehicle for personal use or to restore and preserve an antique or special interest vehicle for historic interest.

A special interest vehicle means: 1) a motor vehicle of any age that has not been changed from the original manufacturer's specifications and because of its historic interest is being preserved by a hobbyist; or 2) a motor vehicle for any age that is being modified for sports purposes.

Derelict Vehicle -, trailer-type, means a trailer-type vehicle which:

- (1) Is inoperable due to being dismantled or partially dismantled, deteriorated or not safe for use due to disrepair or damage; or
- (2) Is physically capable of being moved on public roads but such movement on a public road would be in violation of the Official Code of Georgia; or

- (3) Constitutes a nuisance or health or safety hazard in that it provides a place for insects, rodents, or other animals to exist, or that it attracts children, vagrants or other individuals and may cause injury or harm to them.

(Code 1983, § 5-3-2)

SECTION 2

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

SECTION 3

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

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2025.

ADOPTED THIS ___ DAY OF _____, 2025.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

4. Second Reading and Approval of Ordinance 2025-06, Amendments to Sec. 22-29 of the Code of Ordinances to Clarify the Definitions of Nuisance Conditions on Private Property



City of Tybee Island

Memorandum

To: City of Tybee Island City Council

From: Bret Bell, City Manager

Date: September 18, 2025

Re: Second Reading of Ordinance 2025-06, Amendments to Sec. 22-29 of the Code of Ordinances to Clarify the Definitions of Nuisance Conditions on Private Property.

Title

Second Reading of Ordinance 2025-06, Amendments to Sec. 22-29 of the Code of Ordinances to Clarify the Definitions of Nuisance Conditions on Private Property.

Action

Approve Second Reading of Ordinance 2025-06, Amendments to Sec. 22-29 of the Code of Ordinances to Clarify the Definitions of Nuisance Conditions on Private Property.

Background

Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia allows municipalities to adopt reasonable ordinances to protect and improve the public health, safety and welfare of its citizens.

The City recognizes that the proliferation of insects and other pests related to standing or stagnant water should be controlled and minimized as much as possible.

The City is concerned with any nuisance related to any structure or component parts such that the definition of a nuisance in relation to building components should be as comprehensive as possible to protect persons and property.

The City's Nuisance Property Ordinance is overly vague in some areas, and includes some nuisances that are better addressed in other sections of the Code of Ordinances.

First Reading of this proposed Ordinance amendment was held during the September 11, 2025, City Council Meeting. No changes have been made to the draft Ordinance.

Facts and Findings

In order to clarify the Nuisance Property Ordinance and enhance enforcement, the following amendments are recommended:

1. Define "stagnant water" as water "in any form or container capable of breeding or enabling proliferation of any insects or other pests."

2. Remove “obstruction of a public street, highway or sidewalk without a permit,” as this is addressed in other sections of the Code of Ordinances.
3. Remove “loud or unusual noises which are detrimental or annoying to the public,” as this is addressed in other sections of the Code of Ordinances.

Alternatives

1. Approve proposed ordinance amendments and allow ordinance to move to second reading
2. Continue second reading of ordinance to future agenda and direct City Manager to make revisions to draft ordinance
3. Deny proposed amendments to ordinance

ORDINANCE NO. 2025-06

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF TYBEE ISLAND, GEORGIA, TO CLARIFY WHAT CONDITIONS CONSTITUTE A NUISANCE INCLUDING INVOLVING STAGNANT WATER AND FENCES AND STRUCTURES AND TO REVISE THE ORDINANCE TO REFLECT CONDITIONS THAT HAVE BEEN ADDRESSED IN OTHER ORDINANCES

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the “City”) is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the City recognizes that the proliferation of insects and other pests related to standing or stagnant water should be controlled and minimized as much as possible; and

WHEREAS, the City is concerned with any nuisance related to any structure or component parts such that the definition of a nuisance in relation to building components should be as comprehensive as possible to protect persons and property; and

WHEREAS, the City has codified in other ordinances provisions which better address potential nuisances arising from noise and obstructions such that these should be removed from this ordinance for clarity; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended as follows:

SECTION 1

Section 22-29 regarding nuisances is revised by removing references to acts that are addressed in other ordinances as well as to provide further definition to existing described nuisances as follows:

Sec. 22-29. Nuisances declared.

The following conditions may be declared to be nuisances:

- (1) Stagnant water on premises in any form or container capable of breeding or enabling proliferation of any insects or other pests;
- (2) Any dead or decaying matter, weeds, vegetation or any fruit, vegetable, animal or rodent, upon premises which is odorous or capable of causing disease or annoyance to the inhabitants of the city;
- (3) The generation of smoke or fumes in sufficient amounts to cause odor or annoyance to the inhabitants of the city;
- (4) The pollution of public water or the injection of matter into the sewerage system which would be damaging thereto;
- (5) Maintaining a dangerous or diseased animal or fowl;
- (6) All walls, structures, fences, trees and buildings that may endanger persons or property;
- (7) Any business or building where illegal activities are habitually and commonly conducted in such a manner as to reasonably suggest that the owner or operator of the business or building was aware of the illegal activities and failed to reasonably attempt to prevent such activities;
- (8) Refrigerators, stoves and other household appliances placed outside of structures controlled by the owner or tenant thereof;
- (9) Any trees, shrubbery or other plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city; and
- (10) Any other condition constituting a nuisance under state law.

(Code 1983, § 11-2-1; Ord. No. 08-2017 , § 1, 4-13-2017)

State law reference(s)—Nuisances generally, O.C.G.A. § 41-1-1 et seq.

SECTION 2

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

SECTION 3

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

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

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

This Ordinance shall become effective on ____ day of _____, 2025.

ADOPTED THIS __ DAY OF _____, 2025.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: ____

ENACTED: _____

File Attachments for Item:

5. Second Reading and Approval of Ordinance 2025-07, Amendments to Sec. 10-5 of the Code of Ordinances to Clarify Enforcement on Nuisance Animals and Fowls



City of Tybee Island

Memorandum

To: City of Tybee Island City Council

From: Bret Bell, City Manager

Date: September 18, 2025

Re: Second Reading of Ordinance 2025-07, Amendments to Sec. 10-5 of the Code of Ordinances to Clarify Enforcement on Nuisance Animals and Fowls

Title

Second Reading of Ordinance 2025-07, Amendments to Sec. 10-5 of the Code of Ordinances to Clarify Enforcement on Nuisance Animals and Fowls

Action

Approval of Second Reading of Ordinance 2025-07, Amendments to Sec. 10-5 of the Code of Ordinances to Clarify Enforcement on Nuisance Animals and Fowls.

Background

Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia allows municipalities to adopt reasonable ordinances to protect and improve the public health, safety and welfare of its citizens.

The City encourages responsible pet or animal ownership which includes owners ensuring that their animals are not creating such noise that disturbs neighbors and other nearby property owners.

The City wishes to provide guidelines to assess when such behavior constitutes a nuisance.

The nature of such complaints and establishing a nuisance will at times depend on evidence from nearby owners affected by the noise. A process for presentation of such evidence is needed.

First Reading of this proposed Ordinance amendment was held during the September 11, 2025, City Council Meeting. No changes have been made to the draft Ordinance.

Facts and Findings

In order to clarify the Ordinance and enhance enforcement, the following amendments are recommended:

1. Clarify that the ordinance applies to both animals and fowls.

2. Amend the definition of nuisance to any animal or fowl that “barks, bays, cries, howls, shrieks or emits a disturbing sound for 10 minutes consecutively or intermittently over a 30-minute time period.”
3. Clarify the process for issuing warnings and citations to the following:
 - a. Written warning issued following verification of nuisance animal or fowl
 - b. Citation issued if another complaint received within 90 days of warning provided that:
 - i. At least two witnesses sign a written statement
 - ii. A Police of Code official witnesses the event.

Alternatives

1. Approve proposed ordinance amendments and allow ordinance to move to second reading
2. Continue second reading of ordinance to future agenda and direct City Manager to make revisions to draft ordinance
3. Deny proposed amendments to ordinance

ORDINANCE NO. 2025-07

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF TYBEE ISLAND, GEORGIA, TO CLARIFY WHEN AN ANIMAL OR FOWL EMITTING AUDIBLE SOUNDS CONSTITUTES A NUISANCE AND TO PROVIDE GUIDANCE FOR THE CITY’S CODE ENFORCEMENT OFFICERS IN ASSESSING WHEN A NUISANCE EXISTS FOR SUCH SITUATIONS AND TO SET PROCEDURES FOR PROSECUTION OF CLAIMS OF NUISANCE

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the “City”) is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the City encourages responsible pet or animal ownership which includes owners ensuring that their animals are not creating such noise that disturbs neighbors and other nearby property owners; and

WHEREAS, the City recognizes that some level of noise from an animal is appropriate but that times exist that excessive noise can rise to the level of a nuisance; and

WHEREAS, the City wishes to provide guidelines to assess when such behavior constitutes a nuisance; and

WHEREAS, the nature of such complaints and establishing a nuisance will at times depend on evidence from nearby owners affected by the noise that a process for presentation of such evidence is necessary; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended as follows:

SECTION 1

Section 10-5 is revised as follows:

Sec. 10-5. Nuisances – Animals or Fowl.

- (a) The owner or person that is the custodian of animals or fowl shall be responsible for correcting and abating any nuisance that may arise from the keeping of said animals.
- (b) No person shall allow any animal or fowl to howl, bark or emit audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration to disturb the peace and quiet of the neighborhood. For the purposes of this chapter, “nuisance animal” shall mean an animal or fowl that barks, bays, cries, howls, shrieks or emits a disturbing sound for for ten minutes consecutively or intermittently over a 30 minute time period at any time of day or night regardless of whether the animal or fowl is physically situated on or upon private property; provided, however, that an animal or fowl shall not be deemed a "nuisance animal" for purposes of this regulation, if, at the time the animal or fowl is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the animal or fowl is situated or for any other illegitimate cause which teased or provoked the animal or fowl . An animal or fowl will not be deemed a “nuisance animal” if the sound emitted is in response to unusual circumstances in the vicinity.
- (c) The owner or custodian of a “nuisance animal” as defined herein shall be subject to fine or fines as otherwise provided herein. When responding to a “nuisance animal” complaint, a written warning will be issued to the owner or person that is the custodian of the animal or fowl for the first complaint. If another complaint as to this same animal or fowl is received within 90 days of the first written warning being served, a citation will be issued to the owner or person that is the custodian or owner of the animal or fowl provided that 1) at least two adult witnesses sign a written statement for the same day, time and event involving the animal or fowl and agree to appear in Municipal Court to testify about the complaint if called by the prosecutor, or 2) a police or code enforcement official witnesses the event.

(Ord. of 7-12-2007)

SECTION 2

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

SECTION 3

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

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2025.

ADOPTED THIS ___ DAY OF _____, 2025.

MAYOR

ATTEST:

CLERK OF COUNCIL
FIRST READING: _____
SECOND READING: _____
ENACTED: _____

File Attachments for Item:

6. Second Reading and Approval of Ordinance 2025-08, Amendments to Sec. 10-16 of the Code of Ordinances to Address Animals Left Unattended in a Parked Car



City of Tybee Island

Memorandum

To: City of Tybee Island City Council

From: Bret Bell, City Manager

Date: September 18, 2025

Re: Second Reading of Ordinance 2025-08, Amendments to Sec. 10-16 of the Code of Ordinances to Address Animals Left Unattended in a Parked Car

Title

Second Reading of Ordinance 2025-08, Amendments to Sec. 10-16 of the Code of Ordinances to Address Animals Left Unattended in a Parked Car

Action

Approval of Second Reading of Ordinance 2025-08, Amendments to Sec. 10-16 of the Code of Ordinances to Address Animals Left Unattended in a Parked Car

Background

Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia allows municipalities to adopt reasonable ordinances to protect and improve the public health, safety and welfare of its citizens.

There are times when an animal has been left unattended in a vehicle and due to heat is in distress and at risk of injury or death.

The City wants to ensure that officials have sufficient means to address a situation where an animal is found in such position of peril, including taking measures to forcibly remove the animal from a vehicle.

Amendments to the Ordinance are needed to ensure officials have this authority.

First Reading of this proposed Ordinance amendment was held during the September 11, 2025, City Council Meeting. No changes have been made to the draft Ordinance.

Facts and Findings

In order to clarify the Ordinance and enhance enforcement, the following amendments to Sec. 10-16 are recommended:

1. Clarify that officials “may use any force necessary to remove any animal from inside a locked or closed vehicle ... when the ambient temperature is 80 degrees or above outside the vehicle or when there are obvious signs of distress in the animal.”

2. Add language that clarifies that if a vehicle is damaged during rescue or removal of an animal, the City shall not be liable for that damage.

Alternatives

1. Approve proposed ordinance amendments and allow ordinance to move to second reading
2. Continue second reading of ordinance to future agenda and direct City Manager to make revisions to draft ordinance
3. Deny proposed amendments to ordinance

ORDINANCE NO. 2025-08

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO ADDRESS AND CLARIFY
POWERS OF CITY OFFICIALS TO ADDRESS A SITUATION WHEN AN
ANIMAL IS LEFT UNATTENDED IN A PARKED CAR AND IS IN
DANGER OR OTHER DISTRESS**

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the “City”) is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, there are unfortunate times when an animal has been left unattended in a vehicle and due to heat is in distress and at risk of injury or even death; and

WHEREAS, the City wants to ensure that City officials have sufficient means to address a situation where an animal is found in such position of peril; and

WHEREAS, the City recognizes there are times that certain measures including forcible removal of the animal from the vehicle is necessary; and

WHEREAS, the City wants to ensure that officials can take steps necessary to effectuate the purposes of the ordinance; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended as follows:

SECTION 1

Section 10-16 is revised as follows:

Sec. 10-16. Animal confinement and left unattended in parked car.

To prevent animals from suffering physical injury, distress or death from dangerous temperatures, it shall be unlawful to leave an animal unattended in a parked vehicle under such conditions as to reasonably demonstrate a risk of harm to the animal. The Tybee Island Chief of Police, or designated representatives, including Tybee Island Animal Welfare Officers, may use any force necessary to remove any animal from inside a locked or closed vehicle (which vehicle is not utilizing any pet smart technology for climate control) when the ambient temperature is 70 degrees Fahrenheit or above outside the vehicle or when there are obvious signs of distress in the animal such that its well-being is harmed and may impound said animal and secure medical treatment for said animal as needed at the animal and/or vehicle owner's expense. Tybee Island Animal Control officers may take possession of any deceased animal found in any parked vehicle for purposes of determining the cause of death in question pursuant to animal neglect or cruelty as established by this Code or any applicable state law. If a vehicle, or items inside the vehicle, are damaged during rescue or removal of an animal in accordance with this section, the City and its employees shall not be liable for any damage to the vehicle caused by the rescue or removal efforts. If the animal is injured in the rescue effort or removal process, the City and its employees shall not be liable for any such injury.

(Ord. of 7-12-2007)

SECTION 2

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

SECTION 3

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

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2024.

ADOPTED THIS ___ DAY OF _____, 2025.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

7. Second Reading and Approval of Ordinance 2025-09, Amendments to Sec. 66-150 of the Code of Ordinance to Address Parking in Public Rights of Way



City of Tybee Island

Memorandum

To: City of Tybee Island City Council

From: Bret Bell, City Manager

Date: September 25, 2025

Re: Second Reading of Ordinance 2025-09 with changes titled Sec. 66-150 of the Code of Ordinance to Address Parking in Public Rights of Way

Title

Second Reading of Ordinance 2025-09 with changes titled Sec. 66-150 of the Code of Ordinance to Address Parking in Public Rights of Way

Action

Approval of Second Reading of Ordinance 2025-09 with changes to Sec. 66-150 of the Code of Ordinance to Address Parking in Public Rights of Way

Background

Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia allows municipalities to adopt reasonable ordinances to protect and improve the public health, safety and welfare of its citizens.

The City wishes to enact regulations governing certain parking in the unimproved rights of way in zoning districts other than C1, C2, NM, and NG in order to improve the functionality and aesthetics of these areas.

First Reading of changes to Sec. 66-150 (c)(1) was held during the Sept. 11, 2025, City Council Meeting. Based on City Council input during First Reading, the proposed ordinance was changed to indicate that exceptions to the ordinance include vehicles owned by the owner of the residence "contiguous" to the right of way.

Facts and Findings

In order to clarify the Ordinance and enhance enforcement, the following proposed changes are recommended:

1. Restrict the amount of time any vehicle can remain stationary in the same space of an unimproved City right of way to 48 hours. This only applies to spaces in zoning districts other than C1, C2, NM, and NG.
2. After 48 hours, a vehicle must be moved at least one block away from its previous location and must not return to the same block for at least seven days.

3. No vehicle shall be parked in any unimproved right of way for more than a total of 30 days in a calendar year.
4. Exceptions to this ordinance include:
 - a. Vehicles owned by the owner of the residence contiguous to the ROW
 - b. Vehicles actively engaged in construction, maintenance or repair operations on the adjacent property.
 - c. Any City vehicle in the performance of City duties.

Alternatives

1. Approve proposed ordinance with changes.
2. Continue second reading of ordinance to future agenda and direct City Manager to make revisions to draft ordinance
3. Deny proposed amendments to ordinance

ORDINANCE NO. 2025-09

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF TYBEE ISLAND SO AS TO PROVIDE REGULATIONS OVER PARKING IN THE CITY'S UNIMPROVED RIGHT-OF-WAYS IN CERTAIN ZONING AREAS AND TO ESTABLISH AN EFFECTIVE DATE

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinance to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, the City wishes to enact regulations governing certain parking in the unimproved right-of-ways in zoning districts other than C1, C2, NM, and NG which regulations would improve the functionality of these areas; and

WHEREAS, the City believes uniformity on any parking in these areas will also improve the aesthetics of these areas; and

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

SECTION I

The Code of Tybee Island is amended to add Section 66-150 which provides:

(a) Definitions - For the purpose of this ordinance, the following definitions shall apply:

Unimproved City Right-of-Way: Any portion of a public right-of-way not surfaced with asphalt, concrete, or other approved hard surface material, and not designated as a public sidewalk, trail, or other improved public space.

Block: The portion of a roadway between two intersecting streets, or the portion of a roadway between an intersecting street and a dead-end street, waterway, or barrier that prevents through traffic.

Vehicle: Any device in, upon, or by which any person or property is or may be transported or drawn upon a roadway except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Parking Restrictions – The following restrictions shall apply:

Maximum Time Limit: Regardless of whether the owner has paid (directly or through a decal) to park, no person shall park a vehicle or allow a vehicle to remain stationary in the same space on an unimproved city right-of-way in zoning districts other than C1, C2, NM, and NG for a continuous period exceeding 48 hours.

Relocation Requirement – Following any 48-hour period where a vehicle has remained continuously parked or stationary, the vehicle must be moved from that space to an area at least one block away from its previous location and must not return to the same block for a period of at least 7 calendar days.

Annual Limit: No vehicle shall be parked in any unimproved city right-of-way of the city for more than a total of 30 days in a calendar year.

(c) Exceptions - This ordinance shall not apply to:

- (1) Vehicles owned by the owner of the residence contiguous to the parking location.
- (2) Vehicles actively engaged in construction, maintenance, or repair operations on the adjacent property, with proper permits as required by the city; or
- (3) Any city vehicle in the performance of city duties.

(d) Enforcement - The Tybee Island Police Department, Parking Services, and other designated enforcement personnel shall be responsible for enforcing the provisions of this ordinance. Vehicles found in violation of this ordinance may be subject to ticketing, towing, impoundment, and associated fines and fees as outlined in the City of Tybee Island Code of Ordinances. Fines for violations shall be consistent with other parking violations in the City of Tybee Island Code of Ordinances.

SECTION II

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

SECTION III

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinance, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

This Ordinance shall become effective on ____ day of _____, 2025.

ADOPTED THIS ____ DAY OF _____ 2025.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

8. Second Reading and Approval of Ordinance 2025-11, Text Amendment to Land Development Code Regarding Significant Trees



STAFF REPORT

CITY COUNCIL MEETING: September 11, 2025 (First Reading)

CITY COUNCIL MEETING: September 25, 2025 (Second Reading)

REQUESTED ACTION: Approve a text amendment to the Land Development Code regarding significant trees. (Second Reading)

PROPOSAL: The request to amend the Land Development Code is to add pines trees (Pinus spp) to the significant tree list and to add pine trees and palm trees to the definition of significant trees.

RECENT ACTIONS:

1. At the September 11, 2025, regular meeting of the Tybee Island City Council, Council voted 6-0 to approve the first reading of this text amendment with the following changes:
 - Replace “Palm numerous scientific names” with Cabbage palm (Sabal palmetto) in the definition and in the significant tree list.
2. At the August 21, 2025, regular meeting of Tybee Island’s Planning Commission, the Commission voted 6-0 to recommend approval of the proposed text amendment with the following addition:
 - Move the significant tree list from its current location in **Section 7-100 - Appeals of actions** to **Section 7-060 - Removal of significant trees**.

BACKGROUND: At the July 9, 2025, City Council Workshop, in response to the diminishing tree coverage on Tybee Island, Council directed staff to bring forward a text amendment to the Land Development Code adding pine trees (Pinus spp) to the significant tree list, add to the definition of significant trees, and to provide clarity to the status of palm trees.

LAND DEVELOPMENT CODE (LDC) ANALYSIS. Article 7 – Tree Removal Regulations of the Land Development Code (LDC) regulates the preservations, mitigation, and removal of trees on Tybee Island. Significant Trees are generally perceived to be hardwoods and palms native to coastal Georgia. Palm trees, on the significant tree list, are not included in the definition of significant trees. Adding palms to the definition of significant trees will remove any confusion as to what constitutes a significant tree.

Pine trees, particularly native species, are vital components of many coastal ecosystems and are facing significant threats from various environmental stressors, like disease, habitat loss, and/or climate change. Pine trees are considered keystone or foundation species, meaning they play a crucial role in their ecosystems, in environmental quality, and in support of a wide variety of other plants and animals. Adding pines trees to the Significant Tree List and to the definition of Significant Trees will emphasize that native pine tree species, are deserving of protection.

No development requirements of the LDC are waived, modified, or varied by the approval of this text amendment.

STAFF CONTACT

Patricia Sinel, AICP, CFM, CNU-A
Community Development Director
Patricia.Sinel@cityoftybee.gov
912-472-5031

ATTACHMENTS

- A. Application
- B. Draft Ordinance
- C. Redlines of proposed changes to the Land Development Code

ORDINANCE NO. 2025-11

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF TYBEE ISLAND, GEORGIA, TO ADOPT CHANGES TO THE CITY TREE REMOVAL ORDINANCE REGULATIONS CONTAINED IN THE LAND DEVELOPMENT CODE TO ADD PINE TREE SPECIES TO THE SIGNIFICANT TREE LIST, AMEND THE LAND DEVELOPMENT CODE ARTICLE TWO-DEFINITIONS TO ADD PALM AND PINE TREE SPECIES TO THE DEFINITION OF SIGNIFICANT TREES, AND TO ESTABLISH AN EFFECTIVE DATE

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the "City") is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, an amendment to the species included on the significant tree list in Article 7.-Tree Removal Regulations requirements and to modify the definition of significant trees in Article 2.-Definitions is appropriate in order to emphasize that pine tree species, especially those that are native to Tybee Island, are deserving of protection,

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island, that the Code of Ordinances will be amended as follows:

SECTION 1

Sec. 7-080. - Standards for tree planting and replacement, subsection (A) of the Land Development Code, will hereafter read as follows:

Pursuant to building or tree permit. Trees planted or replaced, or left remaining on the site pursuant to a validly issued building or tree permit in accordance with this article shall be botanically compatible with local conditions, healthy, disease and pest free, and shall have a minimum size of two inches DBH, caliper measure. The permittee/landowner shall choose the species of replacement trees from the significant species list for Tybee Island. At least one replacement tree or remaining tree shall be of the same species as the tree(s) that are planned to be removed. In no case may palm trees or pines trees be used as a replacement for any tree except a palm or pine to be removed. Ideally, planting should be done immediately following construction or in the earliest growing season thereafter.

The **Significant Tree List**, formerly located after Section 7-100.-Appeals of Actions in the Land Development Code, will hereafter be located after Sec. 7-060(B) in the Land Development Code, and will hereafter read as follows:

Significant Species Common Name and Scientific Name	Mitigation Equivalent Per One Inch Live Oak For New Plantings	Minimum DBH Required for Remaining Trees	Special Note
Red cedar <i>Juniperus virginiana</i>	1:1	4"	
Live oak <i>Quercus virginiana</i>	1:1	4"	
Laurel oak, water oak, etc. <i>Quercus sp.</i>	NA	4"	Water oaks left only in naturalized area
<i>Magnolia grandiflora</i>	1:1	4"	
Sugarberry <i>Celtis laeirgata</i>	1:1	4"	
Red bay <i>Persea borbonia</i>	1:1	4"	
Sycamore <i>Plantanu occidentalis</i>	1:1	4"	
Sweetgum <i>Liquidamber syraciflora</i>	NA	4"	
Native hollies <i>Ilex sp.</i>	1:1	3"	

Native maples <i>Acer sp.</i>	1:1	3"	
Toothache tree <i>Xanoxylum clava-hercules</i>	1:2 (1 inch toothache= 2 inch Live Oak)	3"	
Eastern redbud <i>Cercis Canadensis</i>	1:1	3"	
Devilwood (wild olive) <i>Osmanthus americanus</i>	NA	3"	
Carolina laurelcherry <i>Prunus caroliniana</i>	2:1	4"	
Carolina willow <i>Salix caroliniana</i>	1:1	4"	
Tough bumelia (buckthorn) <i>Bumelia tenex</i>	1:2	3"	
Sparkleberry <i>Vaccinium arboretum</i>	1:2	3"	
Cabbage Palm <i>Sabal palmetto</i>	1:1	3"	
Pines <i>Pinus spp</i>	1:1	3"	

The **definition for significant trees**, located in Article Two - Definitions of the Land Development Code, will hereafter read as follows:

Significant trees means trees having a DBH of ten inches or greater of the following variety: southern red cedar, Juniperus silicola, or hardwoods native to [the] Georgia coast. Hardwoods: dicotyledon plants with woody stem including (but not limited to) oaks (Quercus), Magnolia grandiflora, hickories (Carya), sugarberry or hackberry (Celtis laeirgata), red bay (Persea borbonia), spiny ash or toothache (Xanoxylum clava-herculis), sycamore (Platanus occidentialis), tupelo (Nyssa), sweetgum (Liquidamber styraciflora), American holly (Ilex opaca). Significant Trees shall also include cabbage palm (Sabal palmetto) and pine (Pinus spp) trees with a DBH of ten inches or greater.

SECTION 2

If any section, subsection, clause, or provision of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance which is not invalid or unconstitutional. Where the provisions of this ordinance are in conflict with other ordinances, the most restrictive provision shall be enforced.

SECTION 3

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

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

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

This Ordinance shall become effective on ____ day of _____, 2025.

ADOPTED THIS ____ DAY OF _____, 2025

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



CITY OF TYBEE ISLAND
LAND DEVELOPMENT CODE
TEXT AMENDMENT APPLICATION

~~FEE \$1,000~~

Applicant's Name Patricia Sinel on behalf of the City of Tybee Island

Applicant's Telephone Number 912-472-5031

Applicant's Mailing Address patricia.sinel@cityoftybee.gov

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

 29 July 2025
 ON BEHALF OF THE CITY OF TYBEE ISLAND Date
 Signature of Applicant

TEXT AMENDMENT: UPDATE TO ARTICLE 7: TREE REMOVAL REGULATIONS
TO
AND ARTICLE TWO: DEFINITIONS REGARDING SIGNIFICANT TREES

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

Indicate in the spaces provided whether or not the required information is provided.

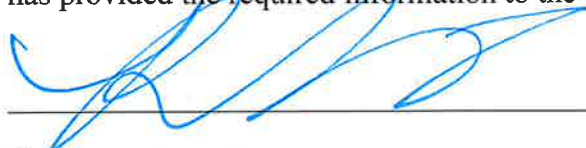
<u>YES or NO</u>	<u>REFERENCE</u>	<u>DESCRIPTION</u>
<input type="checkbox"/>	5-020 (E)	An amendment to the text of this Land Development Code follows the same process as an amendment to the zoning map. However, a text amendment requires different materials to be included with the application.
<input type="checkbox"/>	5-040 (E) (1)	In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.
<input type="checkbox"/>	5-110	Section 5-110, Standards for Land Development Code or Zoning Map Amendment Approval, identifies standards and other factors to be considered by the Mayor and Council in making any zoning decision. The Applicant should provide written data addressing each of the below listed standards and factors to assure consideration of applicable information.
<input type="checkbox"/>	5-110 (A)	The existing land use pattern;
<input type="checkbox"/>	5-110 (B)	The possible creation of an isolated district unrelated to adjacent and nearby districts;
<input type="checkbox"/>	5-110 (C)	The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
<input type="checkbox"/>	5-110 (D)	Whether changed or changing conditions make the passage of the proposed amendment reasonable;
<input type="checkbox"/>	5-110 (E)	Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
<input type="checkbox"/>	5-110 (F)	Potential impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity;
<input type="checkbox"/>	5-110 (G)	The reasonableness of the costs required of the public in providing, improving, increasing or maintaining public utilities, schools, streets and public safety necessities when considering the proposed changes;
<input type="checkbox"/>	5-110 (H)	Whether the proposed change will be detrimental to the value or improvement or development of adjacent or nearby property in accordance with existing requirements;
<input type="checkbox"/>	5-110 (I)	Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
<input type="checkbox"/>	5-110 (J)	Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public; and,
<input type="checkbox"/>	5-110 (K)	The extent to which the zoning decision is consistent with the current city master plan or other local planning efforts, if any, of the city.

APPLICATION CHECKLIST

NOTE: This application may require any and all of the following information, if applicable, and when requested by staff:

- Disclosure of Campaign Contributions
- Electronic versions of application and/or supporting documents
- Narrative of the text amendment request
- Other

The Applicant certifies that he/she has read the requirements for Land Development Code Text Amendments and has provided the required information to the best of his/her ability in a truthful and honest manner.



Signature of Applicant

29 July 2025

Date

Fee Amount \$ 0 Check Number _____ Date _____
City Official _____

Rev: 7/2/2025

ARTICLE 2. DEFINITIONS

Sec. 2-010. Terms and definitions.

(A) *Terms.* Generally, words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the term "used" includes the words "arranged, designed or intended to be used;" the term "occupied" includes the words "arranged, designed or intended to be occupied;" the word "structure" includes the word "building," "dwelling" or "unit;" the word "lot" includes the word "plot," "parcel" or "tract."

(B) *Definitions.* Specific definitions include the following:

...

Significant trees means trees having a DBH of ten inches or greater of the following variety: southern red cedar, *Juniperus silicola*, or hardwoods native to [the] Georgia coast. Hardwoods: dicotyledon plants with woody stem including (but not limited to) oaks (*Quercus*), *Magnolia grandiflora*, hickories₇ (*Carya*), sugarberry or hackberry₇ (*Celtis laeigata*), red bay (*Persea borbonia*), spiney ash or toothache (*Xanoxylum clava-herculis*), sycamore (*Platanus occidentalis*), tupelo (*Nyssa*), sweetgum (*Liquidamber styraciflora*), American holly (*Ilex opaca*). Significant trees shall also include cabbage palm (*sabal palmetto*) and pine (*Pinus spp*) trees with a DBH of ten inches or greater.

...

(Ord. No. 1995-17, 12-7-1995; Ord. No. 1996-09, 6-13-1996; Ord. No. 1996-28, 11-14-1996; Ord. No. 1996-14, 7-11-1996; Ord. No. 2002-14, 7-11-2002; Ord. No. 1996-15, 8-8-1996; Ord. No. 1999-08, 4-22-1999; Ord. No. 2000-07, 2-11-2000; Ord. No. 2002-14, amended 1-9-2003; Ord. No. 2000-07, amended 5-24-2000; Ord. No. 1999-, amended 12-17-1999; Manual, amended 11-10-1999; Ord. No. 1999-08, amended 5-24-1999; Ord. No. of 9-22-2005; Ord. of 3-13-2006; Ord. of 9-28-2006; Ord. No. 19-2013-A, § 1, 5-23-2013; Ord. No. 55-A-2014, § 1, 10-23-2014; Ord. No. 07-2017, § 1, 5-25-2017; Ord. No. 10-2017, § 1, 7-13-2017; Ord. No. 2019-08, § 1, 4-25-2019; Ord. No. 2023-10, § 1, 5-11-2023)

ARTICLE 7. TREE REMOVAL REGULATIONS¹

Sec. 7-010. Findings of fact.

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

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

Sec. 7-020. Purpose.

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

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

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

¹Editor's note(s)—Ord. No. 12-2012, adopted April 26, 2012, amended and restated former Art. 7, s;§ 7-010—7-100, in its entirety to read as herein set out. Former Art. 7 pertained to similar subject matter and derived from Ord. No. 1996-14, 7-11-1996; Ord. No. 1999-20, 6-10-1999; Ord. No. 1999-21, 6-10-1999; Ord. No. 2002-20, 9-12-2002; Ord. No. 2003-22, 11-13-2003; Ord. of 12-15-2003; Ord. of 9-22-2005.

Sec. 7-030. Applications and exceptions.

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

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

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

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

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

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

Sec. 7-040. Tree permit required.

Any person desiring to clear land or remove trees to a density below that required in section 7-050 or remove a significant tree pursuant to this article shall apply for a tree permit from the city. See section 9-030 of this Land Development Code for requirements and application procedure. A tree survey must be submitted before a permit can be issued.

(Ord. No. 12-2012, 4-26-2012; Ord. No. 2020-22 , § I, 11-12-2020)

Editor's note(s)—Ord. No. 2020-22 , § I, adopted Nov. 12, 2020, changed the title of § 7-040 from building permit required to tree permit required.

Sec. 7-050. Tree removal requirements.

- (A) Under the limits and conditions set forth below, trees may be removed from a lot or parcel provided that a minimum density of three trees per each 4,500 square feet of upland area is maintained. As used herein upland means the portion of the parcel that is landward of the GA DNR marsh delineation line.
- (B) Except as provided in section 7-060 no significant tree shall be removed from any vacant lot, undeveloped parcel, or public right-of-way within the city.

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(C) If the siting of a building footprint, the associated driveway, and parking areas require the removal of trees to a density less than that stated in subsection (A) of this section, the city manager or designated city representative may issue a permit to remove trees to a density below this standard under the following conditions:

1. The applicant must show that, within the applicable setback limitations, no locations for building footprints and driveway/parking exist that comply with the density requirement above.
2. Removal of trees shall be limited to either the fewest number or the least total DBH necessary for siting of the building and the least destructive configuration of driveway/parking.
3. Following construction, trees shall be replanted on the lot/parcel to establish the minimum density as stated in subsection (A) of this section. Such planting shall be in accordance with the standards set forth in section 7-090.

(D) No trees shall be removed from the DNR marsh setback line. Trees in the marsh setback may not be counted as "remaining trees" for mitigation purposes.

(Ord. No. 12-2012, 4-26-2012; Ord. No. 2023-04 , § 1, 2-23-2023)

Sec. 7-060. Removal of significant trees.

(A) Significant trees may be removed only under the following situations or conditions:

1. Upon showing by the applicant that removal of a significant tree is necessary to make reasonable beneficial, economic use of the property; such showing must demonstrate that there is no feasible alternative that would preserve the tree, and must be made for each significant tree the applicant proposes to remove;
2. For improvements, expansion and/or new construction of infrastructure services, including water/sewer systems and streets, but only if no alternatives are available; and
3. Prior to the issuance of a permit allowing the removal of a significant tree, the zoning administrator shall confirm in writing that one or more of the situations enumerated herein exists.

(B) The tree removal permit allowing the removal of significant trees shall require the landowner/permittee to comply with the requirements set forth in sections 7-070 and 7-080 and the additional following conditions:

1. Each removed significant tree shall be replaced with one or more trees from the significant tree list below having an aggregate DBH at least equal to the DBH of the removed tree, and meeting the requirements of section 7-080; such replacement tree(s) shall be considered to be one tree for the purpose of meeting density requirements established in section 7-050(A); the exception to this provision is a dead tree, or a diseased tree that is a danger to or obstructs public safety and welfare or that might infect otherwise healthy trees.
2. Significant trees left remaining on the site may be counted as replacement trees according to the mitigation schedule. These trees must be noted on the plat and shall be protected as a tree as defined by section 2-010.

<u>Significant Species Common Name and Scientific Name</u>	<u>Mitigation Equivalent Per One Inch Live Oak For New Plantings</u>	<u>Minimum DBH Required for Remaining Trees</u>	<u>Special Note</u>
<u>Red cedar <i>Juniperus virginiana</i></u>	<u>1:1</u>	<u>4"</u>	

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<u>Live oak <i>Quercus virginiana</i></u>	<u>1:1</u>	<u>4"</u>	
<u>Laurel oak, water oak, etc. <i>Quercus sp.</i></u>	<u>NA</u>	<u>4"</u>	<u>Water oaks left only in naturalized area</u>
<u><i>Magnolia grandiflora</i></u>	<u>1:1</u>	<u>4"</u>	
<u>Sugarberry <i>Celtis laeirgata</i></u>	<u>1:1</u>	<u>4"</u>	
<u>Red bay <i>Persea borbonia</i></u>	<u>1:1</u>	<u>4"</u>	
<u>Sycamore <i>Plantanu occidentalis</i></u>	<u>1:1</u>	<u>4"</u>	
<u>Sweetgum <i>Liquidamber syraciflora</i></u>	<u>NA</u>	<u>4"</u>	
<u>Native hollies <i>Ilex sp.</i></u>	<u>1:1</u>	<u>3"</u>	
<u>Native maples <i>Acer sp.</i></u>	<u>1:1</u>	<u>3"</u>	
<u>Toothache tree <i>Xanoxylum clava-hercules</i></u>	<u>1:2 (1 inch toothache= 2 inch Live Oak)</u>	<u>3"</u>	
<u>Eastern redbud <i>Cercis Canadensis</i></u>	<u>1:1</u>	<u>3"</u>	
<u>Devilwood (wild olive) <i>Osmanthus americanus</i></u>	<u>NA</u>	<u>3"</u>	
<u>Carolina laurelcherry <i>Prunus caroliniana</i></u>	<u>2:1</u>	<u>4"</u>	
<u>Carolina willow <i>Salix caroliniana</i></u>	<u>1:1</u>	<u>4"</u>	
<u>Tough bumelia (buckthorn) <i>Bumelia tenex</i></u>	<u>1:2</u>	<u>3"</u>	
<u>Sparkleberry <i>Vaccinium arboretum</i></u>	<u>1:2</u>	<u>3"</u>	
<u>Palm Cabbage palm numerous scientific names <i>Sabal Palmetto</i></u>	<u>1:1</u>	<u>3"</u>	
<u>Pine <i>Pinus spp</i></u>	<u>1:1</u>	<u>3"</u>	

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(Ord. No. 12-2012, 4-26-2012; Ord. No. 2020-22, § II, 11-12-2020; Ord. No. 2021-28, § I, 10-28-2021)

Sec. 7-070. Tree protection during development.

On each lot or tract where construction is ongoing pursuant to a validly issued building permit, protective barricades shall be placed around trees at the tree drip line which are to be retained, and shall remain in place

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throughout construction. The areas within the protective barricades shall remain free of all building materials, construction debris, vehicles, and development activities. Penalties for violation of this section shall be the same as found in section 7-090.

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

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

- (A) *Pursuant to building or tree permit.* Trees planted or replaced, or left remaining on the site pursuant to a validly issued building or tree permit in accordance with this article shall be botanically compatible with local conditions, healthy, disease and pest free, and shall have a minimum size of two inches DBH, caliper measure. The permittee/landowner shall choose the species of replacement trees from the significant species list for Tybee Island. At least one replacement tree or remaining tree shall be of the same species as the tree(s) that are planned to be removed. In no case may palm trees or pine trees be used as a replacement for any tree except a palm or pine to be removed. Ideally, planting should be done immediately following construction or in the earliest growing season thereafter.
- (B) *Pursuant to citation of violation.* Replacement trees planted pursuant to citation of violation shall be of the same type (species) as the tree being removed and shall be the maximum DBH that is commercially available and at least four inches DBH. The aggregate DBH of trees planted as replacement shall equal the DBH of the tree that was removed in violation of this article.
- (C) *Survival of replacement trees.* All replanted or replacement trees must survive at least two full calendar years for the permittee/landowner to be considered to be in full compliance with this article. If the replanted tree becomes unhealthy or dies, it must be removed from the site and replaced as soon as conditions permit. This duration is not to exceed one calendar year.
- (D) *Off-site tree planting option.* If it is not possible to replant trees to the specifications required in these regulations, the applicant may choose to plant the required trees on city property in a location specified by the zoning administrator. A donation may be made to the trees for Tybee fund. All significant trees may be mitigated at a cost of \$100.00 per inch.
- (E) *Definition of replanted, remaining, and replacement trees.* All replanted, remaining, or replacement trees shall be considered a "tree" as defined in section 2-010.

(Ord. No. 12-2012, 4-26-2012; Ord. No. 2020-22 , § III, 11-12-2020)

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

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

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

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requirements of this article. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violation of this article.

- (D) Any person who has been adjudged to have violated previous tree removal permits two or more times within three years shall be denied future tree removal permits pursuant to section 7-040 or any other permit under the Land Development Code for three years and may further be subject to additional restrictions or requirements for any future permit issued. Additional restrictions or requirements that may be imposed shall be determined by the permitting official taking into account the circumstances of the current or pending application, the nature and extent of removal requested at the location, as well as other relevant factors as determined by the permitting official and may include additional monitoring of the removal process and specific tree marking for clarity of intended process.
- (E) Any person who has violated the ordinance by removing trees without a permit for removal, either directly or indirectly, including an owner or contractor, and in addition to all other penalties, fines or sentences imposed, shall not be eligible for a building or other permit for a period of two years from the date of an adverse adjudication against the applicant for an unpermitted removal.

(Ord. No. 12-2012, 4-26-2012; Ord. No. 2021-17 , § I, 8-26-2021)

Sec. 7-100. Appeals of actions.

Appeals of decisions of the city administrator, city marshal, or his designee, pursuant to this article shall be made to the planning commission. The planning commission shall review the appeal and make a formal recommendation to the mayor and council. The mayor and council will finally decide any such appeal at a city council meeting.

Significant Species Common Name and Scientific Name	Mitigation Equivalent Per One Inch Live Oak For New Plantings	Minimum DBH Required for Remaining Trees	Special Note
Red cedar <i>Juniperus virginiana</i>	1:1	4"	
Live oak <i>Quercus virginiana</i>	1:1	4"	
Laurel oak, water oak, etc. <i>Quercus sp.</i>	NA	4"	Water oaks left only in naturalized area
<i>Magnolia grandiflora</i>	1:1	4"	
Sugarberry <i>Celtis laeigata</i>	1:1	4"	
Red bay <i>Persea borbonia</i>	1:1	4"	
Sycamore <i>Plantanus occidentalis</i>	1:1	4"	
Sweetgum <i>Liquidamber syraciflora</i>	NA	4"	
Native hollies <i>Ilex sp.</i>	1:1	3"	
Native maples <i>Acer sp.</i>	1:1	3"	

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Toothache tree <i>Xanoxylum clava-hercules</i>	1:2 (1 inch toothache= 2 inch Live Oak)	3"	
Eastern redbud <i>Cercis canadensis</i>	1:1	3"	
Devilwood (wild olive) <i>Osmanthus americanus</i>	NA	3"	
Carolina laurelcherry <i>Prunus caroliniana</i>	2:1	4"	
Carolina willow <i>Salix caroliniana</i>	1:1	4"	
Tough bumelia (buckthorn) <i>Bumelia tenax</i>	1:2	3"	
Sparkleberry <i>Vaccinium arboretum</i>	1:2	3"	
Palm numerous scientific names	1:1	3"	
Pine <i>Pinus spp</i>	1:1	3"	

(Ord. No. 12-2012, 4-26-2012; Ord. No. 2021-28, § I, 10-28-2021)

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File Attachments for Item:

9. First Reading of Ordinance 2025-10, Sec. 34-39.1 of the Code of Ordinances to Create an Appeal Process for the Denial of Business License and Permit Requests Related to Short-Term Rental Properties



City of Tybee Island

Memorandum

To: City of Tybee Island City Council
From: Bret Bell, City Manager
Date: September 18, 2025
Re: First Reading of Ordinance 2025-10, Sec. 34-39.1 of the Code of Ordinances to Create an Appeal Process for the Denial of Business License and Permit Requests Related to Short-Term Rental Properties

Title

First Reading of Ordinance 2025-10, Sec. 34-39.1 of the Code of Ordinances to Create an Appeal Process for the Denial of Business License and Permit Requests Related to Short-Term Rental Properties

Action

Approval of First Reading of Ordinance 2025-10, Sec. 34-39.1 of the Code of Ordinances to Create an Appeal Process for the Denial of Business License and Permit Requests Related to Short-Term Rental Properties

Background

Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia allows municipalities to adopt reasonable ordinances to protect and improve the public health, safety and welfare of its citizens.

The City is authorized to regulate businesses and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions and to provide penalties for violations of ordinances. The City has adopted ordinances that require the owner or operator of a location to be used as a short-term rental to have a permit, license or occupational tax certificate in order to do so. The operation of a short-term rental without a valid permit, license or occupational tax certificate is an ordinance violation.

When City staff, under the direction of the City Manager, denies a short-term rental permit request due to non-compliance with City ordinances, there is a desire to establish an appeal process to that denial.

Facts and Findings

The proposed Ordinance establishes the following appeal process:

1. When staff makes a determination to deny an occupational tax, business permit or license request for a short-term rental property, the applicant shall be provided with reasonable notice to dispute the action.
2. Upon this written notice, the applicant may within 15 days appeal such a decision by written notice to the Clerk of Council.
3. An appeal hearing before the Mayor and Council will then be scheduled.
4. The appeal hearing will be in the form of a show cause hearing, where the applicant will show evidence required for securing the permit or license in accordance with applicable regulations.
5. The appeal will result in a determination by the Mayor and Council within seven business days of the conclusion of the hearing, and a written determination on the appeal shall be made.

Alternatives

1. Approve proposed ordinance amendments and allow ordinance to move to second reading
2. Continue first reading of ordinance to future agenda and direct City Manager to make revisions to draft ordinance
3. Deny proposed amendments to ordinance

ORDINANCE NO. 2025-10

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF TYBEE ISLAND RELATING TO PERMITS FOR THE OPERATION OF PARTICULAR BUSINESSES; AND TO CLARIFY THE ADMINISTRATIVE PROCEEDINGS FOR HEARINGS ON POSSIBLE NON-COMPLIANT APPLICATIONS FOR PERMITS OR DENIALS OF APPLICATIONS FOR SUCH PERMITS OR RENEWALS THEREOF TO ESTABLISH AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, (the “City”) is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the governing authority for the City of Tybee Island is authorized to regulate businesses and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions and to provide penalties for violations of ordinances pertaining thereto; and

WHEREAS, the governing authority desires to adopt ordinances under its police and home rule powers; and

WHEREAS, by existing ordinances the owner or operator of a location to be used as a short-term rental is required to have a valid unexpired permit, permit (hereinafter “permit”) in order to do so and the operation of a short-term rental without a valid permit, permit is an ordinance violation; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended so as to create a new code section so as to provide as follows:

SECTION 1

Section 34-39.1(a) Procedures

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.

APPEAL 34-39.1(b)

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 Fabian Mann", 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.

SECTION 2

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared illegal or invalid by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance.

SECTION 3

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

SECTION 4

It is the intention of the governing body, and it is hereby ordained, that the provisions of this ordinance shall become effective and be made a part of the Code of Ordinances, City of Tybee Island, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5

This ordinance shall be effective upon its adoption by the Mayor and Council pursuant to the ordinances of the City.

This _____ day of _____ 2025.

MAYOR

ATTEST:

CLERK OF COUNCIL

First Reading: _____

Second Reading: _____

Enacted: _____

File Attachments for Item:

10. Resolution 2025-15 to Ratify the Approval of a Revenue Bond Issued by the Tybee Island Building & Public Facilities Authority for Acquiring Real Property and Conveying that Property to the Authority to be Leased to the City for a Fire Station Complex



City of Tybee Island

Memorandum

To: City of Tybee Island City Council
From: Bret Bell, City Manager
Date: September 18, 2025
Re: Ratification of Revenue Bond Issued by the Tybee Island Building & Public Facilities Authority for Acquiring Real Property, and Conveying that Property to the Authority to be Leased to the City for a Fire Station Complex

Title

Ratification of Revenue Bond Issued by the Tybee Island Building & Public Facilities Authority for Acquiring Real Property, and Conveying that Property to the Authority to be Leased to the City for a Fire Station Complex

Action

Adoption of Resolution Ratifying the Approval of a Revenue Bond Issued by the Tybee Island Building & Public Facilities Authority for Acquiring Real Property, and Conveying that Property to the Authority to be Leased to the City for a Fire Station Complex

Background

Georgia's Constitution and statutes provide several ways for local governments to incur debt lawfully. One of those ways is the issuance of revenue bonds and security of revenue bonds through intergovernmental contracts.

The intergovernmental contracts provision has been used by various municipalities to finance the construction of a variety of different facilities. Under such a financing arrangement, a statutorily created Authority issues bonds for purchase of a property and/or construction of a facility, which then owns that property and facility through agreement with a City. The Authority then leases the facility to the City, which pays rent to the Authority in an amount equal to cover debt obligation payments.

Facts and Findings

1. On July 1, 2025, the Governor of Georgia signed into law SB 78, an Act that created the City of Tybee Island Building and Public Facilities Authority.
2. On July 17, 2025, Tybee City Council appointed five members to the Authority.
3. On July 25, 2025, the Authority convened to administer oaths of offices, elect officers, review duties and responsibilities, and review a 2025 financing plan to acquire property where construction of a new fire station will occur at a later date.
4. The financing plan includes the issuance of a revenue bond through the BPFA via a direct bank loan for the purchase of the land.
5. The City of Tybee Island has a written agreement to purchase property on Butler Avenue for \$2,400,000 as a location to construct a future fire station.

6. Financing of fire station construction will be presented at a future date.
7. Requests for proposals (RFP) for the revenue bond were sent to local, regional and national lending institutions.
8. Results of the RFP will be finalized and presented to both the BPFA and City Council on September 25, 2025.
9. The BPFA will consider adopting a resolution to issue a revenue bond in the principal amount of \$2,700,000.
10. Following that action City Council will consider a resolution ratifying the approval of the bond resolution adopted by the BPFA, and authorizing the Mayor to execute agreements to convey the property to the Authority, and enter into a lease agreement with the Authority.
11. Rent to the Authority will be in an amount equal to pay the principal and interest due on the bond.
12. Attached is the form of the resolution to be considered. Details will be entered, and the resolution will be finalized, on September 25, 2025.

Recommendation

Adoption of Resolution Ratifying the Approval of a Revenue Bond Issued by the Tybee Island Building & Public Facilities Authority for Acquiring Real Property, and Conveying that Property to the Authority to be Leased to the City for a Fire Station Complex

EXAMPLE 1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TYBEE ISLAND (THE “**CITY**”), RATIFYING THE APPROVAL OF THE BOND RESOLUTION ADOPTED BY THE TYBEE ISLAND BUILDING AND PUBLIC FACILITIES AUTHORITY (THE “**AUTHORITY**”) AUTHORIZING THE ISSUANCE OF ITS REVENUE BOND FOR THE PURPOSE OF ACQUIRING REAL PROPERTY FOR THE CONSTRUCTION OF A NEW FIRE STATION COMPLEX; TO AUTHORIZE THE MAYOR TO TRANSFER PROPERTY TO THE AUTHORITY AND TO EXECUTE THE LEASE; TO AUTHORIZE THE MAYOR AND OTHER OFFICIALS OF THE CITY TO TAKE SUCH FURTHER ACTIONS AS ARE NECESSARY TO PROVIDE FOR THE ISSUANCE AND DELIVERY OF THE SERIES 2025 BOND; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Tybee Island (the “**City Council**”), as the governing body for the City, has requested that the Authority issue its revenue bond to provide funds to acquire real property for the construction and equipping of a new fire station complex for the City (the “**Project**”); and

WHEREAS, in accordance with a Request for Proposals, dated September 4, 2025, bids were taken for the purchase of the TYBEE ISLAND BUILDING AND PUBLIC FACILITIES AUTHORITY REVENUE BOND (FIRE STATION PROJECT), SERIES 2025, in the principal amount of \$2,700,000 (the “**Series 2025 Bond**”), and the Finance Director of the City, with the assistance of Davenport & Company LLC, as financial advisor, reviewed the bids and determined that the best bid for the Series 2025 Bond was submitted by _____, and said bid was accepted on behalf of the Authority and the City; and

WHEREAS, the Authority adopted a bond resolution on September 25, 2025 (the “**Bond Resolution**”), authorizing the issuance of the Series 2025 Bond, a certified copy of which is on file with the City Clerk; and

WHEREAS, payment of the Series 2025 Bond and the interest thereon shall be secured by a first and prior pledge of and charge or lien on the Basic Rent to be paid henceforth by the City for the use of facilities of the Authority pursuant to the provisions of a lease contract to be entered into as of the date of issuance of the Series 2025 Bond (the “**Lease**”), the form of which is on file with the City Clerk; and

WHEREAS, the Lease provides for the payment by the City, as Lessee, to the Authority or to its assignee for the account of the Authority, of the amounts to be set forth in the Lease sufficient to pay the principal of and interest due on the Series 2025 Bond authorized as the same shall become due and payable; and

WHEREAS, it is proper that the City Council authorize the Mayor to execute documents conveying all or portions of the property to be acquired by the City to the Authority and to execute the Lease, so as to provide for the use by the City of the Project to be funded with proceeds from the sale of the Series 2025 Bond; and

WHEREAS, it is proper that the City Council ratify and approve the actions of the Finance Director of the City and of the Authority in accordance with the requests of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

1. The City Council hereby approves and ratifies the actions of the Authority in the adoption of the Bond Resolution and hereby approves the actions taken by the Authority, the Finance Director of the City, and other officials, including specifically the acceptance of the best bid for the Series 2025 Bond, as described in the Preamble to this resolution.

2. The Mayor is authorized to execute such deeds as may be required to convey property to the Authority, which is to be property subject to the Lease and to direct any intermediaries which may acquire or hold property which is to become subject to the Lease to convey the same to the Authority, and the Mayor is authorized to approve the form of such deeds and the exhibits thereto, and the City Clerk is authorized to attest the execution by the Mayor of such deeds and to affix the seal of the City to such documents.

3. The Mayor, City Manager, Finance Director, City Attorney, and such other officers or agents of the City as may be required are directed to take such actions as are necessary to provide security for payment of the Series 2025 Bond, to execute, deliver, and fulfill the obligations of the City pursuant to the Lease, and to execute closing documents necessary for the issuance of the Series 2025 Bond, as the same shall be delivered, supplemented, or amended, and to take such other actions as may be required in accordance with the intents and purposes of this resolution.

APPROVED AND ADOPTED this September 25, 2025.

CITY OF TYBEE ISLAND, GEORGIA

By: _____
Mayor

Attest: _____
City Clerk

(S E A L)