

MAYOR
Brian West

MAYOR PRO TEM
Spec Hosti

CITY COUNCIL
Nick Hale
Cam Jackson
Tony Plouge
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 Workshop
February 12, 2026 | 3:00 PM

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

AGENDA

Call to Order

Approval of Agenda

Land Development Code Update

Historic Preservation Commission Local Historic District Designation

Solomon Park Concept

Agenda Review

Public Comments

Adjournment

Individuals with disabilities who require accommodation in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact Fabian Mann at 912.472.5080 promptly to allow the City to provide reasonable accommodation.

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



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



City Council Workshop

February 12, 2026

TEXT AMENDMENT

Land Development Code

Article 1 - Introduction

Article 2 – Definitions

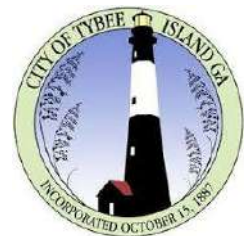
Article 3 – General Provisions

Article 4 – Zoning Districts

Article 5 – Administration

Article 6 – Sign Regulations

Article 7 – Tree Removal Regulations



How we got here.



April 2016. City Council requested an omnibus Municipal Code Review.

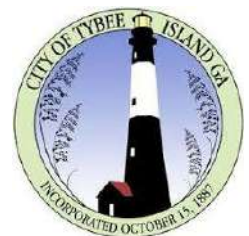
Planning Commission recommended updates to the Land Development Code section would be best served by a separate review.



December 2017. The recommendations of the Code Review Group were presented to City Council.



May 2023. The City of Tybee Island advertised a Request for Proposals (RFP) to review the City's Land Development Code (LDC).



Land Development Code Update Committee Events



January 23, 2024. Consultant and staff provided a brief overview of the LDC, the anticipated process, and draft schedule. LDC members were asked to provide their feedback on areas of concern and/or known issues with the code.



February 29, 2024. Consultant provided an overview of the existing residential lot sizes and development standards and an overview of the R-2 carrying capacity study.



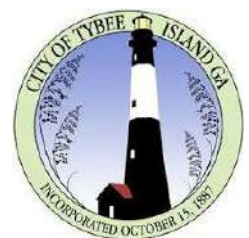
April 17, 2024. The meeting focused on Articles Two and Three (Definitions and General Provisions) and initiated discussions about Article Seven (Tree Removal Regulations)



December 4, 2024. The meeting started with parking updates including bicycle parking, greenspace updates, a sign ordinance overhaul, and continuation of tree preservation.



March 12, 2025. The committee discussed the draft redline version of the proposed changes to the LDC and the steps forward. Minor changes were incorporated into the draft to increase clarity.



Public Meeting and Outreach Events (part 2)



October 23, 2024. Staff presented to City Council at workshop an overview of the LDC, the status of the update process, and the need for updates.



April 9, 2025. Staff presented the current versions of the proposed updates to City Council at workshop.



July 23, 2025. Consultants and staff presented the proposed changes during the Open House at the Guard House.



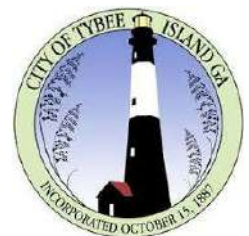
October 22, 2025. Staff presented the summary of changes, the results of the Open House and public feedback to City Council. City Council supplied staff with feedback during the workshop and provided the direction forward.



November 17, 2025. Staff gave an overview of the LDC update process while consultant, Denise Grabowski explained the proposed changes to Planning Commission.



December 15, 2025. Planning Commission recommended approval and approval with conditions of the articles.



Land Development Code Update Committee

Members

- Alan Robertson
- Daniel Iyer
- David McNaughton
- David Roberts
- Demery Bishop
- Holly Grell-Lawe
- Keith Gay
- Lauren Mescon
- Ron Bossick

Lead Consultant

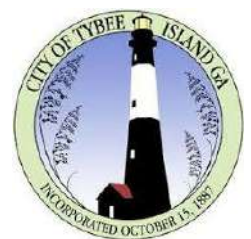
- Denise Grabowski (Symbioscity)

Staff

- Patricia Sinel
- Lisa Schaaf

Previous Staff

- George Shaw
- Tameka Shannon



What is the Land Development Code (LDC)?

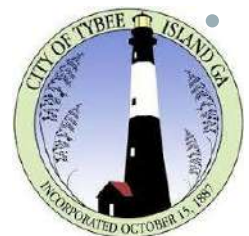
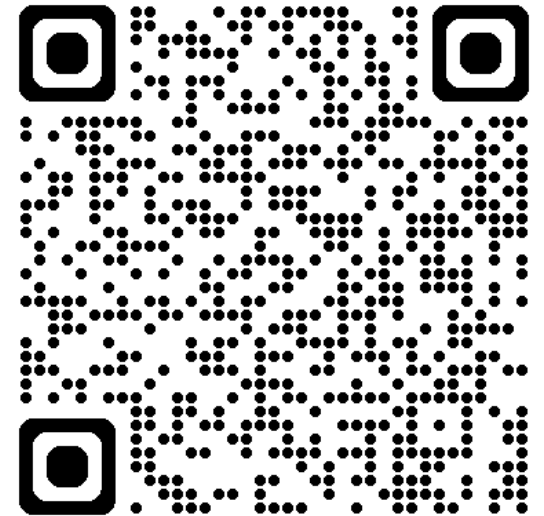
- The City of Tybee Island's Land Development Code (LDC) serves as the regulating document for the built environment on Tybee Island. In general, the LDC for Tybee Island:
 - Regulates land and building uses; the location and size of buildings; trees and open spaces; and other aspects of development
 - Preserves and protects historic structures, scenic areas, and natural resources; and
 - Provides protection against floods, rising waters, erosion, and other areas of environmental concern

What changes are proposed to the LDC?

- This update focuses on improving clarity, removing irrelevant or outdated information and minor updates to some standards.

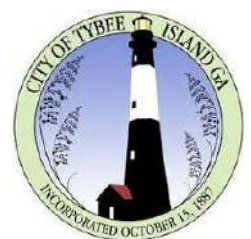
What is not changing in this LDC update?

- No modifications are proposed in other areas of the LDC.
- No modifications are proposed for lot sizes or density.
- No changes are proposed to the City's Zoning Map.



Changes throughout the LDC

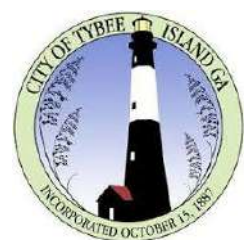
- Land use district updated to zoning district (throughout the LDC)
- Building updated to structure (throughout the LDC)
- Monetary amounts removed from the LDC, reference adopted fee/fine schedules
- Spelling and grammar corrections



Sec. 5-110. - Standards for Land Development Code or zoning map amendment approval.

In order to promote the public health, safety, and general welfare of the city against the unrestricted use of property, the following standards and any other factors relevant to balancing the above stated public interest will be considered, when deemed appropriate, by the mayor and council in making any zoning decision:

- The existing land use pattern;
- The possible creation of an isolated district unrelated to adjacent and nearby districts;
- The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
- **Whether changed or changing conditions make the passage of the proposed amendment reasonable;**
- **Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;**
- Potential impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity;
- 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;
- **Whether the proposed change will be detrimental to the value or improvement or development of adjacent or nearby property in accordance with existing requirements;**
- **Whether the proposed change is out of scale with the needs of the neighborhood or entire city;**
- 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,
- 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.



TEXT AMENDMENT

Land Development Code

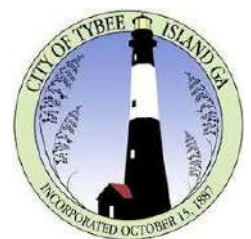
Article 1 - Introduction

Article 2 – Definitions

Article 3 – General Provisions

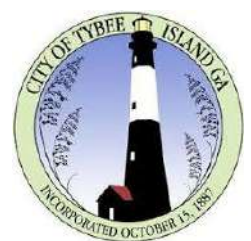
Article 4 – Zoning Districts

Article 5 – Administration



Articles 1-5 of the Land Development Code

- Articles 1-5 of the Land Development Code represent the bulk of the zoning content in the Land Development Code. The LDC is a unified code document, meaning it is not only the zoning ordinance, but also contains other code sections, including subdivision regulations, sign regulations, tree preservation standards, stormwater management, building regulations, and historic preservation, which regulate the built environment on the City of Tybee Island.
- The recommended changes to Articles 1 through 5 are the result of input from consultants, staff, committee members, appointed officials, elected officials, residents of Tybee Island over the course of two years. A general summary of the recommended changes is as follows:



Article 1 - Introduction

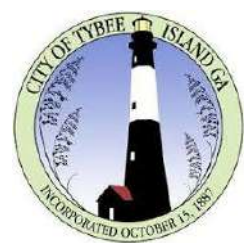
- Minor changes are proposed regarding the zoning map and LDC locations, formats, and responsible parties.



PLANNING COMMISSION:

The Planning Commission recommended approval at their December 15, 2025, regular meeting.

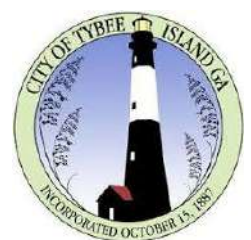
- **Article 1-Introduction:** Recommend approval as presented by a 5-0 vote.



Article 2 - Definitions

- Definitions were reviewed for clarity, consistency, best practice (including information included in the definition that is more appropriate to include elsewhere), and ease of interpretation.
- Obsolete definitions or those not pertinent to Tybee Island are recommended for removal.
- Recommended additions are to address noted deficiencies in the code.

Updates reflect best planning practices, changes in practice and/or policy, updates necessary to meet current state and federal requirements, and updates to be in line with state and federal definitions.

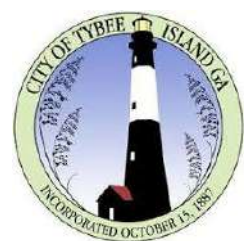


Article 2 – Definitions

Definitions were reviewed for clarity, consistency, best practice (including information included in the definition that is more appropriate to include elsewhere), and ease of interpretation.

Definitions to remove:

- Conditional use
- Drive-in restaurant
- Drive-in window
- Junkyard
- Light business
- Mezzanine
- Narrow
- Shallow
- Significant trees
- Use variance

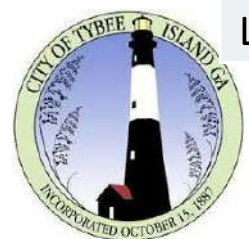


Article 2 – Definitions

Modifications are proposed for the definitions below. An asterisk (*) indicates a new definition.

Definition	Clarity	Meaning	Best Practice
Bar (Lounge)*	X		
Base Flood Elevation			X
Bed and breakfast	X		
Buffer yard	X	X	
Buildable area*		X	
Caretaker's cottage			X
Condominium			X
Dwelling	X		
Guest cottage	X		
Hotel	X		
Height of building			X
Lot			
Lot area		X	
Lounge	X		

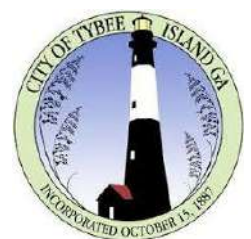
Definition	Clarity	Meaning	Best Practice
Mobile home			X
Manufactured home			X
Nesting area*		X	
Nesting season	X		
Non-conforming structure*	X	X	X
Open space*		X	
Patio	X	X	
Sand dune			X
Setback			X
Sign			X
Special review permit	X		X
Temporary enclosure*		X	
Walk-up window*		X	X
Yard	X		



PLANNING COMMISSION:

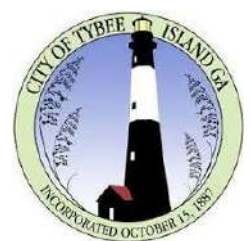
The Planning Commission recommended approval at their December 15, 2025, regular meeting.

- **Article 2-Definitions:** Recommend approval as presented by a 4-1 vote.



Article 3 – General Provisions

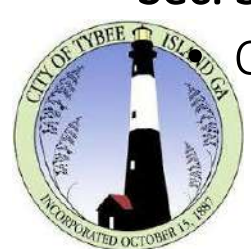
- **Sec. 3-020. Continuance of nonconforming uses/structures**
 - Separates nonconforming use language from nonconforming structures language for clarity and ease of use
 - Eliminates the provision for a residentially-used nonconforming structure to be demolished and rebuilt as a nonconforming structure within the same footprint and up to 50% larger in square footage
- **Sec. 3-060. Bed and breakfast regulations**
 - Changes buffer requirement to “may be” required
- **Sec. 3-070. Permissible structures per lot; accessory structures**
 - Makes an accessory structure clearly subordinate to the principal structure
- **Sec. 3-080. Off-street parking requirements**
 - Prioritizes pedestrian walkways and connections to the storefronts
 - Requires bicycle racks (previously were an option)
 - Allows for Low-Speed Vehicles, Golf Carts, Motorcycle, and Scooter Parking in certain areas.



Article 3 – General Provisions

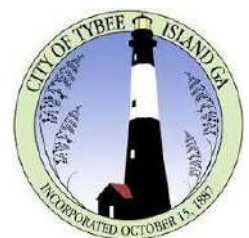
- **Sec. 3-090. Schedule of development regulations**
 - Setback encroachments – Permitted encroachments are located in various sections of the current ordinance. Permitted encroachments have been consolidated for clarity and ease of use.
 - Modification: Unenclosed/uncovered patio encroachment permitted to property line.
 - Addition: Air-conditioning, mechanical, electrical, (including generators and related appurtenances), and plumbing equipment (service yard) encroachment permitted up to 5 feet into side and rear yards.
- **Sec. 3-090.1. Streams, lakes, coastal marshlands and freshwater wetlands buffer/setback**
 - Buffer definition, as required added to differentiate from a buffer yard, typically used between noncompatible uses
 - State waters definition
- **Sec. 3-110. Single-family residential standards/manufactured home standards/recreational vehicle standards**
 - Add a section title and clarifying language regarding what type of lot the section applies to
- **Sec. 3-160. Protective screening of adjacent property where commercial use and residential use abut.**

Clarification of buffer yard requirements and language regarding masonry walls.



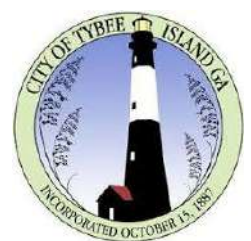
Article 3 – General Provisions

- **Sec. 3-165. Greenspace**
 - Clarifies language of what constitutes greenspace
- **Sec. 3-170. Home occupations and home business offices**
 - Clarified a home occupation or home business office use shall be clearly incidental and not change the residential character.
 - Home office: Permitted vehicles changed from two to one
 - Home occupation: No more than four (4) clients allowed at one time
- **Sec. 3-190. Swimming pool requirements and placement**
 - Clarify language and technical code requirements



Article 3 – General Provisions

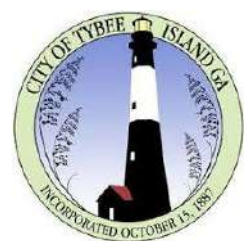
- **Sec. 3-200. Decks, walkways and patios**
 - Clarify for uncovered patio and decks
- **Sec. 3-210. Child day care facilities**
 - Add language regarding meeting Georgia Department of Early Care and Learning requirements
- **Sec. 3-230. Turtle nesting protection**
 - Adds “Sea” to title: Sea turtle nesting protection



PLANNING COMMISSION:

The Planning Commission recommended approval with conditions, as described below, at their December 15, 2025, regular meeting.

- **Article 3-General Provisions:** Recommend approval with conditions by a 4-1 vote. The conditions are:
 - Reject the height reduction from eight feet to six feet on masonry walls/fences in Sec 3-160 (C)(1)(a).
 - Replace “elevators” with “elevators/lifts” in Sec 3-090(A)(2)(b).
 - Leave the 200’ average (block face) rule unchanged in Sec. 3-090 (A)(1).



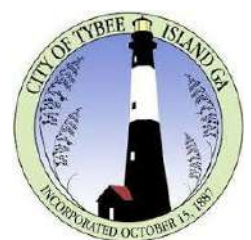
Article 4 – Zoning Districts

Sec. 4-010 List of districts

- Transitional business-residential (TBR) deleted, no properties carry this designation

Sec. 4-050. Zoning districts

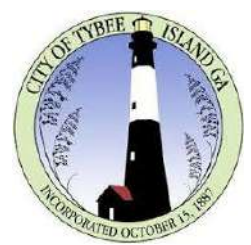
- C-2 highway business district – Drive-in restaurants deleted as a permitted use
- N-M neighborhood marina district – Sign requirements moved to Article 6
- South End business overlay district
 - Sign requirements moved to Article 6
 - Adds requirements for the application and approval of sidewalk cafes and merchandise displays in compliance with City of Tybee Island South End Policies and Procedures.
 - Appeals language deleted.



PLANNING COMMISSION:

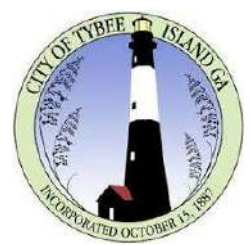
The Planning Commission recommended approval at their December 15, 2025, regular meeting.

- **Article 4-Zoning Districts:** Recommend approval as presented by a 5-0 vote.



Article 5 – Administration

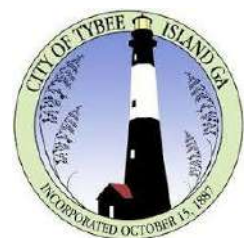
- Minor changes for consistency with current city departments, i.e., references updated to community development department



PLANNING COMMISSION:

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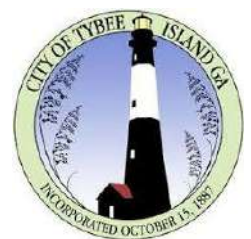
- **Article 5-Procedures for Administration and Enforcement:** Recommend approval as presented by a 5-0 vote.



TEXT AMENDMENT

Land Development Code

Article 6 – Sign Regulations



Article 6 – Sign Regulations

- Augment the purpose and basis of regulations; and clean up definitions
- Clean up language throughout to provide clarity
- Add basic graphics to define sign size and area measurements
- Require a sign plan for new uses/developments



Article 6 – Sign Regulations

Reformatting
and addition
of basic
graphics


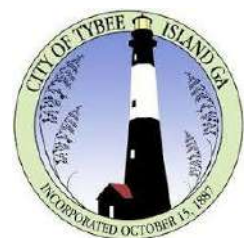
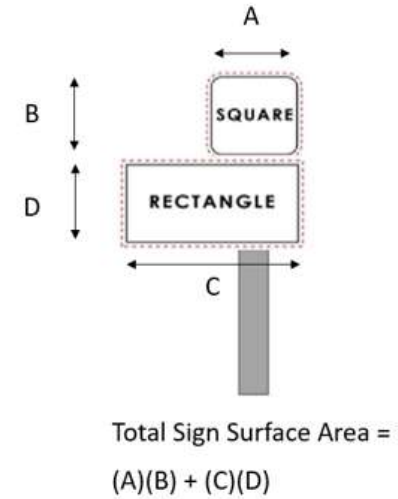
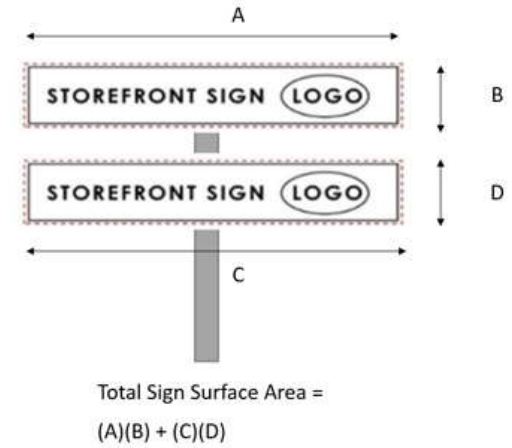
<p>Wall Sign</p> 	
Description	An on-premise sign attached directly to a building wall above the given store front place. A wall sign shall include murals conveying the name of a business or a commercial message. A wall sign shall not extend more than 18 inches from the building.
Location	Directly above store located on the supporting building wall. Wall signs are not allowed to extend above the roof line or the parapet wall.
Size	<p>A. Number. There shall be not more than one wall sign for each principal building except where the building abuts two or more streets, one wall sign oriented to each abutting street shall be permitted.</p> <p>B. Area. The gross surface of a wall sign shall not exceed ten percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or 200 square feet, whichever is smaller.</p> <p>C. Height. A wall sign shall not project higher than the wall to which the sign is to be affixed or 20 feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.</p> <p>D. Special conditions. Where a principal building is devoted to two or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such wall sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.</p>

Figure 6-xxxx Sign Area Calculation for Multiple Signs on Single Pole Illustration



Article 6 – Sign Regulations

Revised Standards Window signs

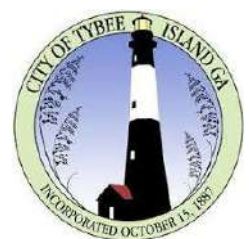
- Allowable size reduced from 50% of window area to 25% of window area.
- Limitations on placement, no more than 2 allowed

Prohibitions

- Lights that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or pedestrian
- Signs in the waterways, except signs for navigation, warning, trespassing, caution, animal protection (including turtles, and manatees) less than or equal to eight square feet in area

Clarification of definitions and requirements

- Temporary signs, including banners
- Directory signs
- Maritime district signs



Article 6 – Sign Regulations

New Section – Changeable Copy signs

- Changeable copy area is limited to 25 SF, external illumination only
- Video, animated, scrolling or moving changeable electronic variable messages are not permitted.
- Message or copy may change every six (6) hours or greater
- Only allowed for on-premise advertising

Delete Sec. 6-090 (E)

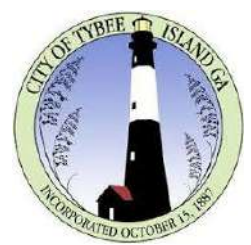
- Currently, this section allows replacement of a nonconforming off-premise sign (billboard)



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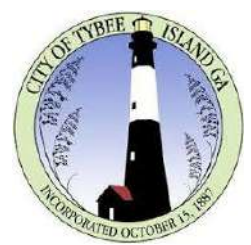
- Article 6-Sign Regulations: Recommend approval with conditions by a 5-0 vote. The conditions are:
 - Add wind movement to the definition of animated signs.



TEXT AMENDMENT

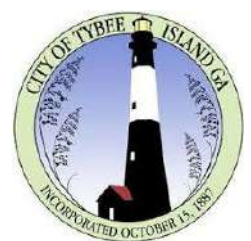
Land Development Code

Article 7 – Tree Removal Regulations



Article 7 – Tree Removal Regulations

- Renamed: **Article 7 – Tree Protection and Replacement**
- Create detailed direction for plan submittal requirements, including tree replacement plan requirement
- Strengthen minimum recompense standards and increase dis-incentives for removal of significant trees
- Establish tree and landscape standards, setting minimum for natural resource protection, tree density requirements and marsh buffer requirements
- Expand tree and landscape planting list and standards, including diversity mix, tree types, canopy trees, parking lot requirements and trees near utilities



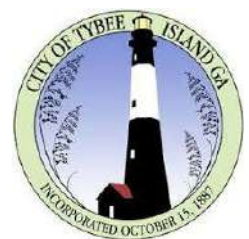
Article 7 – Tree Protection and Replacement

Code Section	Standard	Current	Proposed
Sec. 7-040 Tree permit required	Protection & Removal Plan and Tree Replacement Plan	No requirements	Specific requirements provided
	Notice for removal of city trees	No required notice	30-day review period
Sec. 7-050 Tree Density Requirements	Density requirement	3 trees per 4,500 SF	1 tree per every 1,500 SF of upland lot.
	Replacement tree size	2-inch caliper	3-inch caliper
	Size requirement for existing trees (to count towards tree density)	None	6-inch DBH
	Area required for trees in confined areas (landscape islands, medians, etc.)	None	250 SF (medium); 400 SF (large)
Sec. 7-060 Significant Trees – table updates			
Sec. 7-070 Protection & Restoration During Development	Protection standards	Tree protection barriers required, no specific requirements	4' temporary chain link required No vehicles or materials allowed within tree protection areas Standards to protect the critical root zone



Article 7 – Tree Protection and Replacement

Section	Standard	Current	Proposed
Sec. 7-060 Significant Tree Removal and Mitigation	Definition	Definition in Article I (Definitions) Hardwoods ten (10) inches or greater, native to the Georgia coast.	<ol style="list-style-type: none"> 1. A tree of eight (8) inches DBH or greater on the significant tree list. 2. A tree of 18 inches DBH or greater that is a non-invasive species and is native to the Georgia coast.
	Replacement	DBH equal to removed tree	Formula provided (removed tree replaced at ½ the DBH of the tree removed) Replacement trees must be 3” caliper or 8’ in height
	Credit	One for one credit for significant tree left on site	Significant trees greater than 24” left on site may be counted as two trees towards site tree density
Sec. 7-090 Penalties	Unlawful removal or damage of trees	Fine, up to \$1,000/day	Fine, up to \$1,000 per tree per day
	Damage to city/public trees	Not specified	\$1,000/tree (max allowed under state law)



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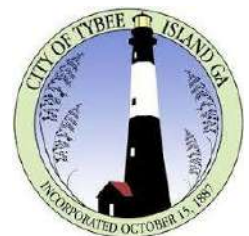
- Article 7-Tree Removal Regulations: Recommend approval with conditions by a 5-0 vote. The conditions are:
 - Change the language of fine levelled for illegal removal/damage of trees from “\$1,000 per tree per day” to “up to \$1,000 per tree per day” in Sec.7-090 (A).
 - Refine the language in 7-060(F) to make it more readable.



Thank you.

Staff Contact

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PART II - CODE OF ORDINANCES
DRAFT REVISIONS - LAND DEVELOPMENT CODE

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APPENDIX A LAND DEVELOPMENT CODE¹

ARTICLE 1. INTRODUCTION

Sec. 1-009. Editor's note.

All tables that are referenced in this Land Development Code ~~will~~ not be found in this Code ~~they~~ can be found in the most recent version of the Land Development Code [online and](#) on file in the ~~city clerks' office~~ [Community Development Department](#).

Sec. 1-010. Enactment.

In accordance with the authority granted by the Constitution of the State of Georgia as enacted by the state general assembly and ratified by general election, the city council of Tybee Island, Georgia, ordain and enact into law the City of Tybee Island Land Development Code. As part of this Land Development Code so enacted into law is "The Official Zoning Map of Tybee Island, Georgia." All other city codes and ordinances in conflict with this Land Development Code are repealed.

Sec. 1-020. Map.

The map herein referred to, which is identified by the title, "Zoning Map of the City of Tybee Island, Georgia," is [online and](#) on file in the ~~clerk's office~~ [Community Development Department](#).

Sec. 1-030. Purpose.

The land development regulations and zoning districts as herein set forth have been made for the purpose of promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the city. The regulations and arrangements of districts have been designed to lessen congestion in the streets, to secure safety from fire, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of water, sewer, schools, parks and other public requirements and to encourage the most appropriate use of land throughout the city.

Sec. 1-040. Scope.

This Land Development Code:

- (A) Regulates the location, height, bulk, number of stories and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards and other open spaces; the density and distribution of population;

¹Editor's note(s)—The Land Development Code is provided as an appendix in order to preserve its numbering scheme and arrangement, except that articles 15 and 16 have been added and adopted in chapter 1 as part of this appendix.

-
- (B) The uses of buildings; structures and lands for trade, industry, residence, recreation, conservation, water supply, sanitation, public safety, public activities;
 - (C) The preservation of scenic areas, protection against floods, rising waters and erosion, and other purposes;
 - (D) Creates districts for said purposes and establishes the boundaries thereof;
 - (E) Defines certain terms used herein;
 - (F) Provides for the method of administration, appeal and amendment, enforcement, duties and the provision of penalties for violation.

Sec. 1-050. Severability and conflict.

If any section, subsection, clause, provision of these regulations 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 these regulations which is not invalid or unconstitutional. Where the provisions of this Land Development Code are in conflict with each other or with other ordinances, the most restrictive provisions shall be enforced.

(Ord. No. 2000-06, 2-11-2000; Ord. No. 2000-06, amended 5-24-2000)

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:

Accessory ~~building structure~~ means a ~~building structure~~ subordinate to the main building on the same lot and used for purposes customarily incidental to the use of the main building.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building to which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

Air rights, public means the ownership or control of that space at or above a horizontal plane over the ground surface of public land, or that which is used by law, easement, or right-of-way used for public purposes. The horizontal plane shall be at a height that is reasonably necessary or legally required for the zoned or intended use of the ground surface.

Alley means any public way accepted for public use and 20 feet or less in width providing secondary access to abutting property.

Amusement park means a commercially operated park with booths for the sale of food and drink and various devices for entertainment. Such devices include but are not limited to waterslides, Ferris wheels, merry-go-rounds, and roller coasters.

Apartment building means a building designed for or occupied by three or more families with separate housekeeping facilities for each family. Such building shall include: apartment houses, apartments and flats, efficiency apartments, and studio apartments, but, not including boarding homes, hotels, or motels.

Appeal means a request for a review of the [zoning administrator's or](#) code enforcement official's interpretation of any provision of this Land Development Code.

Aquaculture project means the commercial cultivation of aquatic life, such as shellfish, fish, and seaweed.

Area of shallow flooding means a designated "AE" or "VE" zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard means the land in the floodplain within a community is subject to a one percent chance of flooding in any given year.

Artificial light means any source of light emanating from a manmade device including, but not limited to, spotlights, street lights, commercial or residential lighting, construction and security lights.

Average adjacent grade means the average natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

Awning means any shelter, cover, or projection extending beyond the outer face of the building wall, of either a rigid or non-rigid material, either collapsible, removable or of permanent rigid construction, designed and intended to be used for the purpose of shelter or protection for entrance and walkways.

Bar means [an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and where food sales account for less than 50% of the annual revenue. See also Lounge.](#)

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation means a point of vertical elevation where it is estimated there is a significant probability of flooding from any source within a 100-year time frame. Such vertical distances are referenced to the [current](#) National Geodetic Vertical Datum [\(NGVD\) of 1929 \(mean sea level\)](#). See the recent flood insurance rate maps for estimated base flood elevation in a particular location.

Base flood level means see "base flood elevation."

Basement means an enclosure with floor level below natural grade on three sides.

Beach means a zone of unconsolidated material that extends landward from the ordinary low-water mark to the line of permanent vegetation.

Bed and breakfast inn: residential means a dwelling unit [occupied by the property owner](#) where overnight accommodations and a morning meal are provided to transients for compensation.

Bed and breakfast inn: commercial means bed and breakfast establishments are subject to an approved commercial use site development plan. For more information see section 3-060, bed and breakfast establishments.

Boatel means a combination of a motel and marina that is accessible to boats as well as automobiles and may include boat sales and servicing facilities, overnight accommodations for transients, and eating and drinking facilities.

Breakaway wall means any type of wall that is not part of the structural support of the building and which is designed to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which it is used.

Buffer yard means open spaces, landscaped areas, fences, [free-standing masonry](#) walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. Comment: the two basic criteria for buffers are the width of the buffer

and the type of material to be planted or installed. In designing buffers, the ordinance should allow flexibility and provide for fences and berms to be used in conjunction with landscaping.

Buildable area means the area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance development code have been met.

Building means see "structure."

Building permit means the permit for any type of construction required by the Tybee Island Code of Ordinances.

Caliper measure means the diameter of the main stem of a tree or sapling as taken by calipers four and one-half feet above grade.

Campground means an area or tract of land for which accommodations for temporary occupancy are located or may be placed, including R.V. parks, tents, and major recreational equipment, and which is primarily used for recreational purposes and retains an open air or natural character.

Caretaker's cottage means an accessory building structure or portion of a primary structure used or designed for use as a residence, specifically, as an accessory use to the principal structure. Such form of land use may be permitted in the "R-2" zoning district depending on the size of the lot. Other terms for this type of dwelling unit include: granny home, and mother-in-law cottage. By no means shall such a use be considered a separate primary structure eligible for a minor subdivision if either resulting lot created will be substandard in size.

Carport means a roofed structure providing space for the parking of motor vehicles.

Certificate of occupancy means a certificate issued by the zoning administrator stating that the occupancy and use of land, building or structure referred to therein complies with the provisions of this Land Development Code.

Church or place of religious worship means an institution that people regularly attend to participate or hold religious services, meetings, and other related activities.

Clinic means a building in which medical services for out-patients only are provided.

Coastal high hazard area (V zones) means those areas that are subject to high velocity waters, including but not limited to hurricane wave wash. The area is designated on a FIRM as "zone V-1-30," "VE" or "V."

Commercial development means development for the purposes of any professional, commercial, or industrial undertaking.

Concession stand means a retail establishment selling food and drinks for consumption on or near the premises. This shall include lunch counters and refreshment stands selling prepared foods and drinks.

~~*Conditional use (special review)* means a use permitted in a particular zoning district upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of the use as specified in this Land Development Code and authorized by the approving agency. Comment: conditional uses are permitted uses and are appropriate in the zoning district only when all conditions are met. For example, a house of worship may be desirable in a residential area but controls over parking, circulation, setbacks, and landscaping may be needed to prevent such use from adversely affecting surrounding residences. With conditional uses, separate regulations can be imposed to mitigate the adverse impacts. In some states, conditional uses are classified as special exception uses. In all cases, the conditions must be specific. The conditional use permitting process and criteria for determination is listed in section 5-070, standards for special review. (see also: special review permit definition).~~

Conditions to zoning approval (conditional zoning) means a requirement adopted by the city council at the time of approval of a rezoning or special use permit which places greater or additional requirements or restrictions on the use and development of the subject property than provided in this zoning ordinance and is designed to

ameliorate the negative effects of the rezoning or special use on neighboring properties and to protect the public health, safety, or general welfare.

Condominium means a building containing three or more individually owned, attached, dwelling units and related, jointly owned, common areas developed, managed, and operated in accordance with the Georgia Condominium Act.

Deck means a raised, flat, and floored roofless platform adjoining a dwelling or structure. A deck is not considered to be part of the structure for living area measurement purposes; however, it is required to meet all front, side, and rear yard setbacks. Flooring for a deck is generally made of wood materials set upon piers.

Developer means any person, firm, trust, partnership, association or corporation engaged in development or proposed development of land.

Development means any manmade changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Diameter, breast height (DBH) means the diameter of a tree trunk or trunks, measured in inches at four and one-half feet above existing grade.

District, zoning means a mapped area for which a uniform set of land development regulations apply.

Dockbuilder, as used herein, means any person engaged in the business of constructing, altering, repairing, dismantling or demolishing structures, docks, bridges, fixed or floating, abutting or on coastal marshlands or waters of the city or the state and every other type of structure, project, development or improvement including constructing, altering or repairing of such property, and all subcontractors so engaged. Each "dockbuilder" as defined herein shall register with the city.

~~*Drive-in restaurant* means any place or premises where provisions are made for selling, dispensing, or serving of food, refreshments, or beverage to customers in automobiles or in other than a completely enclosed building.~~

~~*Drive-in window* means a portion of any building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction. Drive-in windows shall have at a minimum 150 feet of approach distance on the property in which vehicles may queue prior to reaching the window.~~

Driveway means a private way that provides vehicular access from a street to a parking area, garage, dwelling, or other structure or land use activity.

Dune crossover means an elevated structure for pedestrian and bicycle access across an area of sand dunes. A crossover is preferable to a walking path to save vegetation and wearing down of the dune to allow for grass to grow underneath.

Dwelling means any building or structure or part thereof primarily used and occupied for human habitation or intended to be so used. The following further defines the different varieties of dwelling distinctions:

- a. *Dwelling, single-family* means a detached building ~~designed exclusively for occupancy by one family containing one dwelling unit~~.
- b. *Dwelling, two-family or duplex* means a building either designed, constructed, altered, or used for two adjoining dwelling units that are connected by a firewall or, if the units are positioned vertically, by a type one floor and ceiling construction where the units are joined. A "detached" two-family or duplex consist of dwelling units that are joined by structure other than a firewall or floor and ceiling.
- c. *Dwelling, multi-family* means a building either designed, constructed, altered, or used for more than two adjoining dwelling units, with each dwelling unit having a party wall or party floor where it joins at least one other dwelling unit in the building. This includes but is not limited to apartments, condominiums, townhouses, or any type of multi family structure.

Dwelling unit means one or more rooms in a dwelling, apartment, boardinghouse, hotel or motel, designed primarily for occupancy by one family for living, eating, and sleeping purposes.

Easement means a grant of one or more property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Existing manufactured home parks or subdivision means a parcel of land divided into two or more manufactured home lots for rent or sale for which facilities were completed prior to adoption of the ordinance from which this Land Development Code is derived or prior to inclusion of property within city limits.

Expansion of an existing manufactured home park or manufactured home subdivision means preparation of additional sites by grading, installing utilities, pads, or streets, or otherwise adding service facilities.

Existing structure means a structure for which a legal building permit has been issued, or a structure erected prior to the date of adoption of the governing code.

Existing use means the nature of a property or a structure. An existing use may be described using terms such as vacant, abandoned, residential, commercial, owner-occupied, rental, retail, lodging and industrial.

Family means any of the following occupying a dwelling unit, living as a single, nonprofit housekeeping unit:

- (1) Any number of persons related by blood, marriage, adoption, guardianship, or duly-authorized custodian relationship;
- (2) Two unrelated persons and any children related to either of them; or
- (3) Not more than three persons not related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship.

Fence means wood, metal, or masonry structure not greater than eight feet in height from average adjacent grade.

Flood or flooding means a general and temporary condition of a partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters, or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood insurance study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

Floodlight means unshielded reflector type light fixtures attached directly to a building or post.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), e.g., top of slab in concrete construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Foundation means a structural part of a building constructed below the ground level on which a building stands. The foundation transmits and distributes its own load and imposed loads to the soil in such a way that the load bearing capacity of the foundation bed is not exceeded. The solid ground on which the foundation rests is called the foundation bed. Various types of footing are used as a foundation.

Frontage means the horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abut a street shall be considered frontage. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

Garage, public means a garage operated as a business devoted primarily to the repair, storage, maintenance, service or sales of motor vehicles, or any combination thereof.

Grade means any surface which has been cut to or built to the elevation indicated for that point. The surface elevation of a lawn, driveway, or other improved surface after completion of grading operations or from natural causes, such as wind blown sand.

Greenspace means land that is undeveloped and covered with grass, trees, shrubs, or other vegetation.

Gross leasable floor area means the total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

Guest cottage means living quarters within a detached accessory building structure located on the same lot or parcel of land as the primary structure, used exclusively for housing members of the family occupying occupants of the main building and their nonpaying guests. Such quarters shall not be rented or otherwise used as a separate dwelling. By no means shall such a use be considered a separate primary structure and eligible for a minor subdivision if either resulting lot created will be substandard in size.

Guest room means any room with a private bath and private entrance from the outside, hall, corridor, or lobby, which may be rented as a single rental unit.

Hardship means the circumstances where special conditions, which were not self-created or created by a prior owner, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Code. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Height of building unless otherwise specifically defined or described by ordinance, means the vertical distance measured from the average adjacent grade of the building to the extreme high point of the building, exclusive of chimneys, heating units, ventilation ducts, air conditioning units, and similar appurtenances. ~~The portion of an elevator shaft necessary for the operation of an elevator may extend above 35 feet but no elevator doors may open above 35 feet without a variance.~~

Height variance means a variance granted to exceed the maximum height limitations for allowed uses in a zoning district.

Home business office means an office use that is conducted entirely within the dwelling which is carried on by the occupant thereof and no other individual, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes.

Home occupation means an occupation customarily carried on within a home for gain or support, involving the sale of only those articles, products or services produced on the premises, conducted entirely within a dwelling unit and conducted entirely by persons residing in that dwelling unit, using only that equipment as is customarily found in a home and involving no display of articles or products.

Hospital means any place or institution which maintains and operates facilities for the care, custody and/or treatment of two or more nonrelated persons as patients suffering mental or physical ailments, and which shall be eligible for a license as a hospital under state regulations, but shall not be construed to include any dispensary or first-aid treatment facilities maintained by any commercial or industrial plant, educational institution or convent, nor to include any nursing care home as herein defined.

Hospital or clinic, special means a hospital which treats communicable diseases, insane or feebleminded patients, epileptics, drug addicts or alcoholic patients.

Hotel means a building ~~designed to provide~~that provides accommodations for transients or persons for short-term residence, with or without meals, and including customary accessory uses in connection with the principal use.

House means structures occupied by people for the sole purpose of shelter and accommodations.

Industry means any activity involving the manufacturing or treatment or any commodity including the assembly, packaging, canning, bottling, or processing of any item. To change any commodity in composition, form, size, shape, texture, or appearance is deemed to be an industrial process.

Intersection means the area, whether or not signalized, within which vehicles traveling upon different roadways joining at any angle might collide.

~~*Junkyard* means a junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packaged, disassembled or handled, including but not limited to scrap iron and other metals, papers, rags, rubber tires and bottles. A junkyard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.~~

Kitchen means an area used for preparation of food, which contains:

- a. A sink,
- b. A refrigerator,
- c. A stove or range top, and
- d. An oven or utility connections suitable for servicing a range or oven.

If all of the above components are present, the area shall be considered a kitchen.

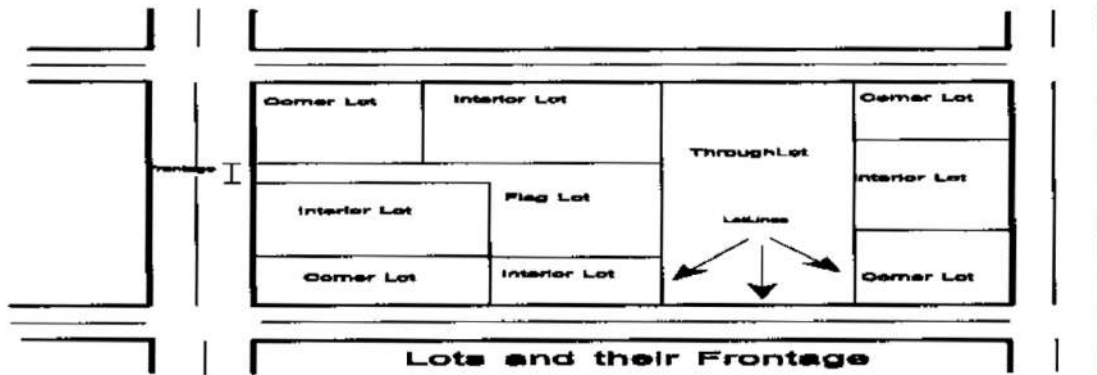
~~*Light business* means a retail or service establishment that operates a low impact business and has fewer than five employees working at any given time.~~

Living area means the area of a dwelling unit, enclosed, which is protected from the elements and heated, including interior halls, closets, and utility and storage areas, but excluding garages, carports, screened porches, unenclosed, and unheated areas.

Loading space means a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, and having a minimum dimension of 12 feet by 50 feet and minimum vertical clearance of 14 feet.

Lot means a piece, parcel, tract, or plot of land occupied or to be occupied by one principal building and its accessory ~~buildings-structures~~ and including the required yards and all lots of record included in any such piece, parcel, tract, or plot of land, and all lots otherwise designated by this Land Development Code.

- a. *Corner lot* means a lot abutting upon two or more streets at their intersection.
- b. *Flag lot* means a lot with access provided to the bulk of the lot by means of a narrow corridor.
- c. *Interior lot* means a lot, the side lines of which do not abut on a street.
- d. *Through lot* means an interior lot having frontage on two or more streets.



[Lot area](#) means the area of a horizontal plane bounded by the front, side, and rear lot lines .

Lot of record means a lot whose existence, location, and dimensions have been legally recorded or registered in the county clerk of court's office in a deed or on a plat.

Lot line means the property line, abutting right-of-way line, or any line defining the exact location and boundary of a lot.

Lot width means the distance between the property lines measured at the building line.

Lounge means a commercial establishment dispensing alcoholic beverages for consumption on the premises and where dancing and entertainment is permitted and where food sales account for less than 50% of the annual revenue. See also bar.

Low profile luminary means light fixture set on a base which raises the light no higher than 60 inches off the ground and designed so that the light is directed downward from a hooded light source.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Land Development Code.

Maintenance means an activity that restores but not changes the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, authorized, and undamaged condition.

Major subdivision means any subdivision comprising four lots or more, or any subdivision involving a new street or change in an existing street.

~~*Manufactured Mobile home*~~ means a transportable factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Manufactured Mobile homes are not permitted uses in any district.

Manufactured housing-home means a factory-built, single-family structure that is manufactured under the authority of 42 USC 5401, the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976, is transportable in one or more sections, is built on a permanent chassis, and is designed to be used as a place of human habitation with or without a permanent foundation when connected to the required utilities. It is not constructed with a permanent hitch or other device allowing transportation of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

Manufactured housing park means a parcel of land which is used or intended to be used for the rental or lease of spaces, stands, or manufactured houses and the provision of services for two or more manufactured houses.

Manufactured housing space, stand means a plot of ground within a manufactured housing park designed for the accommodation of one manufactured house for rent or lease and not to be bought or sold individually.

Marina means a commercial establishment with a waterfront location used for the purpose of storing watercraft and pleasure boats on land, in buildings, in slips, or on boatlifts and including accessory facilities for purposes such as re-fueling, minor repair, and launching.

Marine facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities.

Marquee means a roof-like structure suspended over an entrance to a structure.

Mean sea level (MSL) means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Land Development Code, the term is synonymous with National Geodetic Vertical Datum (NGVD).

~~*Mezzanine* means an intermediate story that projects in the form of a balcony covered and attached to the dwelling or structure. This is considered to be part of the structure for measurement purposes.~~

Minor subdivision means any subdivision comprising three lots or less, and not involving a new street or change in an existing street.

Mixed occupancy means occupancy of a structure or land for more than one principal use.

Modular home means a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the [adopted building and technical codes](#).

~~*Narrow* means, for variance purposes, a lot width of less than the 60 feet as required for a residential lot in section 10-080(F)(6). A commercial lot does not have a narrow standard.~~

Natural or artificial barrier means any river, pond, canal, roadway, railroad levee, embankment, hedge, fence, tree row or similar obstruction which limits access and/or visibility.

[Nesting area](#) refers to a specific location where an animal builds a nest to lay eggs, give birth, and/or raise its young in a safe, protected environment.

Nesting season means [sea turtle nesting season](#) May 1 through October 31 of each year.

New construction means structures for which the "start of construction" commenced on or after the effective date of the ordinance from which this Land Development Code is derived.

[Nonconforming structure](#) means any building or structure lawfully existing at the effective date of the ordinance from which this Land Development Code is derived, which does not conform with the provisions of this Land Development Code or amendments thereto.

Nonconforming use means any ~~building structure or~~ use of land or building lawfully [used as such](#) existing at the effective date of the ordinance from which this Land Development Code is derived, which does not conform with the provisions of this Land Development Code or amendments thereto.

Nuisance means anything, condition, or conduct that endangers health and safety, or unreasonably offends the senses, or obstructs the free use and comfortable enjoyment of property, or essentially interferes with the comfortable enjoyment of life.

Nursing home means a home for aged or ill persons in which three or more persons not of the immediate family are provided with food, shelter, and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

Open space means a natural vegetative or landscaped area that is intended to provide light and air, and is used, depending upon the situation, for environmental, scenic, or recreational purposes.

Package shop means an establishment that sells alcoholic beverages only in sealed containers whose contents may not lawfully be consumed on the premises.

Parking garage means a building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

Parking lot means an area or plot of land used for the storage or parking of vehicles, including all necessary additional space needed for vehicular access maneuvering thereto or therefrom.

Parking space means a space not less than nine by 18 feet for one vehicle plus all necessary additional space needed for vehicular access thereto.

Patio means an uncovered roofless area no more than 12 inches above grade used for purposes of outdoor activity. The patio is not considered to be part of the structure for measurement purposes.

Personal care home means a building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals, and personal care for nonfamily ambulatory adults for compensation. The following are three specific types of personal care homes:

- a. *Family personal care home* means a home for adults in a family type residence, noninstitutional in character, which offers care to two through six persons.
- b. *Group personal care home* means a home for adult persons in a residence or other type building(s), non-institutional in character, which offers care to seven through 15 persons.
- c. *Congregate personal care home* means a home for adults which offers care to 16 or more persons.

Pervious means admitting of precipitation to infiltrate the surface or ground.

Planned unit development (PUD) means any single-family planned unit development on one acre or more, which in design and construction complements the cultural and historical values of the surrounding area.

Planning commission means a seven-member body appointed by the mayor and council to evaluate proposed land use changes and land development proposals in the city.

Point source of light means the actual light source, such as the bulb, fluorescent tube, lamp, etc., from which light emanates.

Pole lighting means light fixtures set on a base or pole which raises the source of light higher than 60 inches off the ground.

Porch means a roofed, open structure projecting from the front, side, or rear wall of a building.

Principal structure means the building or structure in which the principal use of the lot is conducted. This shall include any buildings which are attached to the principal structure by a covered structure. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Principal use means the primary use of a zoned lot.

Public hearing means an open public meeting for which interested parties may discuss a specific issue in an orderly manner before a public body.

Public notice means a means of informing the general public of a particular event in a fair and timely manner. Official rules of public notice vary depending on the type of event. See section 5-050 for specific public notice requirements as they pertain to land use regulation addressed in this Land Development Code.

Public utility means any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public: natural gas, steam, electricity or other energy sources, water, sewage collection and disposal, and communication, including cable television.

Recombination of lots means rearrangement of lot boundaries from those already established.

Recreational vehicle park (RV park) means see "campground."

Redevelopment means any proposed expansion, addition, or major façade change to an existing building, structure, or parking facility.

Regulated activity means any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting those activities exempted in section 404 of the Federal Clean Water Act.

Residential development means one or more buildings or structures or portions thereof which are designed for and used to provide a place of abode for human beings, including one and two family detached dwellings, multifamily residences, row houses, townhouses, and other similar group housing, together with accessory uses and structures normally common to residential uses including but not limited to garages, sheds, boat storage facilities, tennis courts, and swimming pools. Residential development shall not include hotels, motels, or any other type of overnight or transient housing or camping facilities.

Restaurant means an establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public facility or nonprofit community swimming pool, playground, park, or marina operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

Rezoning means the change in zoning classification of any parcel or parcels of land from one zoning district to another.

Right-of-way means a strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission line, water line, sanitary sewer, storm sewer, and other similar uses.

Roof pitch means the geometric angle from the lowest point of the roof to the highest point of the roof on any structure.

Sand dune means [areas defined in the Georgia Shore Protection Act of](#) mounds of sand deposited along a coastline by wind action, which are often covered with sparse, pioneer vegetation and are located landward of the ordinary high-water mark and may extend into the tree line.

Sand-sharing system means an interdependent sediment system composed of sand dunes, beaches, and offshore bars and shoals.

School means a facility that provides a curriculum of academic instruction, such as kindergartens, elementary schools, middle schools, junior high schools, and high schools.

Septic tank means a watertight receptacle that receives a discharge of sewage from a building, sewer, or part thereof and is designed and constructed to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Service industry means the provision of services to businesses as well as final customers in which no goods are produced. Service industries include accounting, plumber, computer services, restaurants, tourism, and other such consumer services.

Service station means a building or lot where gasoline, oil, and greases are supplied and dispensed to the motor vehicle trade, and/or where battery, tire and other similar sales and services are rendered.

Setback means the minimum horizontal distance between the front, rear, or side lot lines and the existing or proposed edges of the structure. The term "required setback" means a line beyond which a building is not permitted to extend under the provisions set forth in this Land Development Code establishing minimum depth and width of yards. ~~Eaves not exceeding 24 inches are exempt from setback requirements. Eaves in excess of 24 inches are not exempt from setback requirements to the extent they exceed 24 inches. On existing structures, one elevator facility and elevator shaft is exempt from side and/or rear yard setback requirements upon approval of the building official, but only to the extent necessary in order to accommodate the installation and maintenance of an elevator and the appropriate shaft and the encroachment shall be no larger than six feet by six feet within the setback and no component or part shall protrude more than six feet into the setback. See, subsection 3-090(3).~~

Sewer, public means a system that is owned, maintained and operated by the city, and approved by the state department of natural resources, environmental protection division.

Shallow means, for variance purposes, a lot that would result in a residential building depth of less than 20 feet. A commercial lot does not have a shallow standard.

Sign means any area or surface on which lettering or pictorial material is displayed for the purpose of directing attention to a profession, business commodity, service or entertainment. Different varieties of signage are defined as follows: in Sec. 6-140.

- a. ~~*Advertising bench* means a sign painted, located on, or attached to any part of a bench, seat, or chair placed on or adjacent to a public place or roadway.~~
- b. ~~*Animated sign* means any sign that uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.~~
- c. ~~*Banner* means any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Official flags of any institution shall not be considered banners.~~
- d. ~~*Building marker* means any sign indicating the name of a building and date and incidental information about its construction, and is cut into a masonry surface or made of bronze or other permanent material.~~
- e. ~~*Bulletin board* means any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as said institution.~~
- f. ~~*Canopy sign* means a message painted on or applied to a canopy, awning, or other roof-like structure.~~
- g. ~~*Commercial message* means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.~~
- h. ~~*Directional sign* means a sign which directs the reader to the location of public or educational institutions, or to the location of historical structures or areas, or to the location of public parks or buildings.~~
- i. ~~*Directory sign* means signs identifying the name of the development, multi-use activities within shopping centers, office complexes or apartment complexes.~~
- j. ~~*Flashing sign* means an illuminated sign on which artificial light or reflected light is not maintained stationary and constant in intensity and color at all times when in use.~~
- k. ~~*Freestanding sign* means a sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.~~
- l. ~~*Handbill* means a printed sheet to be distributed by hand.~~
- m. ~~*Identification or information sign* means signs of an informational nature bearing no advertising.~~

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- n. — *Illuminated sign* means a sign illuminated directly or indirectly by gas, electricity, or other artificial light including reflective or fluorescent light.
- o. — *Incidental sign* means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "telephone," and other similar directives.
- p. — *Memorial sign* means a sign or plaque erected in commemoration of a person, place or event.
- q. — *Nonconforming sign* means a sign existing at the effective date of the adoption of the ordinance from which this Land Development Code is derived which could not be built under the terms of this Land Development Code.
- r. — *Off-premises sign* means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same lot where such sign is displayed. The term "off-premises sign" shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or noncommercial message.
- s. — *Political sign* means any sign consisting of political speech.
- t. — *Portable sign* means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels. Signs converted to A or T frames; menu and sandwich board signs; balloons used as a sign; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- u. — *Projecting sign* means any sign that shall be affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted.
- v. — *Roof sign* means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.
- w. — *Snipe sign* means an off-premises sign made of any material that is tacked, mailed, posted, or otherwise attached to a tree, pole, stake, fence, or other object.
- x. — *Temporary sign* means a nonpermanent sign erected, affixed, or maintained on the premises for a short, usually fixed period of time.
- y. — *Wall sign* means a single faced sign which is in any manner attached or fixed flat to an exterior wall of a building or structure. Individual letters in addition to the box type (e.g., letters and symbols on an attached backing) sign may also be installed as a wall sign.
- z. — *Window sign* means any sign, pictures, symbol, or combination thereof, designed to communicate information that is placed inside a window or upon the window.

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 laeigata*), red bay (*Persea borbonia*), spiny ash or toothache (*Xanoxylum clava-herculis*), sycamore (*Platanus occidentalis*), tupeolo (*Nyssa*), sweetgum (*Liquidamber styraciflora*), American holly (*Ilex opaca*).

Site plan means a sketch, prepared to scale, accurately and with complete dimensioning to include: the boundaries of a site and the location of all buildings, structures, uses, significant trees, and proposed site development construction for a specific parcel of land. See subsections 5-080(A) and (C) for specific requirements for site plans.

Site variance means a variance granted to vary from regulations and restrictions for allowed uses in zoning districts, such as setbacks, minimum lot sizes, etc.

Slab means the structure built upon a concrete foundation to which a building is anchored.

Special event means a temporary use that extends beyond the normal uses and standards allowed by the zoning ordinance of the city. "Special event" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals, auto shows, grand openings, festivals, exhibitions, bazaars, weddings, and receptions.

Special review permit means a permit issued by the mayor and council, after planning commission review and an advertised public hearing. ~~Approval shall confirm that the proposed use meets all criteria set forth in section 5-070. Conditional use (special review) means a use permitted in a particular zoning district upon showing that such use in a specific location will comply with all the conditions and standards for the location or operation of the use as specified in this Land Development Code and authorized by the approving agency. Comment: conditional uses are permitted uses and are appropriate in the zoning district only when all conditions are met. For example, a house of worship may be desirable in a residential area but controls over parking, circulation, setbacks, and landscaping may be needed to prevent such use from adversely affecting surrounding residences. With conditional uses, separate regulations~~ ~~Such permit can be imposed regulations to mitigate the adverse impacts. In some states, conditional uses are classified as special exception uses. In all cases, the conditions must be specific. The conditional use special review permitting process and criteria for determination is listed in section 5-070, standards for special review: (see also: special review permit definition).~~

Start of construction means beginning of work under a permit.

Street means a public way which provides a principal means of access to abutting property. Streets are divided into two classifications as follows:

- a. *Arterial streets* means those streets which are designated as arterials on the major thoroughfare plan and which are used or intended primarily for fast or heavy traffic.
- b. *Collector streets* means those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- c. *Street, lane* means minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- d. *Marginal access street* means those minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties, and protection from through traffic.
- e. *Minor streets* means all other public ways which provide a means of vehicular access to abutting properties.
- f. *Opened street* means a street shall be deemed to be opened if it is either of the following:
 1. Available for public use and maintained by the city; or
 2. Was constructed to city specifications following the adoption of the ordinance from which this Land Development Code is derived.
- g. *Private drive* means a 20-foot (minimum) access easement dedicated perpetually for use by residences/lots. The city shall be responsible for neither maintenance nor city services within the easement, and such shall be stated on the plat of record.
- h. *Unopened street* means a street or any part thereof shall be deemed to be unopened if it is not cleared, graded and available for public use.

Structural alterations means any change, except for repair or replacement of the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure means anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land, and not including manufactured homes.

Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of immediate or future sale, legacy, or building development. All divisions of land involving a new street or a change in existing streets. The term includes the re-subdivision of land and when appropriate to the context relates to the process of subdivision or to the land subdivided.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the county tax assessor's appraisal or certified appraisal of fair market value of the structure either:

- (1) Before the improvement or repair is started, or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

Survey map or plat, (land) means a map, prepared to scale, of a particular piece of real estate signed and stamped by a registered land surveyor certified by the state. Such map or plat must also meet all other requirements of O.C.G.A. § 43-15-1 et seq. to be considered an official survey.

Temporary enclosure means a moveable, tent-like shelter intended to provide protection from the elements for stored materials, vehicles, or other items, for which a building permit is not required and which a maximum size is 120 square feet. This would include a temporary garage of tent-like construction, as well as a tarpaulin of plastic or similar type materials supported by wooden or metal frameworks. Such temporary enclosures are to be considered structures under this section and, as such, are governed by the same setback requirements as other structures under this Land Development Code.

Townhouses means a residential structure containing three or more attached single-family units designed as a single structure having common or party walls. Each unit shall have its own front door which opens to the outdoors, but, without access between adjoining units.

Travel trailer means any vehicle or similar portable structure mounted on wheels, designed and intended primarily for short-term (under two weeks) occupancy for dwelling or sleeping or other purposes, and not exceeding 25 feet in length, and any recreational vehicle.

Tree means any woody plant that has a diameter of six inches or more or any woody plant with a caliper measure of two inches or more if such tree is part of a previous tree mitigation plan.

Tree removal means any intentional or negligent act which:

- a. Cuts down or otherwise physically destroys a tree,
- b. Will cause a tree to decline and die, including but not limited to:
 1. Causing damage to the root system by application of toxic substances, operation of machinery, change in natural grade by excavation or filling above the root system or around the trunk;
 2. Causing damage from injury or fire resulting in pest infestation;
 3. Causing damage from extensive pruning or trimming.

Undeveloped parcel/vacant lot means a parcel or lot on which there is no permanent structure or part thereof designed for human habitation, occupation, or use.

~~*Use variance* means a variance granted for a use that is not permitted in that zoning district.~~

Used car lot means any parcel of land used for storage, display and sales of used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

Vacant means having no occupants or contents; empty or unoccupied.

Vacant property means land or buildings that are not actively used for any purpose.

Variance means an authorization by the mayor and council granting permission to depart from the literal enforcement of this Land Development Code. See criteria for variance, section 5-090.

Vegetative state means land with plant growth, especially trees, shrubs, vines, ferns, mosses, and grasses.

Walk-up window means a service window through which a customer may purchase merchandise without that customer entering the licensed premises and without being in a motor vehicle.

Walkway means any public or private route intended and suitable for pedestrian use. This term includes sidewalks, paths, and trails.

Warehouse means one or more structures containing one or more exclusive, compartmentalized storage spaces with direct and private access, to be used for storage.

Water, public means a system that is owned, maintained, and operated by the city, a community corporation, or a privately owned system serving a community and approved by the county health department.

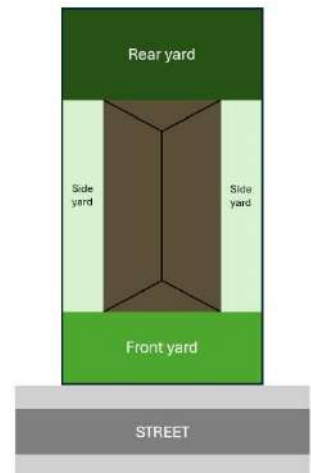
Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland protection district means all wetlands within the jurisdiction of the city as indicated on the wetlands map. Provided, however, that the wetlands map does not necessarily represent the boundaries of jurisdictional wetlands within the city and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this Land Development Code does not relieve the landowner from federal or state permitting requirements.

Wetlands map means the current U.S. Fish and Wildlife Service National Wetlands Inventory Maps for the city.

Yard means an open, unoccupied space, other than a court, on the same lot with a building, open and unobstructed from the ground to the sky.

- a. *Front yard* means a yard across the full width of the lot extending from the front line [of the building to the front line](#) of the lot.
- b. *Rear yard* means a yard across the full width of the lot, extending from the rear line of the building to the rear line of the lot.
- c. *Side yard* means a yard between the side ~~line~~ of the building and the adjacent side line of the lot, extending from the front yard to rear yard. The side yard extends from the front of the structure to the rear so long as the rear of the structure is at least 60 feet from the front lot line, otherwise, the side yard extends to the point which is 60 feet from the front lot line.



Zoning administrator means that person or persons appointed by mayor and council to enforce the provisions of this Land Development Code.

(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 3. GENERAL PROVISIONS

Sec. 3-010. Zoning affects every structure and use.

Except as otherwise provided, no structure or land shall be used and no structures or part thereof shall be erected, altered or moved unless in conformity with the regulations herein specified for the district to which that structure or land is located.

(Ord. Correction to dates, amended 4-14-2005)

Sec. 3-020. Continuance of nonconforming uses/structures.

- (A) Nonconforming use. Any ~~structure or~~ use existing at the time of the enactment of the ordinance, March 24, 1971, from which this Land Development Code is derived or an amendment to this Land Development Code, although that ~~structure or~~ use does not conform to the provisions hereof, may be continued as a nonconforming use ~~or structure and structural repairs may be made to any such nonconforming structure,~~ provided however, no such nonconforming use ~~or structure~~ shall in any way be expanded or extended ~~and all work meets all applicable building, state, and federal, regulations including those set forth by FEMA or .~~ Whenever a ~~nonconforming structure or~~ use ~~of structure~~ becomes vacant or remains unoccupied owing to abandonment or discontinuance for a period of six months, such ~~structure or~~ use shall thereafter be made to conform to the provisions of this Land Development Code. Any nonconforming use may convert to a use allowed within the base zoning district, which thereafter may not revert to a nonconforming use. Any nonconforming ~~structure or~~ use which the structure is damaged by fire, flood, hurricane, explosion, earthquake, war, riot, or any act of God, may be restored, reconstructed and continued as the same nonconforming use ~~and structure~~ as existed before such damage, provided however, that a building permit to initiate restoration must be obtained within six months of the occurrence of damage, and if no such permit is obtained then only a conforming use ~~or structure~~ will be allowed upon the property. Provided further, however, that the mayor and council may grant an extension of this six-month period in their discretion.
- (B) Nonconforming structure. Any structure existing at the time of the enactment of the ordinance, March 24, 1971, from which this Land Development Code is derived or an amendment to this Land Development Code, although that ~~does not conform to the provisions hereof, may be continued as a nonconforming structure and structural repairs may be made to any such nonconforming structure, provided however, no such nonconforming structure shall in any way be expanded or extended and all work meets all applicable building, state, and federal, regulations including those set forth by FEMA. Any nonconforming structure or use which is damaged by fire, flood, hurricane, explosion, earthquake, war, riot, or any act of God, may be restored, reconstructed and continued as the same nonconforming structure as existed before such damage, provided however, that a building permit to initiate restoration must be obtained within six months of the occurrence of damage, and if no such permit is obtained then only a conforming structure will be allowed upon the property. Provided further, however, that the mayor and council may grant an extension of this six-month period in their discretion.~~

(1) A nonconforming residentially used structure which is only nonconforming as a result of a setback encroachment on some portion of the property, may be expanded and enlarged beyond its ground footprint without a variance as long as no further encroachments into any setbacks are to be created and so long as all other provisions of the ordinances are complied with, such as all applicable building, state and federal regulations including those set forth by FEMA and all green space requirements are met.

~~(2) Any residentially used nonconforming structure may be demolished and rebuilt only if the rebuilt structure will be contained within the same nonconforming ground footprint as existed before demolition; such new structure will maintain the historic character and substance of the preexisting structure; and the new structure will not exceed the square footage of the prior structure by more than 50 percent.~~

- (C) A nonconforming commercially used structure in a residential zone may not be extended or expanded physically and the nonconforming use may not be expanded or increased. No variance may be granted to the terms of this subsection.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 2005-04, amended 4-14-2005; Ord. No. 10-2011, 4-14-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-030. Reduction in lot area.

No lot shall be reduced in area so as to result in less than the minimum lot area required under this Land Development Code; however, lots may be reduced in area upon approval of mayor and council provided:

- (A) That the lot or lots as reduced will be consistent with the existing density and development pattern.
- (B) That the lot or lots as reduced permits and maintains, without any variance, the required front, side, and rear yard setbacks.
- (C) That the lot or lots as reduced is/are, or will be, connected to city water and sewer.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 30-2010, 10-28-2010; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-040. Substandard lots of record.

Any lot of record existing at the time of the adoption of the ordinance from which this section is derived, March 24, 1971, which has a lot area which is less than that required by this Land Development Code shall be subject to the following:

- (A) No substandard lot may be developed unless it is to be served by public water and sewer and all minimum front, side, and rear yard setbacks as required by this Land Development Code are met or a variance is granted pursuant to section 5-090.
- (B) A single lot which has an area less than that required by these regulations may only be developed as a building site for a single-family dwelling.

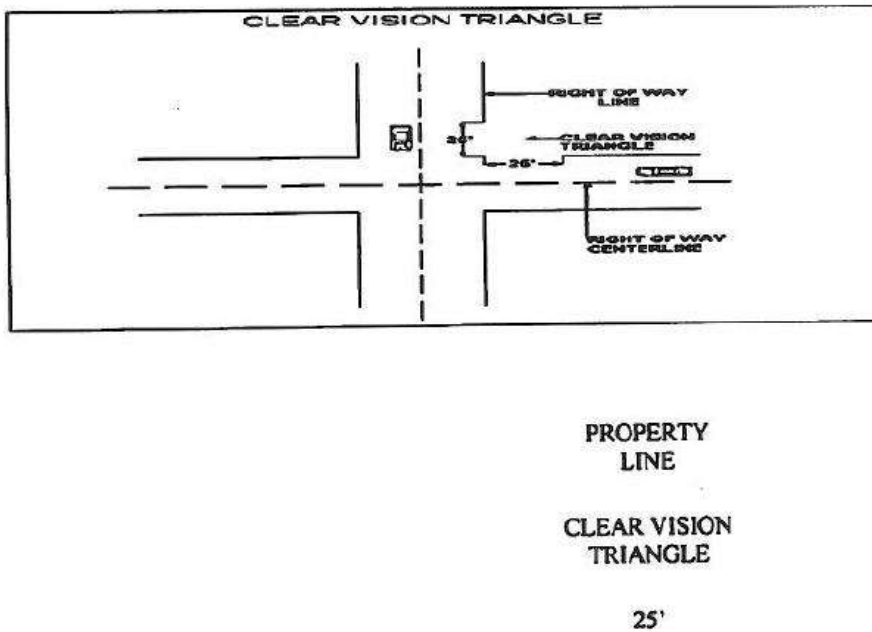
(Ord. No. 2002-26, 12-12-2002; Ord. Correction to dates, amended 4-14-2005; Ord. No. 2002-26 Substandard lots of records, amended 2-5-2003; Ord. No. 01-2011, 1-13-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-050. Obstruction to visions at street intersections.

Intersection requirements are intended to provide better vehicle safety on the public roads. A clear sight triangle gives motorists a view of other oncoming motorists when approaching a road intersection.

On all corner lots, no fence, shrubbery or other obstruction to traffic sight vision, except utility poles or light or sign standards, shall encroach into an area as measured from three feet above the level of the adjacent driving surface to ten feet above the level of the adjacent driving surface, within a triangular area formed by the intersection of the right-of-way lines of two streets and a diagonal line which intersects the right-of-way lines at two points, each 25 feet distance from the intersection of the right-of-way lines or, in the case of a rounded corner, from the point of intersection of their tangents except where site conditions require greater or lesser setbacks as determined by a traffic engineer. See Illustration 1 for visual clarification.

Illustration 1



(Ord. No. 1999-35, 10-28-1999; Ord. Correction to dates, amended 4-14-2005; Ord. No. 1999-35, amended 11-10-1999; Manual, amended 11-10-1999; Ord. No. 38-2010, 11-18-2010)

Sec. 3-060. Bed and breakfast regulations.

There are two types of bed and breakfast uses defined in this Land Development Code, a bed and breakfast and a bed and breakfast inn. A bed and breakfast is permitted in certain residential areas and intended to be residential in nature. Any slight diversion from the bed and breakfast parameters will change a residential use to a commercial use. A bed and breakfast inn is intended for commercial districts only. Therefore, there can be no variance from the regulations specific to a bed and breakfast. Such a variance will alter the use of the property and thus require a change in the zoning district. The regulations that list requirements for both types of bed and breakfast uses are as follows:

- (A) *Bed and breakfast (residential).*
 - (1) Limited to no more than seven rental units consisting of sleeping and sanitary accommodations, and one dwelling unit to be owner occupied.
 - (2) The owner is required to live on premises and agree to make available proof of residency.
 - (3) Food service limited to breakfast for guests only and to be served between the hours of 5:00 a.m. to 12:00 noon and an afternoon snack.
 - (4) Under no circumstances will an alcoholic beverage license be issued.
 - (5) No less than one vehicle parking space per rental unit, and a minimum of two vehicle parking spaces for the owner are required on the property. Handicapped parking shall be provided as required by the O.C.G.A. Tit. 30, Accessibility Code.

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- (6) A buffer ~~is~~ may be required with a minimum height of six feet within each of the side and rear yard setbacks.
 - (7) One on-premises sign, not to exceed 12 square feet, may either be posted on the structure or on a post. A post sign may not exceed a height of six feet from the highest point of the sign. A post sign is to be located no nearer than ten feet of the right-of-way. No signs are to be allowed that are illuminated from within. Post signs may be downlit with no more than two spotlights with a maximum wattage of 75 watts per bulb located on each side of the sign. Signs posted on structure may be lit with no more than one spotlight with wattage not to exceed 75 watts. All sign designs must be submitted as a part of the conditional use permit drawn.
 - (8) A limited site plan approval is required to show the number and location of guest rooms, the parking plan, and the proposed design for the buffer. All site plans must be submitted on or along with a valid survey of the property.
 - (9) Small special events are permitted not to exceed 20 guests upon completion of a special review to include standards and restrictions to hours of operation, and requirements with respect to lighting, parking, signage, and buffering so as not to unreasonably interfere with the residential uses of abutting properties. During a special event the total number of guests on the property shall not exceed 20 people, including all occupants of rental units and all non-occupants attending a special event. Regardless of intent to shuttle people to the property, additional parking spaces on the property for four vehicles are required for special events. These four spaces are in addition to the off-street parking spaces required by subsection (5). Handicapped parking shall be provided as required by the O.C.G.A. Tit. 30, Accessibility Code.
 - (10) A public hearing before the mayor and council is required. This permit is only valid as long as all conditions specified are met. Any permitted use must adhere to the approved standards, restrictions and parking plans and any other conditions imposed by the mayor and council.
- (B) *Bed and breakfast inns (commercial)*. These land uses are subject to an approved site development plan as required for all commercial development under section 5-080.

(Ord. Correction to dates, amended 4-14-2005; Ord. of 12-11-2008(5); Ord. No. 35-2010, 11-18-2010; Ord. No. 17A-2014, § 1, 2-27-2014)

Sec. 3-070. Permissible structures per lot; accessory structures.

- (A) ~~Principle~~Principal structure on a lot. Only one ~~principle~~principal structure and its customary accessory structure are permissible per lot. Single-family residential lots shall be limited to one electrical meter. The one electrical meter standard shall not apply to solar power. Notwithstanding anything herein to the contrary, in C-1 zoning districts, the property owner may petition the mayor and council for permission to allow an additional principle use structure per lot, provided the following conditions are met:
- (1) The property is one lot of 4,200 square feet or larger;
 - (2) The proposed use of the additional structure is permitted in the C-1 zone and is compatible with the existing or proposed ~~principle~~principal structure use;
 - (3) The proposed use of the additional structure will further the needs of the owners or residents of the ~~principle~~principal structure of the general population;
 - (4) All other requirements of the Land Development Code are met, including but not limited to, setback, greenspace, drainage, height limits, etc.; and
 - (5) The permitted additional structure must be restricted to the use approved by the mayor and council and may not be changed without approval by the mayor and council.

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- (B) *Detached accessory structures on commercial lots.* A detached accessory structure in a commercial district is exempted from the schedule of regulations in section 3-090, but shall conform to the following regulations:
- (1) No detached accessory structure shall extend beyond the front building line of the ~~principle~~principal structure ~~except tents, umbrellas and enclosures.~~
 - (2) No detached accessory structure shall be ~~more than one story in height~~ taller than the principal structure and ~~or~~ greater than 50 percent of the gross square footage of the principal structure.
 - (3) No detached accessory structure shall be located nearer than five feet to any lot line.
 - (4) No detached accessory structure will reduce the amount of parking required for commercial sites as required in section 3-080.
 - (5) No detached accessory structure will materially affect an approved drainage plan on an already improved site or increase the amount of run-off leaving the site in the event the site was improved without an approved drainage plan. Existing drainage for the principal structure will not be reviewed or required to be changed unless the approved drainage plan is not being followed.
 - (6) No detached accessory structure shall be erected or installed without the proper approval from the designated city department.
 - (7) *Temporary enclosures.* Temporary enclosures are permitted in commercial areas only. ~~This includes any moveable, tent-like shelter intended to provide or actually providing protection from the elements for stored materials, vehicles, or other items, for which a building permit is not required and which a maximum size is 120 square feet. This would include temporary garages of tent-like construction, as well as tarpaulins of plastic or similar type materials supported by wooden or metal frameworks. Such temporary enclosures are to be considered structures under this section and, as such, are governed by the same setback requirements as other structures under this Land Development Code.~~ Tents set up for special occasions, screenhouses, and other such seasonal, recreational enclosures are specifically exempted from this section unless they are used for storage as stated above after written approval from the designated city department prior to placement. However, if this temporary enclosure becomes permanently anchored, it will be treated as a permanent structure and subject to all permitting requirements.
 - (8) No temporary detached structure will be allowed on the residential use side(s) of a commercial lot where commercial and residential uses are adjacent.
- (C) *Location of detached accessory structures on residential lots.* A detached accessory structure in either a residential district or on any lot containing a ~~principle~~principal structure whose first floor is used for residential purposes is exempted from the schedule of regulations in section 3-090, but shall conform to the following regulations:
- (1) No detached structure except a carport shall extend beyond the front building line of the ~~principle~~principal structure.
 - (2) No detached accessory structure shall be greater than 50 percent of the gross square footage of the principal structure or more than one story in height.
 - (3) No detached accessory structure shall be located nearer than five feet to any lot line. A caretaker's cottage or guest cottage must meet the same front, side and rear setback requirements as required for a ~~principle~~principal structure.
- (D) *Location of attached accessory structures on residential lots.* An attached accessory structure in either a residential district or on any lot containing a principle structure, the ground floor of which is used for residential purposes, shall be considered as an integral part of the principle structure and shall be constructed, altered or otherwise be developed in accordance with the regulations governing flood damage prevention (article 8) and side yard, rear yard and front yard setbacks for principle structures in the district.

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- (E) *Kiosks.* A kiosk is considered a permanent structure for interpretation of the Land Development Code and ordinances of the city. A kiosk may be a ~~principle~~principal structure or an accessory structure depending upon the circumstances existing on the property. A kiosk that is intended to operate as an independent business not associated with a ~~principle~~principal structure or use shall require site plan approval.
- (F) ~~Principle~~Principal *structures in the Maritime-District.* Within the Maritime-District (M-D) more than one ~~principle~~principal structure shall be allowed for permitted uses with site plan approval and special review by the mayor and council.

(Ord. No. 2002-11, 6-13-2002; Ord. Correction to dates, amended 4-14-2005; Ord. No. 2002-11 Accessory, amended 8-29-2002; Ord. No. 2010-01, 2-25-2010; Ord. No. 11-2011, 4-14-2011; Ord. No. 54-2014, § 1, 10-23-2014)

Sec. 3-080. Off-street parking requirements.

- (A) In all zoning districts, handicapped parking shall be provided as required by the O.C.G.A. tit. 30, Accessibility Code.
- (B) Residential district parking requirements and residential off-street parking requirements. Off-street parking facilities shall be provided and maintained on site for all buildings, structures or premises being used in whole or in part for residential purposes, or for any other use permitted in residential districts.
- (1) *Residential dwelling units.* For every dwelling unit, there shall be provided at least two off-street parking spaces. A caretaker's cottage is a separate dwelling unit and shall be provided at least ~~two~~one off-street parking spaces.
 - (2) *Nursing homes, hospitals.* One parking space for each five patient beds, plus one space for each staff doctor, plus one space for each employee on the largest shift.
 - (3) *Theaters, auditoriums, gymnasiums and other places of assembly.* One parking space for each four seats provided in the main auditorium or for each 50 square feet of floor area available for the accommodation of movable seats in the largest assembly room or area.
 - (4) *Public and private elementary and secondary schools (except assembly halls, auditoriums and gymnasium used in conjunction therewith).* One parking space for each 200 square feet of gross floor area devoted to such use.
 - (5) *Private docks.* At least two off-street parking spaces must be provided for any private dock proposed for construction on a lot that has not been otherwise improved. In the event that a private dock is proposed on a lot that has not been improved, the parking must be off-street (not on city right-of-way) and pervious.
- (C) Control of access to structures used for residential purposes including but not limited to single family, duplex, triplex, two family, multifamily, townhomes, apartments, time shares, and condominiums whether owner occupied or held for rental. In order to promote the safety of motorists and pedestrians, the following regulations shall apply to all newly constructed driveways:
- (1) A driveway opening which connects a lot with a public street shall not be greater than 25 feet in width at the property line. Driveways that serve duplex lots shall not have a width greater than 15 feet per unit measured at the property line. This section is not intended to prevent the installation of flared driveway ends. These flared ends, when constructed in accordance with adopted standards and specifications, shall not count towards the width of the driveway.
 - (2) There shall be no more than two driveway openings on any lot of any width. The total of the widths at the property line of two driveway openings shall not be greater than 25 feet.

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- (3) No driveway opening shall be constructed within 25 feet of an intersection, measuring from the nearest improved portion of the right-of-way. However, in any instance where there is not adequate space available and other access is not feasible, staff may permit a reduction in the distance to an intersection from a driveway in order to permit safe access to the property provided the speed limit on abutting or adjacent roads is 30 miles per hour or less.
- (4) No curb on any city street or right-of-way shall be cut or otherwise altered without prior written approval of the designated city official. Driveway requirements specified in this section, notwithstanding, staff may issue a permit to a residential property owner to place approved materials in the city right of way, provided the owner is informed and acknowledges that the city will maintain the right to initiate any required action within the right of way and that permitting materials in the right of way shall not create any vested rights in the property owner and such permission may be terminated at any time. In addition, such permit by staff may only be made in the event the improvement does not create a safety issue or interfere with city metered parking and does not violate any city ordinance including, but not limited to, the requirements of section 3-165 to maintain 65 percent of the property setback area as greenspace. If the staff of the building and zoning department finds that a request under this section needs or should have additional review for any reason, it may request review by the mayor and council or, if the staff of the building and zoning department declines the applicant's request, the applicant may apply for the granting of the permit which will result in the application going to the mayor and council. However, before the mayor and council, a public hearing is not required but action may only be taken at a public meeting of the mayor and council.
- (5) For water quality purposes, all newly-constructed driveways and replacements of more than 50 percent of existing driveways serving residential uses shall be constructed of materials designed to allow retention of the first one inch of stormwater. A new driveway includes the initial placement of any material on bare soil. Such new driveways and replacements of more than 50 percent of an existing driveway are subject to permitting and inspection(s). A permit and inspection(s) are also required for repair of less than 50 percent of an improved driveway. The retention requirement is based on a 24-hour, 25-year Tybee III SCS storm. A permit is required for installation of a new or replacement driveway. An inspection is required of each layer prior to the next layer being installed. The permit applicant shall be responsible for all engineering fees incurred by the city for review of materials, even when a material is not approved. Acceptable materials include:
- a. Stone must be either AASHTO #57, #67, #78, or #89 open graded with no fines, or pea gravel with no fines, or a combination of two or more. Graded aggregate base (also known as "crusher run" or "crush and run") is not allowed.
 - b. Standard brick pavers are four-inch by eight-inch with minimum five-sixty-fourths-inch average continuous joints/borders with eight one-eighth-inch wide spacers per paver filled with masonry sand. See item (c) for base and header requirements. If larger bricks are used, thereby creating less linear joint and surface area joint, calculations by a state licensed design professional must be reviewed and approved by the city. See engineering fee information in subsection (1).
 - c. Permeable interlocking concrete pavers (PICP) are solid structural units installed with openings as described in the coastal stormwater supplement (CSS) through which stormwater runoff can rapidly pass into the underlying reservoir of a four-inch minimum depth open-graded stone, no fines. Openings may be filled only with pea gravel or larger stone, or with masonry sand. A concrete header curb or paver/concrete block ribbon with a maximum width of eight inches must be installed around the perimeter of the pavers. Building foundations and garage floors may serve as a portion of the perimeter. The edge of a paved road may not serve as a perimeter. Flush headers and ribbons are included in the driveway measurements. To not be included in the driveway measurements a header or ribbon must be installed lower than the driveway pavers, covered with adequate top soil, and seeded or sodded to facilitate vegetation.

- d. Ribbon driveway designs are normally constructed of concrete but other materials may be considered. The ribbons are to be a maximum of 18 inches wide with a one to two percent cross slope to route runoff to adjacent pervious areas rather than down the strips to the street. The area between the strips may be either grass or stone as described in subsection (a). The area between the drive strips is to be flush or one-eighth-inch below the driving strip to encourage the percolation of stormwater runoff between the driving strips.
- e. Concrete grid pavers (CGP) are precast concrete units that allow rainfall and stormwater runoff to pass through large openings that are filled with pea gravel, sand or topsoil and turf. A concrete header curb or brick/concrete block ribbon with a maximum width of 12 inches (flush or one-eighth-inch higher than the contained permeable pavement) must be installed around the perimeter of the permeable pavement. Building foundations and garage floors may serve as a portion of the perimeter. The edge of a paved road may not serve as a perimeter. Header and ribbons are included in the driveway measurements. To not be included in the driveway measurements a header or ribbon must be installed lower than the driveway pavers, covered with adequate top soil, and seeded or sodded to facilitate vegetation.
- f. Plastic grid pavers (PGP) consist of flexible, interlocking plastic units that allow rainfall and stormwater runoff to pass through large openings that are filled with gravel, sand or topsoil and turf. A header curb is required and is included in the driveway measurement.
- g. Pervious concrete (also known as porous concrete) is similar to conventional concrete in structure and form, but consists of a special open-graded surface course, typically four to eight inches thick, that is bound together with Portland cement.
- h. Porous asphalt is similar to pervious concrete, and consists of a special open-graded surface course bound together by asphalt cement.

For all other proposed materials, calculations are required from a state licensed design professional demonstrating compliance with the retention requirement of this section.

(D) Commercial off-street parking. Off-street parking facilities shall be provided and maintained for all structures or premises being occupied or used in whole or in part for commercial activity as follows:

(1) With the submission of an application for a business license for either a new business or a business that has expanded the occupancy load of the ~~principle~~ principal structure, changed use, or created additional occupant loads through other structures where permitting has been required by the city, a parking plan must be submitted with the application for approval by the designated city official. If the plan represents significant changes in parking, the plan may be determined to require site plan approval by the mayor and council.

(2) Parking facilities shall be designed to prioritize and clearly identify pedestrian walkways. Parking facilities shall be located to the side or rear of a building when feasible. For parking areas located in front of a building, a designated and clearly marked walkway shall be provided from the public right-of-way/sidewalk to the entry door of the establishment.

Commercial Parking Requirements	
Use	Parking Requirement
Retail (free standing)	1 space per 300 square feet of gross floor area
Shopping center	1 space per 400 square feet of gross floor area
Restaurants, bars, and similar	1 space per every 6 seats based on a maximum seating of 15 square feet per person plus one space for every two employees. Maximum seating capacity is calculated on entire seating area including outdoor seating.
Drive through Walk-up business-no seating	1 space per employee, and one space for customer waiting area, two spaces per walk up window

Miniature golf	1 space per 2 holes
Hotel, motel	1 space per guest unit 1 space per managers unit 1 space per 2 employees per busiest shift 1 designated delivery/loading zone Associated retail or restaurant/bar parking requirements shall be calculated at 50% of requirement as listed elsewhere in this table Recreational vehicle overnight hookups are prohibited
Grocery store	1 space for every 300 square feet of gross floor area
Office	1 space per 350 square feet of gross floor area
Assembly	1 space per 5 seats
Day care	1 space per employee plus 2 additional spaces
Beauty salon/barber shop	1 space per chair plus one space per every 2 employees
Public laundromat	1 space per 4 washing and/or drying machines plus 1 space per employee
Auto repair/service center	3 spaces per repair bay
Dry cleaner	1 space per employee plus 2 additional spaces
Parking requirements for uses not listed shall be determined by the community development director by determining most similar use.	
These requirements will only be applicable to new development or redevelopment after January 12, 2017.	

- (2) For all uses, a bicycle rack able to accommodate eight bicycles ~~may~~ shall be substituted for one required standard parking space based on the schedule below. The calculation to meet the handicap parking requirement of subsection (A) shall be based on the number of required parking spaces prior to any rack substitution.

Required Parking Spaces	Number of <u>Substitute-Bicycle Racks Allowed-Required</u>
10 or fewer	1
11 — 49	2
50 or more	3

Bicycle racks shall be installed in a location that:

- a. Minimizes potential conflict points between cyclist and motorist
- b. is visible and secure to deter vandalism or theft
- c. does not obstruct pedestrian walkways

- (3) Maritime district.

- a. Parking shall be in conformance with the off-street requirements of the uses referenced in this section and the required dimensions of section 3-090.
- b. Dock operators must provide one parking space for every 20 linear feet of each side of dock designated for recreational boaters. Docks leased to commercial boats must allow for one space per boat, plus one space per crew member and one space per each four seats for charter passengers.
- c. All changes to parking in the maritime district that involve loading, unloading and transporting of boats will require a parking plan submitted to the city detailing the turn radii of drive aisles.

(E) *Off-street parking dimensions.*

Standard	Aisle Width	Parking Angle	Traffic Direction
----------	-------------	---------------	-------------------

8 × 20 feet	12 feet	Parallel	One-way
8 × 20 feet	24 feet	Parallel	Two-way
9 × 18 feet	15 feet	45 degrees	One-way
9 × 18 feet	18 feet	60 degrees	One-way
9 × 18 feet	24 feet	60 degrees	Two-way
9 × 18 feet	22 feet	75 degrees	One-way
9 × 18 feet	24 feet	90 degrees	One-way or two-way

(F) Low Speed Vehicles, Golf Carts, Motorcycle and Scooter Parking. In parking areas containing ten (10) or more parking spaces, and upon the approval of the Community Development Director:

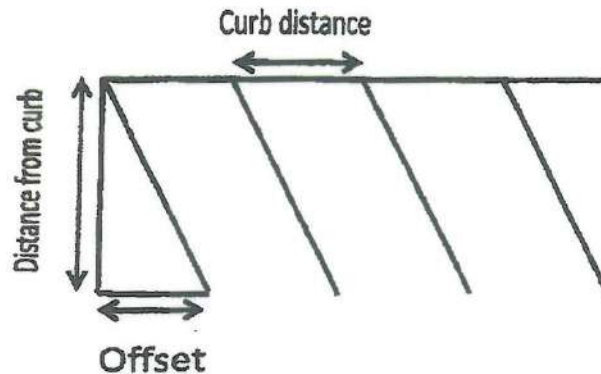
(1) Up to twenty (20) percent of the parking spaces may be designated for Low-Speed Vehicle & Golf Cart parking in spaces measuring six (6) feet in width by eleven (11) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for Low-Speed Vehicles & Golf Carts only.

(2) Up to five (5) percent of the required parking spaces may be designated for motorcycle or motor scooter parking in spaces measuring at least five (5) feet wide by nine (9) feet long.

<u>Low Speed Vehicles & Golf Carts (without a charging station)</u>	<u>Motorcycles & Scooters</u>
<u>6 × 11 feet</u>	<u>5 × 9 feet</u>

Dimensions of angle parking spaces:

Angle	Distance from curb	Curb distance	Offset
45	15 feet	12 feet, 7 inches	15 feet
60	16 feet	10 feet, 4 inches	9 feet
75	17 feet	9 feet, 4 inches	4 feet, 6 inches
90	18 feet	9 feet	0



(GF) Exemptions from off-street parking requirements.

- (1) Existing structures with 2,000 square feet or less of floor area that exist in a C-1 zoning district may expand the floor area up to 4,000 square feet without having to meet the off-street parking requirements as long as the structure is completely located within 1,000 feet of a municipal parking lot.
- (2) A structure whose primary use is a church or place of religious worship shall be exempt from all off-street parking requirements.

(Ord. No. 2000-08, 2-11-2000; Ord. No. 1995-17, 12-7-1995; Ord. Correction to dates, amended 4-14-2005; Ord. No. 2004-12, amended 1-31-2005; Ord. No. 2004-10, amended 10-12-2004; Ord. No. 2004-10, amended 6-10-2004; Ord. No. 2000-08, 5-24-2000; Manual, amended 11-10-1999; Ord. of 1-12-2006; Ord. No. 13-2011, 4-14-2011; Ord. No. 04A-2013, 2-14-2013; Ord. No. 18-2013, § 1, 5-23-2013; Ord. No. 03-2014, § 1, 1-9-2014; Ord. No. 28-2014, § 1, 4-10-2014; Ord. No. 13B-2014, § 1, 8-14-2014; Ord. No. 07-A-2015, § 1, 4-23-2015 ; Ord. No. 02-2017 , § 1, 1-12-2017)

Sec. 3-090. Schedule of development regulations.

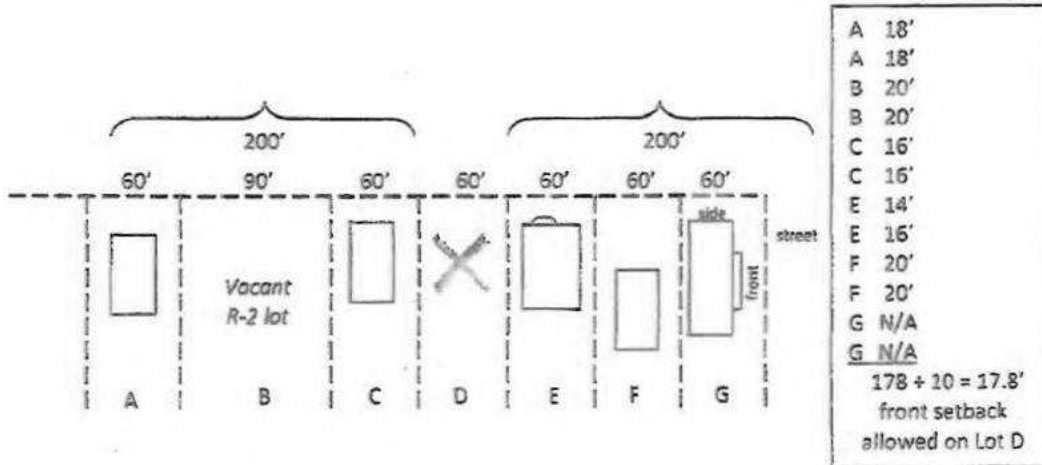
(A) *Schedule of residential district dimensional requirements.*

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

There shall be a ten-foot setback measured from the landward toe of the landward-most dune as delineated by the Georgia Department of Natural Resources.

- (1) Front Yard Setback Averaging. In any residential district (R-1, R-1-B, R-2 and RT) where the average front setback distance for existing buildings on all lots located wholly or partly within 200 feet to each side of any vacant lot, and within the same zoning district and fronting on the same side of the same street and on the same block as such lot, is less than the minimum setback required in such zoning district, the front setback on such vacant lot may be less than the required setback but not less than the existing average setback distance for all lots within 200 feet to each side, provided that in no case shall the front setback on new construction be less than ten feet. When lots within 200 feet on each side are vacant such vacant lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance. When existing structures on lots within 200 feet on each side exceed minimum front setback required in such zoning district, the required setback shall be used for the purpose of computing an average setback distance.

See illustration and table for visual clarification.



(2) Setback encroachments. The following features may encroach into a required setback or yard upon approval of the zoning administrator.

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

(3) An encroachment to permit one elevator/lift appropriate is permissible on an existing elevated home to accommodate an elevator/lift into a side or rear setback but only to the extent necessary to accommodate the elevator/lift and the appropriate shaft and the encroachment shall be no larger than six feet by six feet within the setback and no component or part shall protrude more than six feet into the setback upon approval of the building official.

(c) Eaves not exceeding 24 inches.

(d) Unenclosed patios may encroach into the required side or rear setback provided that the patio meets all requirements of 3-200. Decks, walkways and patios, and all other requirements of this code.

(e) Air-conditioning, mechanical, electrical, (including generators and related appurtenances), and plumbing equipment located at or above ground level or elevated due to FEMA elevation requirements may be located a minimum of five (35) feet from any property line in the rear and side property lines. The Zoning Administrator may authorize such equipment in the front yard setback provided no feasible alternative exists.

(B) Schedule of other than residential districts (commercial ~~and~~ maritime ~~and transitional business residential~~) dimensional requirements^{*}.

**Zone	Minimum Lot Area (square feet)	Front Yard	Rear (feet)	Side (feet)	Maximum Structure Height (feet)
C-1(A)***	(Not applicable to allowed uses)	0	None required except 15 feet if bordering residential use.	None required except 15 feet if bordering residential use.	35
C-1(B)	(Not applicable to allowed uses)	8	6	5	35
C-1(C)	4,500 Single-Family 6,750 Two-Family	20	10	10	35

	1,125 per unit Multi-Family				
C-2	(Not applicable to commercial uses); <u>residential uses shall follow R-2 standards</u>	10	6	6	35
M-D	(Not applicable to allowed uses)	20	10	10	35
TBR	4,500 Single Family 6,750 Two Family	20	10	10	35
<u>There shall be a ten-foot setback measured from the landward toe of the landward-most dune as delineated by the Georgia Department of Natural Resources.</u>					

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

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

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

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

C-1(C) Residential uses, including single-family, two-family, and multi-family (triplexes, quadraplexes, townhomes, apartments, tourist homes, condominiums, timeshares, and similar uses), bed and breakfast uses, and public structures.

(C) Structure Height.

(1) Elevator shaft. The portion of an elevator shaft necessary for the operation of an elevator may extend above 35 feet but no elevator doors may open above 35 feet without a variance.

(2) Structures above 35 feet. If a variance is granted by the mayor and council for a building with a height in excess of 35 feet, in no event shall a building permit be granted without the following restrictions:

~~(1a)~~ Structures greater than 35 feet in height shall be fully equipped with fire ~~safe guards~~safeguards consisting of sprinkler systems, smoke detectors and any other fire protection measures as required by the city's adopted technical codes and those deemed necessary at the time by the fire chief and mayor and council.

~~(2b)~~ Before a permit can be granted on said request, an affidavit of the builder and owner must be executed agreeing to same to be completed within an agreed upon reasonable time.

~~(D3)~~ Calculating maximum height for development on existing structures or slabs. In any situation, including specifically but not limited to, the batteries that were formerly part of Fort Screven, where new construction or remodeling of existing improvements is proposed, the elevation for purposes of calculating the finished height of the proposed structure shall be determined by the following rules:

(a) The finished height of any new construction or remodeling shall not exceed 35 feet from the lower of the existing elevation as determined from either of the following:

- (1) The elevation of the top of the lowest floor's slab of the existing improvement or structure, or
- (2) The elevation of the crown of an existing improved street, public or private, that abuts or is nearest to the property on which the proposed structure is planned.

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

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

As used in this article, the words "grade," "foundation" and "slab" shall be defined as demonstrated and depicted on the attached Exhibit "A" and this article is to be applied and interpreted consistently therewith.

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

HEIGHT ORDINANCE COMPONENT DEFINITIONS AND LOCATIONS



FOUNDATION: Is a structural part of a building constructed below the ground level on which a building stands. The foundation transmits and distributes its own load and imposed loads to the soil in such a way that the load bearing capacity of the foundation bed is not exceeded. The solid ground on which the foundation rests is called the foundation bed. Various types of footing are used as a foundation.

SLAB: The structure built upon a concrete foundation to which a building is anchored.

GRADE: Any surface which has been cut to or built to the elevation indicated for that point. The surface elevation of a lawn, driveway or other improved surface after completion of grading operations or from natural causes such as wind blown sand.



(Ord. No. 1995, 12-7-1995; Ord. No. 2002-6, 4-11-2002; Ord. No. 1995-17, 12-7-1995; Ord. No. 2003-01, 1-9-2003; Ord. No. 1990-09, 4-22-1999; Ord. No. 2000-12, amended 2-11-2000; Ord. Correction to dates, amended 4-14-2005; Ord. No. 2002-01 JOY, amended 2-5-2003; Ord. No. 2002-06, amended 5-15-2002; 3-090, amended 3-20-2001, RT-deleted in error and is re-instated by Jackie Brown 3-20-2001; Ord. No. 2000-12, amended 5-24-2000; Ord. No. 1999-, amended 12-17-1999; Manual, amended 11-10-1999; Manual, amended 10-20-1999, Corrected prior update errors; Ord. No. 1999-09, amended 5-24-1999; Ord. of 1-26-2006(2); Ord. No. 14-2011, 4-14-2011; Ord. No. 24-2013, § 1, 8-8-2013; Ord. No. 18-2014, § 1, 2-27-2014; Ord. No. 40-2014, § 1, 8-14-2014; Ord. No. 23-2016, § 1, 8-25-2016; Ord. No. 01-2017-C, § 1, 4-27-2017; Ord. No. 02-2018, § 1, 3-22-2018; Ord. No. 2023-09, § 1, 5-11-2023)

Sec. 3-090.1. Streams, lakes, coastal marshlands and freshwater wetlands buffer/setback.

(A) *Intent and purpose.*

- (1) The rivers, streams, wetlands, and coastal marshlands constituting the riparian lands of the city are a significant natural resource and are essentially linked to the city's economy. The city council recognizes that these lands provide numerous benefits and are vital to the health, safety, and economic welfare of its citizens. The city council finds that buffers adjacent to these lands provide substantial benefits including:
 - a. Minimizing activities that degrade, destroy, or otherwise negatively impact the value and function of coastal marshlands;
 - b. Maintaining stream and river water quality;
 - c. Trapping sediment and other pollutants found in surface runoff;
 - d. Promoting bank stabilization and reducing erosion;
 - e. Protecting terrestrial coastal habitat for nesting and feeding wildlife;
 - f. Reducing the impact of flooding by increasing floodwater storage areas;
 - g. Enhancing the marshlands' scenic value and recreational opportunities;
 - h. Protecting property values of individual landowners;
 - i. Protecting and restoring greenspace and the natural character of the coastal region; and
 - j. Protecting important nursery areas for fisheries, which provide food and habitat to numerous species of fish and shellfish, including commercially important species.
- (2) It is therefore the purpose and intent of this section to establish a coastal riparian buffer zone of restricted development and limited land use adjacent to coastal streams, rivers, marshes, and wetlands. The purposes of this coastal riparian buffer zone are to:
 - a. Protect the public health, safety, environment, and general welfare of the citizens of the city;
 - b. Minimize public and private land loss due to erosion, sedimentation, and water pollution;
 - c. Maintain water quality for human use and for protecting the important nursery areas for fisheries, which provide food and habitat to numerous species of fish and shellfish, including commercially important species;
 - d. Protect terrestrial coastal habitat for nesting and feeding wildlife;
 - e. Reduce the impact of flooding by increasing floodwater storage areas;
 - f. Protect the natural and native vegetation in the zone;

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- g. Protect the coastal region's visual character and unique natural resources; and
 - h. Avoid land development within such buffers by establishing buffer zone requirements and by requiring authorization for any land disturbing activities.
- (3) The standards and regulations set forth in this section are created under the authority of the city's home rule and zoning powers defined in Article IX, Section 2 of the Georgia Constitution.

(4) In no event shall marshland or marshland buffer be disturbed without express authorization from the Georgia Department of Natural Resources in conformance with the Coastal Marshlands Protection Act.

(B) *Definitions.*

Access path means a pervious path designed, constructed, and maintained pursuant to applicable best management practices that provides for access to water-dependent uses through the buffer and takes the route that impacts the natural vegetation of the buffer to the least extent possible.

Buffer is a designated zone or strip of land of a specified width along the edge of a river, stream, wetland, and/or coastal marshland, on the riparian border of a project, acting as a protective setback to safeguard water quality, aquatic habitat, and the overall health of the marsh ecosystem.

Buffer encroachment permit means the permit issued by the city and required to undertake certain buffer encroaching activities as described in subsection (D).

Coastal marshland or marshland means any marshland intertidal area, mud flat, tidal water bottom, or salt marsh within the estuarine area of the city whether or not the tidewaters reach the littoral areas through natural or artificial watercourses. "Vegetated marshlands" shall include those areas upon which grow one, but not necessarily all, of the following: salt marsh grass (*Spartina alterniflora*), black needlerush (*Juncus roemerianus*), saltmeadow cordgrass (*Spartina patens*), big cordgrass (*Spartina cynosuroides*), saltgrass (*Distichlis spicata*), coast dropseed (*Sporobolus virginicus*), bigelow glasswort (*Salicornia bigelovii*), woody glasswort (*Salicornia virginica*), saltwort (*Batis maritima*), sea lavender (*Limonium nashii*), sea oxeye (*Borrchia frutescens*), silverling (*Baccharis halimifolia*), false willow (*Baccharis angustifolia*), and high-tide bush (*Iva frutescens*). The occurrence and extent of salt marsh peat at the undisturbed surface shall be deemed to be conclusive evidence of the extent of a salt marsh or a part thereof. Coastal Marshlands Protection Act, O.C.G.A. § 12-5-282.

Coastal riparian buffer or buffer means, on any given parcel of land, a natural or enhanced vegetated area of riparian land lying adjacent to a stream, pond, impoundment, wetland, or coastal marshland.

Estuarine area means all tidally influenced waters, marshes, and marshlands lying within a tide-elevation range from five and six-tenths feet above mean tide level and below. Coastal Marshlands Protection Act, O.C.G.A. § 12-5-282.

Impervious cover means a surface composed of any material that greatly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, except those designed specifically to allow infiltration.

Impoundment means any lake, pond, or other body of freshwater.

Land disturbing activity means:

- (1) Any installation of impervious cover; or
- (2) Any grading, scraping, excavating or filling of land.

Land disturbance permit means the permit issued by the city pursuant to the Georgia Erosion and Sedimentation Control Act and required for undertaking any land disturbing activity.

Littoral area means the tidal area between the high water and low water marks.

Minor land disturbing means activities such as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which do not result in any soil erosion as defined in the current version of the minor land disturbing guidelines issued by the state department of natural resources. Such minor land disturbing activities may not result in total disturbance of more than 100 square feet.

Native vegetation means vegetation that is naturally found in the area.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

Riparian land means any land along the edge of a lake, stream, river, marsh, wetland, coastal marshland, pond or impoundment.

State waters includes any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Wetland means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. Ga. Comp. R. & Regs. r.391-3-16-.03 (2006).

- (C) *Applicability.* This section shall apply to all land disturbing activity on property containing or adjacent to coastal marshland or wetlands. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law. Approval or exemption from these requirements does not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

Best management practices shall be required for all land disturbing activities. Proper design, installation, and maintenance of best management practices shall follow the design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" published by the state soil and water conservation commission as of January 1 of the year in which the land disturbing activity was permitted.

~~(1) *Grandfather provisions.* This section shall not apply to the following activities:~~

- ~~a. Existing development and land disturbance activities as of August 14, 2014, except that new development or new land disturbing activities on such properties will be subject to all applicable buffer requirements.~~
- ~~b. Any land disturbing activity that is scheduled for permit approval or has been submitted for approval as of August 14, 2014.~~
- ~~c. Land disturbing activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development and that has been previously approved within one year of August 14, 2014.~~

~~After August 14, 2014, this section shall apply to all new subdividing and platting activities.~~

(12) *Exemptions.* The following specific activities are exempt from this section:

- a. Public sewer line easements paralleling the stream, lake, impoundment, wetland, and/or coastal marshlands, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the mean high water line in coastal marshlands and wetlands or the top of the bank for streams, lakes, and impoundments. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed to allow the

construction of roads, bike paths, or other transportation routes in such easements, regardless of the type of paving material used.

- b. Land disturbing activities by governments within a road right-of-way existing at the time the ordinance from which this section is derived takes effect, or approved under the terms of this section. Development activities are only allowed if they cannot reasonably be located outside the buffer.
- c. Land disturbing activities within utility easements existing as of the effective date of the ordinance from which this section is derived or approved under the terms of this section when necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
- d. Emergency maintenance and repairs necessary to preserve life and/or property. However, when emergency work is performed under this section, the person performing it shall report such work to the city as soon as possible and within 24 hours of the commencement of the work. Within ten days thereafter, the person shall apply for a variance and perform such work within such time period as may be determined by the city to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
- e. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses, provided these activities are not incidental to other land disturbing activity and are conducted using applicable best management practices. If such activity results in land disturbance in the buffer that would otherwise be prohibited, no land disturbing activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.
- f. Stream crossings for water lines or stream crossings for sewer lines, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented.
- g. Such minor land disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which do not result in any soil erosion as defined in the current version of the minor land disturbing guidelines issued by the state department of natural resources. Such minor land disturbing activities may not result in total disturbance of more than cumulative 100 square feet per parcel.
- h. Pruning and selective clearing is permissible to maintain a viewshed provided such activities do not disturb more than 30 percent of the buffer's length as measured along the landward edge of the marshlands, and no trees above six inches in diameter are removed.
- i. Activities for the purpose of constructing public water supply intake or public wastewater outfall structures, when designed, constructed, and maintained using applicable best management practices.
- j. Activities to restore and enhance stream bank stability, vegetation, water quality, and/or aquatic habitat, when designed, constructed, and maintained pursuant to applicable best management practices.
- k. Any trimming or pruning of vegetation for the purpose of creating a keyhole view corridor and/or access path and conducted in accordance with applicable best management practices. This exemption shall not allow for the removal of trees.

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- l. Creation of an access path to water-dependent uses through the buffer when designed, constructed, and maintained pursuant to applicable best management practices.
 - m. Structural maintenance and repair (not replacement or enlargement) of any damaged structure that existed in the buffer as of the effective date of the ordinance from which this section is derived, provided the repair is less than 50 percent of the value of the structure, as determined by a local building inspector and is constructed and designed pursuant to applicable best management practices.
- (D) *Standards and regulations.* All land disturbing activity that is not exempt from this section pursuant to subsection (C)(2) shall meet the following requirements:
- (1) A buffer shall be maintained for a minimum of 25 feet along both banks of streams and along all impoundments, as measured from the top of the bank of the stream or impoundment. All land disturbing activity is prohibited within the 25-foot buffer unless a variance or buffer encroachment permit is granted.
 - (2) A buffer shall be maintained for a minimum of 25 feet along all coastal marshlands, measured horizontally from the estuarine area. All land disturbing activity is prohibited within the 25-foot buffer unless a variance or buffer encroachment permit is granted.
 - (3) A buffer shall be maintained for a minimum of 25 feet along all wetlands as measured from the inland edge of the wetland. All land disturbing activity is prohibited within the 25-foot buffer unless a variance or buffer encroachment permit is granted pursuant to subsection (E) or subsection (G).
 - (4) No septic tanks or septic tank drain fields shall be permitted within the buffer.
 - (5) The application of pesticides shall not be permitted in the buffer.
- (E) *Buffer encroachment permit.*
- (1) *General.*
 - a. No person shall conduct any land disturbing activity within the coastal riparian buffer without first obtaining a buffer encroachment permit from the city to perform such activity.
 - b. Buffer encroachment permits may be issued by the city if the land disturbing activity constitutes construction of a porch, deck, boardwalk, or similar structure that is an accessory use to a residential dwelling, constructed and designed in accordance with applicable best management practices. In the case of construction of a structure to be located outside the buffer, an encroachment permit of no more than ten feet may be granted for construction purposes. All disturbed areas must be restored to a natural state.
 - c. The following factors will be considered in determining whether to issue a permit:
 - 1. Whether the buffer encroachment will result in a reduction of the quality of the water exiting the parcel, or a diminishment of a uniform coastal marshland scenic vista;
 - 2. Whether the proposed development in the buffer will be conducted in accordance with all design guidelines, low impact development techniques, and other applicable best management practices;
 - 3. Whether the proposed intrusion into the buffer is the minimum intrusion necessary to accomplish the purpose of the intrusion;
 - 4. Whether a feasible alternative design exists that would result in no intrusion into the buffer.
 - (2) *Application requirements and procedures.*

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- a. The application for a buffer encroachment permit shall be submitted to the city and must include the following:
 1. A site plan showing:
 - (i) The location of all riparian lands on or immediately adjacent to the property;
 - (ii) Identification of any streams found on the Clean Water Act § 303(d) list that are adjacent to the property;
 - (iii) Boundaries of the riparian buffer, as described by subsection (D), on the property;
 - (iv) Buffer zone topography with contour lines at no greater than five-foot contour intervals;
 - (v) Delineation of forested and open areas in the buffer zone; and
 - (vi) Detailed plans of all proposed land development and land disturbing activity on the site;
 2. A description of any potential development impact on the buffer and how it will be avoided;
 3. Any other documentation that the city may reasonably deem necessary for review of the application and to insure that the coastal riparian buffer ordinance is addressed in the approval process; and
 4. Payment of the fee ~~of \$250.00~~ [as established by the City of Tybee Island fee schedule](#). This fee will be forfeited if the project is subsequently abandoned.
 - b. The coastal riparian buffer shall be clearly delineated on all development plans and plats submitted for buffer encroachment permit approval, and buffer limits must be staked in the field in a manner approved by the city before and during construction with posted signs that describe allowable activities. Buffer boundaries shall be printed on all development and construction plans, plats, and official maps.
 - c. The applicant must pay the appropriate permit fee as provided in the fee schedule as adopted by the mayor and council and on file with the clerk of council.
 - d. In the event the designated city official(s) determines that all requirements for approval have not been met, it shall promptly notify the applicant of such fact and shall automatically deny the permit.
 - e. An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision of the designated city official(s) to the city council provided that they file written notice of an appeal with the city clerk within 15 business days of the city's decision. Such appeal shall be considered by the city council at the next regular meeting held after the city's receipt of the written notice of appeal, provided that notice of appeal is received by the city council a minimum of ten full business days before the meeting. In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the city council, they may petition for writ of certiorari to the superior court as provided by law.
 - f. The designated city official(s) shall inspect each lot for which a permit for a new land disturbing activity or for modification of an existing land disturbing activity is issued. This inspection shall occur on or before six months from the date of issuance of such permit.
 1. If the land disturbing activity is not complete within six months from the date of issuance, the permit shall lapse and become void. No refunds will be made for permit fees paid for

permits that expired due to failure to engage in the land disturbing activity. If later, an individual desires to continue land disturbing activities at the same location, a new application must be processed and another fee paid in accordance with the fee schedule applicable at such time.

2. If the land disturbing activity is substantially complete, but not in full compliance with this section the designated city official(s) shall give the applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse and become void.

(F) *Inspection.* The designated city official(s) or its authorized representative may inspect ongoing work in the buffer to be made periodically during the course thereof and shall make a final inspection following completion of the work. The landowner shall assist the designated city official(s) or authorized representative in making such inspections. The designated city official(s) shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this section, and to enter at a reasonable time upon any property, public or private, for the purpose of investigating and inspecting the sites of any land disturbing activities within the buffer protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

(G) *Variance procedure.* Variances from the above buffer requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of the ordinance from which this section is derived, and its shape, topography, or other existing physical condition prevents land disturbing activity consistent with this section, and such land disturbing activity cannot be authorized through issuance of a buffer encroachment permit, the city may grant a variance that shall allow a reduction in buffer width only to the extent necessary to provide relief from the conditions which prevented land disturbing activity on the parcel, provided adequate mitigation measures are implemented by the landowner to offset the effects of such variance.
- (2) Variances shall not be considered when:
 - a. Following adoption of the ordinance from which this section is derived, actions of any property owner of a given property have created conditions of a hardship on that property; or
 - b. The owner previously applied for a buffer encroachment permit that was denied by the city.
- (3) Except as provided above, the city shall grant no variance from any provision of this section.
- (4) When a public hearing on the application for a variance is conducted, the city shall give public notice of each such public hearing in a newspaper of general circulation within the city. The city shall post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.
- (5) At a minimum, a variance request shall include the following information:
 - a. A site map that includes locations of all streams, wetlands, coastal marshlands, floodplain boundaries, and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property;

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- c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance both inside and outside the buffer;
 - d. The exact area of the buffer to be affected shall be accurately and clearly indicated;
 - e. Documentation of the inability to develop the property without a variance;
 - f. Documentation that shows how buffer encroachment will be minimized to the greatest extent possible;
 - g. Documentation that shows how the buffer encroachment will not result in reduction of water quality or diminishment of a uniform coastal marshland scenic vista;
 - h. At least one alternative plan or an explanation of why such a plan is not possible;
 - i. A calculation of the total area and length of the proposed encroachment;
 - j. A stormwater management site plan, if applicable; and
 - k. A proposed mitigation plan designed pursuant to applicable best management practices that offsets the effects of the proposed encroachment. If no mitigation is proposed, the application must include an explanation of why none is being proposed.
 - Acceptable mitigation might include restoration and/or enhancement and protection of a degraded area of coastal riparian buffer on an adjacent or nearby property.
 - l. Payment of the variance fee ~~of \$200.00 for a residential project or \$500.00 for a commercial project~~ [as established by the City of Tybee Island fee schedule.](#)
- (6) The following factors will be considered in determining whether to issue a variance:
- a. Whether the requirements of the riparian buffer represent an extreme hardship for the landowner, such that little or no reasonable economic use of the land is available without the reduction of the width of the riparian buffer;
 - b. Whether actions of the landowner of a given property have created conditions of a hardship on that property;
 - c. The size, shape, topography, soils, vegetation and other physical characteristics of the property that may prevent land development;
 - d. The location and extent of the proposed buffer encroachment;
 - e. Whether alternative designs are possible which require less or no intrusion;
 - f. The long-term water quality impacts of the proposed variance;
 - g. The water quality impacts of any construction that the granting of the variance would allow in the buffer;
 - h. Whether the issuance of a variance and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen supply; and
 - i. Whether the proposed development in the buffer will be conducted in accordance with all design guidelines, low impact development techniques, and applicable best management practices.
- (H) *Compatibility with other regulations and requirements.* This section is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this section should be considered minimum requirements. Where any provision of this

section imposes restrictions or protective standards different from those imposed by any other ordinance, rule, regulation, or other provision of law, the more restrictive provision applies.

The requirements of this section shall in no case be interpreted to preempt the need for other relevant local, state and federal permits and approvals.

• All land disturbing activities must comply with the requirements of the Erosion and Sedimentation Act of 1975 and all applicable best management practices therein.

- (1) *Setback area.* In addition to the restrictions identified above, there is a setback area established within 25 feet from the edge of state waters and coastal marshlands as defined in subsection (B) and no land disturbing activities are permissible in the setback area except as provided by the exemptions stated in subsection (C)(2) and subject to the right of an applicant to seek an encroachment permit and/or variance under subsection (G) or section 5-090 or other applicable ordinance. The setback from such area is to be measured from the estuarine, wetland, or marsh area horizontally from the edge of such area.
- (I) *Violations, enforcement and penalties.* Any action, or inaction, which violates the provisions of this section or the requirements of an approved site plan may be subject to the enforcement actions outlined in this section. Any such action, or inaction, which is continuous with respect to time, is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.
 - (1) *Notice of violation.* If the city determines that a permittee or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this section, it shall issue a written notice of violation to such permittee or other responsible person. Where a person is engaged in activity covered by this section without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a. The name and address of the owner or the applicant or the responsible person;
 - b. The address or other description of the site upon which the violation is occurring;
 - c. A statement specifying the nature of the violation;
 - d. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this section and the date for the completion of such remedial action;
 - e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 - f. A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
- (2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the permittee or other responsible person in writing of its intended action and shall provide a reasonable opportunity, of not less than 72 hours (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to cure such violation. In the event the permittee or other responsible person fails to cure

such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties.

- a. *Stop work order.* The city may issue a stop work order which shall be served on the permittee or other responsible person. The stop work order shall remain in effect until the permittee or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the permittee or other responsible person to take the necessary remedial measures to cure such violation or violations.
- b. *Withhold certificate of occupancy.* The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the permittee or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Suspension, revocation or modification of permit.* The city may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the permittee or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the permittee or other responsible person to take the necessary remedial measures to cure such violations.
- d. *Civil penalties.* In the event the permittee or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 72 hours, or such lesser period as the city shall deem appropriate (except that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) after the city has taken one or more of the actions described above, the city may impose a penalty on the permittee or other responsible person not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- e. *Criminal penalties.* For intentional and flagrant violations of this section, the city may issue a citation to the permittee or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 39-C-2014, § 1, 8-14-2014)

Sec. 3-100. Beach, dune, or vegetation disturbance/crossover maintenance and construction.

It shall be unlawful for any person in any manner to damage, destroy, remove or alter in any way the beach, dunes or vegetation thereon without having first obtained the proper federal, state and local permits. Special review shall be required for any alteration, construction or disturbance of beach, dunes or vegetation thereon including the alteration or construction of dune crossovers; provided, however city projects, approved special events or the maintenance of existing dune crossovers, including the replacement of supports, decking boards, pilings and or handrails, for placement in the same location as then currently exist, shall not require special review.

There shall be a ten-foot setback measured from the landward toe of the landward-most dune as delineated by the state department of natural resources.

(Ord. Correction to dates, amended 4-14-2005; Ord. of 4-23-2009; Ord. No. 23-2011, 4-14-2011; Ord. No. 23-2011(A), 8-11-2011; Ord. No. 27-2013, 8-22-2013; Ord. No. 43-2014, § 1, 8-28-2014)

Sec. 3-110. Single-family residential standards/manufactured home standards/recreational vehicle standards.

All single-family residences, whether site built or manufactured housing, must meet the following standards:

(A) *Structure and design standards.*

- (1) Corrugated metal or plastic panels are prohibited as roofing materials.
- (2) The exterior wall shall be material similar to traditional site-built housing. These materials may include clapboards, simulated clapboards such as conventional vinyl or metal siding over a minimum covering of one-half inch exterior wood sheathing, wood shingles, shakes, stucco, brick, brick veneer, concrete block, or similar materials, but shall not include smooth, ribbed or corrugated metal or plastic panels.
- (3) The minimum horizontal dimension of the unit as installed on the site shall be 24 feet.
- (4) All structures must meet wind-loading requirements of [federal emergency management administrator and the SBCCI Codes](#) [the city's adopted building and technical codes](#).

(B) *Manufactured home safety standards.* For the purposes of public safety, all manufactured homes ~~or other such forms of modular or manufactured housing~~ are subject to the following requirements.

- (1) *Manufactured home stand requirement.* Prior to the issuance of a manufactured home relocation permit the owner of the parcel or lot for which the manufactured home is to be placed must have an approved manufactured home stand. Such stand must have the following:
 - a. *Street access.* Each manufactured home stand shall be provided with access frontage to a width of at least 30 feet to a public or private street or road.
 - b. *Electric power supply.* Each manufactured home stand shall be provided with an adequate, properly grounded, waterproofed electrical receptacle with a minimum rated capacity of 100 amps. A properly sized over current device shall be installed as a part of each power outlet.
 - c. *Sewage disposal.* Each manufactured home stand shall be provided with the means of disposing of kitchen, bath, and putrescible waste directly into a properly installed and inspected septic tank system or an approved community sewerage collection system.
 - d. *Water service connection.* Each manufactured home stand shall be provided with the means of connecting and being serviced by municipal water service.
- (2) *Manufactured home development in flood hazard areas.* Due to the danger of placing a manufactured home in a flood hazard area, the following anchor requirements are required if a manufactured home is placed on a lot which is located in or adjacent to a flood hazard area as described by the federal emergency management association.

Length of Manufactured Home (not including draw bar)	Minimum Number of Vertical Ties	Minimum Number of Diagonal Ties	Number of Required Anchors per Home
0—40 feet	2	4	8
41—60 feet	3	6	12
61—84 feet	4	8	16

This table is based on a minimum working load per tie of 3,150 pounds with a 50 percent overload (4,725 pounds total).

- a. Multiple-wide manufactured homes shall only be required to have diagonal ties and anchors in accordance with the chart above unless the manufacturers installation instructions require more.
 - b. Single section manufactured homes shall have diagonal and vertical ties and anchors in accordance with the chart above unless manufacturer's instructions require more.
- (3) *All principal structures shall be placed on a permanent foundation.* For the purposes of this section, a permanent foundation shall mean a concrete slab, concrete footers, foundation wall, pilings or post construction which complies with the city building code.
- (4) *Manufactured home siding, stairs, and foundation requirements:*
- a. All manufactured homes shall have siding materials consisting of wood, masonry, concrete, stucco, masonite, [cementitious material](#), or metal lap. The exterior siding material shall extend to ground level except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
 - b. Skirting and/or siding must be in place within 45 days from the date the relocation permit is issued.
 - c. Stairs and landings shall comply with section 112 — stairway construction of the state building code and must adhere to the following:
 - 1. The height of the riser shall not exceed seven and three-fourths; inches, and treads, exclusive of nosing shall not be less than nine inches wide.
 - 2. Every tread less than ten inches wide shall have a nosing, or effective protection, of approximately one-inch over the level immediately below that tread.
 - 3. The width of the landing shall not be less than the width of the stairways they serve.
 - 4. Every landing shall have a minimum dimension measured in the direction of travel equal to the width of the stairway. Such dimension need not exceed four feet when the stair has a straight run.
 - 5. All stairways having treads located more than three risers above a floor or grade shall be equipped with a handrail not less than 30 nor more than 34 inches above the leading edge of the tread.
 - 6. The minimum width of any stair serving as a means of egress shall be a minimum of 36 inches.
 - 7. If handicapped ramps are added they must be at least three feet wide and the slope of the ramp shall not exceed one foot for every 12 feet.
- (5) Foundation requirements on all manufactured homes are as follows:
- a. Supports or piers shall not be more than two feet from the exterior end wall.
 - b. All grass and organic material shall be removed and the foundation must be placed on stable soil.
 - c. Crossover wires must be placed between the two halves.
 - d. All nails or staples shall be removed or sealed.

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- e. *Reserved.*
 - f. Dryer vents must be vented to the exterior of the manufactured home; not underneath.
 - g. In no case shall wheels, any undercarriage or transporter unit be left on any structure.
- (6) *Manufactured home additions and auxiliary structures.* Any significant feature added to a manufactured home that was not part of the manufacturer's original design is considered to be either an addition or an auxiliary structure.
- a. All habitable spaces added to the manufactured home shall be constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act or within the provisions of the state building codes.
 - b. All auxiliary structures (such as porches, decks, awnings, cabanas, stairs, etc., unless provided and approved by the manufacturer) shall be entirely self-supporting, unless designed and approved by a professional engineer or registered architect. All such structures shall be constructed in accordance with the state building codes.
- (C) *Temporary use of recreational vehicles on private property for dwelling purposes.* No recreational vehicle shall be used for dwelling purposes on any lot in a residential district unless a temporary permit is acquired. Such permit shall be valid for up to seven days and the lot is only eligible for a permit three times per calendar year. Only one vehicle may be granted a permit for a lot during the duration of the permit. The temporary permit may be obtained from the zoning administrator during normal hours of operation at the city hall. There is no fee for this permit. However, violation of this clause will be subject to the same enforcement as all other regulations of this Land Development Code.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. Ord. No. 25-2011, 6-9-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-120. Access to public street required.

No structure shall be constructed or erected upon a lot, or parcel of land, which does not abut upon an open public street or permanent easement of access to an open public street. Such easement shall have a minimum width of 20 feet unless an easement of lesser width was of record prior to the adoption of the ordinance from which this section is derived.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 26-2011, 7-28-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-130. Structures to be moved.

- (A) *Existing structure to be moved.* Any structure which has been wholly or partially erected on any premises located within the city shall not be moved to any other premises in the city until a permit for such removal is secured from the building and zoning department. Any such building or structure shall conform to all provisions of this Land Development Code in the same manner as a new building or structure. Structures that are determined to be historic and are contributing to the historic character of the neighborhood or are eligible for listing on the National Register of Historic Places may be exempt from having to come into compliance with current building codes as determined by the State Historic Preservation office.
- (B) *Modular structures to be moved.* No structure shall be moved into the city from outside the city until such compliance has been shown and such permit has been secured. Before a permit may be issued for moving a structure, the building official shall inspect the same and shall determine if it is in compliance with all city and state regulations. In addition, all modular units wishing to be located within the city limits must first provide to the community development office the appropriate state certification for the construction of such a structure from the department of community affairs.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 36-2010, 11-18-2010; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-140. Unsafe structures.

Nothing in this Land Development Code shall prevent the temporary strengthening to a safe condition of any structure declared to be unsafe by the building official.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 37-2010, 11-18-2010; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-150. Prohibited uses in residential districts.

Under no circumstances shall the following be permitted in any residential zoning district:

- (A) The parking or storing of unoccupied house trailers or converted buses in excess of 24 feet shall not be permitted.
- (B) Commercial tractor trailers or rigs shall not be parked or stored on residentially zoned property at any time with the exception of trailers used for supply and equipment storage of a properly permitted construction site.
- (C) It shall be a prohibited use in all residentially zoned districts to park or store power driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 09-2011, 4-14-11; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-160. Protective screening of adjacent property where commercial use and residential use abut.

No buffer [yard](#) is required for a commercial use adjacent to a commercial use. In cases where a commercial and residential use abut or will abut and where:

- (A) New construction is proposed; or
- (B) Existing improvements are to be expanded by enlarging the footprint of existing occupied or usable improved space by 25 percent or more; or
- (C) A change in the kind, character or degree of use of improved property is proposed, and there is no existing buffer in place on the property that is to be improved or any existing buffer on such property would not meet the requirements below, the owner or applicant shall be required to seek special review unless a buffer satisfying the following requirements is met:

(1) *Basic requirements.*

- a. An arboreal landscaped buffer [yard](#) not less than five feet wide with a well maintained [free standing](#) masonry wall or privacy fence no less than [eight-six](#) feet in height above grade shall be provided and properly maintained along its entire length by the users of the property to be built upon or expanded. [This buffer yard shall be incorporated into the required setback and is not to be used in lieu of the required setback.](#)

Such buffer [yard](#) shall be planted with deciduous trees, evergreens, flowering trees, ornamental trees, or any combination of the same not set further than ten feet apart at any given point along the buffer. The buffer [yard](#) shall be measured from the property line of the property to be improved. A street, sidewalk or other like improvement may be permissible as a buffer under

subsections (C)(2) and (3). In no instance will a dumpster or mechanical unit be permitted in a buffer.

- b. The area beneath and between the planted trees shall be kept free of foreign debris and unmanaged undergrowth. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.
 - c. All planting plans shall be first submitted to the city [zoning-community development](#) department during the review process for approval of the planting materials and arrangement thereof in accordance with the provisions of this Land Development Code.
- (2) *Special review.* In any case of any plans or proposed plans which do not meet the requirements of subsection (C)(1), council may treat the proposed plan as requesting special review which shall be required in connection therewith. The mayor and council may impose conditions or buffers designed to protect the properties including adding or reducing buffer requirements, restricting or expanding uses within the buffer area, additional or reduced fencing, vegetation and/or any other restrictions or conditions reasonably designed to protect the abutting property as well as the property sought to be improved.
- (3) For the special review referred to above, such review shall be combined with the site plan application filed with any proposed application for site plan review in connection with improvements, changes, or additions to any commercial use to abut a residential use. No separate public hearing shall be required for the special review nor any additional filing fee required of the applicant. It is the intention hereof that council conduct special review of the landscaping application if it differs from those conditions specified by subsection (C)(1) in every case in connection with the site plan application.

(Ord. No. 1999-24, 8-12-1999; Ord. No. 2000-09, 2-11-2000; Ord. Correction to dates, amended 4-14-2005; Ord. No. 2000-09, amended 5-24-2000; Ord. No. 1999-24, amended 10-7-1999; Ord. No. 15-2011, 9-22-2011; Ord. No. 12-2014-A, § 1, 2-27-2014)

Sec. 3-165. Greenspace.

In all zoning districts, 65 percent of the designated setback area of a lot shall remain ~~in a vegetative state~~[vegetated, meaning landscaped or natural plant growth including trees, shrubs, vines, ferns, mosses, and grasses](#). This greenspace requirement shall ~~require~~[necessitate](#) that at least 65 percent of the required setback area for a parcel remain ~~in a natural vegetative state~~[vegetated](#), and is not to be reduced by setback area averaging or variances granted so that the square footage required is calculated without regard to the averaging or a variance granted. ~~Pervious driveways shall be exempted~~[exempt from the calculation](#).

(Ord. No. 1999-24, 8-12-1999; Ord. No. 2000-10, 2-11-2000; Ord. Correction to dates, amended 4-14-2005; Ord. No. 2000-10, add 5-24-2000; Ord. No. 16-2011, 6-9-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-170. Home occupations and home business offices.

Profit-making activities conducted in homes fall into two classes: home occupations and home business offices. [The use of a residential dwelling for a home occupation or home business office use shall be clearly incidental and subordinate to its use for residential purposes and shall under no circumstances change the residential character of the dwelling or premises.](#)

(A) *Home business office.* If permitted in a [land-use zoning](#) district, it must comply with the following requirements:

(1) *There shall be no sign or external indication of the business office.*

(2) No more than ~~two~~ one vehicle and/or one trailer used in the conduction of the business may be parked at the home location.

(3) The office may occupy no more than 25 percent of the floor area of the principal structure.

(4) The office must be located in the principal structure.

(5) Only residents of the dwelling may engage in work at the office.

~~(A)~~ *Home occupation.* If permitted in a land use zoning district, it must comply with the following requirements. It shall be allowed, provided that it:

(1) Is carried on by a member(s) of the family residing in the dwelling unit only. One employee who is not part of the family is permitted;

(2) Is conducted entirely within the principle principal structure;

(3) Utilizes not more than 25 percent of the total floor area of the principle principal structure;

(4) Produces no alteration or change in the character or exterior or change in the principle principal structure from that of a dwelling;

(5) Involves no sale or offering for sale of any article not produced or assembled by members of the family, or any service not entirely performed by members of the family, residing on the premises;

(6) Creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;

(7) There shall be no sign or external indication of the business.

(8) No more than four (4) clientele may be on the premises at any one time.

~~(B)~~ *Home business office.* If permitted in a land use zoning district, it must comply with the following requirements:

~~(1) There shall be no sign or external indication of the business office.~~

~~(2) No more than two vehicles and/or trailers used in the conduction of the business may be parked at the home location.~~

~~(3) The office may occupy no more than 25 percent of the floor area of the principle structure.~~

~~(4) The office must be located in the principle structure.~~

~~(5) Only residents of the dwelling may engage in work at the office.~~

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 17-2011, 6-9-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-180. Satellite receiving dish antenna.

A satellite dish shall be allowed in all zones; however, in all residential zones the following requirements shall apply:

(A) Dish shall not extend more than three feet above the highest point of the roof nor be greater than 18 inches in diameter. Satellite receiving antennas placed upon the ground shall not exceed 18 inches in diameter.

(B) Location of the antenna must be approved by the building official prior to installation.

(C) A property owner who has in place a nonconforming antenna at the effective date of the ordinance from which this section is derived may continue to maintain the antenna.

In all zoning districts, antenna will be placed so as not to create a hazard to traffic or public utilities.
(Ord. Correction to dates, amended 4-14-2005)

Sec. 3-190. Swimming pool requirements and placement.

All swimming pools, spas, and saunas shall comply with the following requirements:

- (A) Application for a permit to construct a swimming pool, spa, or sauna must be submitted to the building official. The structural [and site](#) plans must be approved by the building official prior to the issuance of a permit and the beginning of construction and/or excavation. A drainage plan prepared by a registered professional engineer will be required unless the city staff determines that due to the size, method of construction, location, or other characteristics of the proposed swimming pool, spa, or sauna, a drainage plan is unnecessary under the circumstances.
- (B) Swimming pools, spas, and saunas and supporting electrical and mechanical equipment may be located in either the side or rear yard and shall be at least five feet from the property line.
- (C) Swimming pool, spa, and sauna construction must meet all requirements of the codes adopted by the City of Tybee Island.
- (D) Once a swimming pool, spa, or sauna and its accessories have passed a final inspection it shall be a violation of this section to remove or alter any of the equipment that is required by: the International Residential Code — Appendix G, the International Building Code — Section 3109, the National Electrical Code, [the International Swimming Pool and Spa Code](#) and the [related](#) Georgia State Amendments. Failure to maintain the safety related and/or electrical equipment in good and working order shall constitute a violation of this section.
- (E) No swimming pools, spas, or saunas shall be placed across, on, or beneath any [access or](#) utility easements nor shall any utility easement be granted which bisects a swimming pool, nor be located within five feet of any marsh buffers as delineated by the state department of natural resources.
- (F) When a swimming pool, its deck, or other accessory to a swimming pool is proposed for construction on a site that has already been improved, the swimming pool plans and permit application will be reviewed by the city engineer.
 - (1) if there is an approved drainage plan for the site the city engineer will review the plans for the swimming pool, deck and accessory structure to ensure that the proposed improvements will not materially affect the drainage of the site. If they will materially affect the drainage of the site the applicant will have to have a drainage plan prepared by a design professional before a permit for the swimming pool, deck or accessory will be issued.
 - (2) If the site was improved without a drainage plan, the city engineer will review the pool plans and permit application to ensure that the swimming pool, deck or accessory structure will not increase the amount of run-off leaving the site.
- (G) Any permit for a swimming pool is required to contain a soil and erosion plan for the proposed site prior to the issuance of a permit and commencement of any construction related activity.
- (H) Water restriction. For the initial filling of a newly constructed swimming pool, the water to fill the pool shall be from an outside source and not from the city's municipal water system.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 28-2010, 10-28-2010; Ord. No. 18-2014, § 1, 2-27-2014; Ord. No. 2020-24 , § I, 12-10-2020)

Sec. 3-200. Decks, walkways and patios.

Uncovered decks and patios, as defined in Article 2, and walkways no higher than one foot above the nearest adjacent grade may be placed anywhere within the property boundaries. Decks and patios, as defined in Article 2, and walkways that extend beyond one-foot of the nearest adjacent grade shall be required to meet all front, side, and rear setback requirements.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 29-2010, 10-28-2010; Ord. No. 33A-1-2012, 12-13-2012)

Editor's note(s)—Ord. No. 33A-1-2012, adopted December 13, 2012, amended App. A, § 3-200 to read as set out herein. Former App. A, § 3-200 pertained to decks and patios.

Sec. 3-210. Child day care facilities.

Child day care facilities, when located in a district as a permitted use shall have a minimum of 100 square feet of outdoor play area [and] shall be provided for each child. Such outdoor play area shall be enclosed by a fence not less than four feet in height and shall meet the requirements of childcare regulation as established by the Georgia Department of Early Care and Learning.

(Ord. Correction to dates, amended 4-14-2005)

Sec. 3-220. Amusement parks and areas of amusement.

Whether an area is owned, leased or rented, the sale and/or consumption of alcoholic beverages is not permitted on the property of any amusement park or within any area of commercial amusements, including but not limited to a merry-go-round, ferris wheel, bounce house, water slide, pony ride and/or any other such commercial entertainments, whether or not located on the property of any amusement park. Such area of amusement shall at a minimum be confined within secure fencing posted with prominent signage at each entrance stating:

No Alcohol Beyond this Point.

Additional regulation of an amusement may be imposed by city council during consideration of a special event application. See chapter 54, article III — Special events.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 20-2011, 4-28-2011; Ord. No. 05-2014, § 1, 1-9-2014)

Editor's note(s)—Ord. No. 05-2014, § 1, adopted January 9, 2014, amended § 3-220 to read as set out herein. Previously § 3-220 was titled amusement parks.

Sec. 3-230. Sea tTurtle nesting protection.

The beaches of the city serve as a prime nesting site for sea turtles, an endangered species. Coastal development threatens the survival of sea turtles because artificial lighting discourages nesting females and causes disorientation of hatchlings during the nesting season, which runs from May 1 through October 31 each year. It is the intention of the city to offer protection to these endangered sea turtles by providing standards for lighting in the shore protection area adjacent to the city's beaches. For the purposes of this section, the protected nesting area shall be the sand beaches of the city.

- (A) *Exceptions.* The following point sources of artificial light are exempt from the provisions of this section:
- (1) All lights necessary for the safe navigation of vessels utilizing the waters surrounding the city;

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- (2) All lights necessary to mark obstructions to the safe use of airspace over, above and around the city;
 - (3) All lights necessary for regulating the safe passage and movement of vehicular and pedestrian traffic within the city;
 - (4) Any light that has been specifically designated by the fire and/or police commissioner(s) as necessary for the security and safety of the human inhabitants of the city.
- (B) *New development.* Building and electrical plans for new construction including parking lots, dune crossovers, and all other outdoor lighting that can be seen from the beach shall comply as follows:
- (1) Floodlights shall be shielded and mounted so that no light illuminates the beach and the point source of light is not visible from the beach.
 - (2) Pole lighting shall be shielded and mounted so that light is directed away from the seaward side of the pole and the point source of light is not visible from the beach.
 - (3) Low profile luminaries shall be positioned so that no light shines directly onto the beach.
 - (4) Dune crossovers shall utilize low profile shielded lighting so that no light illuminates the beach and the point source of the light is not visible from the beach.
 - (5) Lights illuminating structures and grounds shall be shielded or screened so that they do not illuminate the beach and the point source of light is not visible from the beach, or they shall be turned off from sunset to sunrise during the period of May 1 through October 31 of each year.
 - (6) Temporary security lights at construction sites shall not be mounted higher than 15 feet above ground and shall be positioned not to illuminate the beach.
- (C) *Existing development.* All lighting shall come into compliance with the following standards:
- (1) Lights illuminating structures and grounds shall be shielded or screened so that they do not illuminate the beach and the point source of light is not visible from the beach, or they shall be turned off from sunset to sunrise during the period of May 1 through October 31 of each year.
 - (2) Lights illuminating crossovers shall be shielded or screened so that they do not illuminate the beach and the point source of light is not visible from the beach, or they shall be turned off during the period of May 1 through October 31 of each year.
 - (3) Security lighting shall be shielded or screened so that the beach is not illuminated and the point source of light is not visible from the beach, or low profile luminaries may be used.
- (D) *Publicly owned lighting.* Streetlights and lighting of publicly owned beach access areas must be in compliance with the following:
- (1) Streetlights shall be located, shielded or shaded so that they will not directly illuminate the beach and the point source of light is not visible from the beach.
 - (2) Lights at parks or other public beach access points shall be shielded or shaded so that they will not directly illuminate the beach and the point source of light is not visible from the beach or, if not necessary for security or public safety, utilization may be discontinued during the nesting season.

(Ord. Correction to dates, amended 4-14-2005; Ord. No. 21-2011, 6-9-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-240. Wetlands protection.

U.S. Army Corps of Engineers determination shall be required prior to the issuance of a permit for any regulated activity within the wetland protection district. If the corps determines that wetlands are present and that a Section 404 permit or letter of permission is required, no permit for the regulated activity will be issued until the corps has issued the Section 404 permit or letter of permission. If the corps determines that there are no wetlands present on the proposed development site, the city may proceed with its normal permitting procedures.

(Ord. No. 2000-11, 2-11-2000; Ord. No. Correction to dates, amended 4-14-2005; Ord. No. 2000-11 Wetlands Protection, add 5-24-2000; Ord. No. 22-2011, 4-28-2011; Ord. No. 18-2014, § 1, 2-27-2014)

Sec. 3-250. Private parking lots.

Notwithstanding any other ordinances or provisions to the contrary, individuals and entities owning property suitable for vehicular parking may apply to the city for a business license so as to be authorized to charge for parking on their property so long as the property and parking plan meet all requirements of this section and is approved by city council

(A) *Duration.* The business license shall authorize the holder thereof to rent parking spaces solely on the holder's property for special events, holidays, and weekends from St. Patrick's Day through Labor Day, between the hours of 10:00 a.m. to dusk or one-hour before and one-hour after a city approved special event. Any additional days may be requested by the applicant with the new application or annual renewal of their business license with city council approval.

(B) *Location.*

- (1) Private parking lots (parking for a fee) shall only apply to non-residential uses in the C-1 and C-2 zoning districts, the R-2 properties currently licensed and effectively licensed per Ord. 14-2013-A and non-residential uses on Butler Avenue, between Center Street and 14th Street. Non-residential uses include commercial uses, schools, and religious institutions.
- (2) Private parking for a fee shall not be permitted in parks, playgrounds, recreations areas, and/or open spaces.
- (3) Private parking for a fee shall not be permitted on vacant or undeveloped lots.
- (4) The property abuts a public road and has access off of the public road.
- (5) Where a person conducts business at more than one fixed location, each location or place shall be considered a separate business for the purpose of licensing and parking plan approval.

(C) *Requirements*

- (1) The applicant must meet the required minimum off-street parking requirements for the permitted use of the site and/or business during the normal hours of operation per approved development site plan and/or Sec. 3-080. - Off-street parking requirements.
- (2) Only excess off-street parking spaces, those that do not count towards parking minimums during normal operating hours, may be used for private parking for a fee/special event parking. These dedicated spaces must be clearly marked on the parking plan and labeled on-site.
- (3) It shall be unlawful to rent spaces in any district without a valid business license issued by the city.

(D) *Site Requirements.*

- (1) Trash and recycling containers must be provided on site.
- (2) Property markers/corners must be marked in orange on the property during hours of operation.

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- (3) All spaces must be full sized parking spaces. It shall be unlawful to park vehicles that are not wholly on the private property of the approved location.
 - (4) All private parking lot properties shall be marked with a maximum of one sign not to exceed two (2) square feet in area located at a minimum of five (5) feet off the improved portion of the public right-of-way and not attached or placed on any sign, utility pole, bench, rock or any form of vegetation. The sign shall contain the name of the contact person or company, their telephone number, and fee.
 - (5) Any and all vehicles owned by the property owner(s), the parking lot attendant(s) and by friends or family of the property owner(s) and/or attendants(s) or otherwise parked on the property shall count toward the maximum number of spaces that are to be rented.
- (E) *Application and renewal.* New applications and applications for renewal of a license to operate a private parking lot shall be due by December 15 for the upcoming calendar year. Each license is also subject to the base annual business license fee and regulatory fee upon approval of the application or application for renewal by city council. The owner shall provide proof of insurance coverage prior to licensing.
- (1) With submittal of the new or renewal application, each applicant must provide the city with a valid professional survey of the lot which is to be used along with the parking plan showing the parking spaces and structure(s).
 - (2) These submittals are required to have a scaled drawing of the parking spaces to be located upon the proposed location to the standards of the required off-street parking dimensions of subsection 3-080(e) including drive aisles widths, parking layout, ingress and egress routes. All spaces must be sized to accommodate full sized vehicles.
 - (3) The new or renewal application shall also include the name, address, phone number, and email address of the person responsible for the operation of the parking area.
 - (4) If the applicant for a private parking lot is not the property owner, a notarized affidavit authorizing the applicant to operate a private parking lot is required.
 - (5) The applicant shall provide with submittal for annual renewal all the items required with the initial application.
 - (6) Each application for renewal of a license to operate a private parking lot on Tybee Island shall be subject to an annual review during the month of January for compliance.
 - a. Any and all incident reports and citations shall be considered during the annual review.
 - b. If compliance has not been met the license may be revoked by city council upon a hearing that will take place during a regularly scheduled city council meeting or an application for renewal may be rejected.
- (F) *Review and Approval Process.* After the submittal of the new or renewal application staff shall have the authority to recommend to council a maximum number of spaces allowed to be utilized at the requested parking lot. Upon submittal of the new or renewal application with all pertinent application materials and following proper notification to adjacent property owners of the application, the mayor and council will consider the new or renewal request for application at a scheduled meeting of the city council. Public comments, if any, will be allowed to be made at these meetings.
- (G) *Criteria.* Council may reject any such application or may approve the application with conditions designed to protect neighboring properties and households and customers including, but not limited to:
- (1) Restricting the number of vehicles allowed to be parked on site,
 - (2) The location of vehicle parking,
 - (3) The type of vehicles permissible for the location,

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- (4) The hours and days of operation,
 - (5) The requirement of security measures, buffers, noise control methods; and
 - (6) Any other conditions or requirements reasonably designed to lessen the impact of activity upon other properties or citizens.
- (H) *Parking plan fees.* New and amended parking plan review fees will be based on the site plan amendment fee, covered in the development services fee schedule.
- (I) *Revocation.* Following notice and hearing, the mayor and council may revoke, suspend, or refuse to renew any license previously granted upon a finding that the license-holder, his agent, representative, or employee has failed to comply with all terms and conditions of the license or has failed to comply with other relevant ordinances of the city or other applicable law(s).

Nothing in this article shall be construed as giving any person the right to provide or to continue private parking facilities but, rather, the authorization to provide such is a privilege and not a right.

(Ord. No. 02-2010, 2-25-2010; Ord. No. 09-2010, 5-27-2010; Ord. No. 19B-2012, 9-27-2012; Ord. No. 14-2013-A, § 1, 4-25-2013; Ord. No. 25-XXX, 12-11-2025)

ARTICLE 4. ZONING DISTRICTS

Sec. 4-010. List of districts.

The following districts of the City of Tybee Island are hereby created:

- (A) R-1 single-family residential;
- (B) R-010-B single-family residential;
- (C) R-2 one and two-family residential;
- (D) R-T residential tourism;
- (E) C-1 beach business;
- (F) C-2 highway business;
- (G) NM neighborhood marina;
- (H) ~~TBR transitional business residential~~; Reserved;
- (I) PC parks-conservation;
- (J) EC environmental-conservation;
- (K) PUD planned unit development;
- (L) MD maritime district;
- (M) Reserved;
- (N) Reserved;
- (O) South End business overlay district;
- (P) North End parks and public overlay district;
- (Q) North End cultural overlay district;
- (R) Neighborhood grocery store district.

(Ord. No. 2000-13, 2-11-2000; Ord. No. 2000-13, amended 5-24-2000; Ord. of 6-26-2008(1); Ord. No. 29-2008, § I, 1-8-2009, § I; Ord. No. 15-2009, 10-22-2009)

Sec. 4-020. District boundaries.

The location of boundaries and zoning districts shall be shown on a map entitled "Tybee Island Zoning Map" dated April 22, 1999, as amended and readopted on December 10, 1999, and as amended and readopted on March 27, 2014, and said map may be amended subsequent to the adoption thereof; and said map is made part of this Land Development Code and a second original of such map shall be attached to the minutes of the meetings for the first and second readings of this Land Development Code and said map is hereby incorporated herein to the same extent as if the information set forth on said map was fully described and stated herein. Amendments to the zoning map shall be reflected on the "Tybee Island Zoning Map of the City of Tybee Island" when they become effective and said map shall be on file in the office of the clerk of council of the city. This section repeals the prior zoning map and substitutes the map dated March 27, 2014, in its stead.

Tybee Island Zoning Map block

The city zoning map was adopted following public hearings the 27th day of March, 2014. This map incorporates the map originally adopted April 22, 1999, and readopted on December 10, 1999, as amended.

(Ord. No. 1999-07, 4-22-1999; Ord. No. 1999-, amended 12-17-1999; Ord. No. 1999-07, amended 5-24-1999; Ord. No. 19-2014, § 1, 3-27-2014)

Sec. 4-030. Interpretation of district boundaries.

Unless otherwise shown on the zoning map, the boundary lines of districts are:

- (A) Rear lot lines;
- (B) The centerline of streets, alleys or extended from such points where specific linear distances are denoted on the "official zoning map;"
- (C) Railroad right-of-way lines;
- (D) Shore line of creeks, rivers, and ocean; or,
- (E) The corporate limit line as it exists at the time of the enactment of the ordinance from which this section is derived.

Questions regarding the exact location of district boundary lines shall be determined by the mayor and council in accordance with the provisions of this Land Development Code.

Sec. 4-040. Zone line dividing a lot.

In most instances, zoning district lines on the zoning map are drawn to follow streets, land lot lines, property lines, and other natural divisions. In the event a zone line should divide a lot or parcel of land, the entire lot or parcel shall be considered to be that of the least intense [land-use/zoning](#) classification.

Sec. 4-050. Zoning districts.

- (A) *R-1 residence district.* This [land-use/zoning](#) district is established to minimize development densities in certain portions of the island to prevent overall development on the island from exceeding its environmental carrying capacity. Also, to provide for quiet, livable, low-density single-family neighborhoods including

compatible and supporting low impact educational, religious, and public institutions, as well as limited provisions for bed and breakfast operations. The character of development in these areas is oriented for permanent residents. This district shall remain single-family residential with some light family oriented service uses. Commercial and industrial uses are incompatible with this district.

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

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

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

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

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

- (i) On the lots abutting Butler Avenue on the east and west sides thereof, from 14th Street, commencing at its southernmost intersection with Butler Avenue, to Izlar Avenue at its southernmost intersection with Butler Avenue;
 - (ii) On lots abutting Tybrisa Street on the north and south sides from Butler Avenue to Strand Street; and
 - (iii) On lots on Strand Street abutting that street on the western boundary thereof from 14th Street beginning at its northernmost intersecting point with Strand Street to 17th Street at its northernmost intersecting point with Strand Street. Notwithstanding the foregoing, multi-family residential uses shall be permissible on floors above the first or ground floor of business establishments located in such areas.
- (1) *Uses permitted by right after site plan approval.* In a C-1 beach business district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been

submitted to the zoning administrator, the planning commission has reviewed the site plan and made comments, and the mayor and council has granted site plan approval at a scheduled meeting.

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

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

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

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

Any permitted use must adhere to the approved standards, restrictions, plans and conditions imposed by the mayor and council and/or the [planning and zoning community development](#) department.

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

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

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

- (1) *Uses permitted by right after site plan approval.* In a C-2 business district, land may be used and buildings or structures may be erected, altered or used only for the following purposes once the required site plan has been reviewed by the planning commission and approved by the mayor and council:

- a. Service stations;
- b. Restaurants, ~~including drive-in restaurants~~;
- c. Gift shops (goods sold within an enclosed building);
- d. Motels;
- e. Grocery stores;
- f. Tourist homes and bed and breakfast inns;
- g. Parks, playgrounds and recreation facilities under the supervision of the city;
- h. Professional and business offices;
- i. Retail stores;
- j. Marinas; and
- k. Seafood warehouses, retail and wholesale sales.

- (2) *Uses permitted after special review and site plan approval.* In a C-2 highway business district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the zoning administrator, a hearing has been held by the planning commission, and the mayor and council has granted approval at a scheduled meeting. At these public meetings, the proposed land is reviewed under criteria for both site plan approval and special approval.

- a. Lounges and package shops for the retail sale of malt and alcoholic beverages.

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- b. Dwellings or structures rented for special events. For all uses in a dwelling or structure to be rented for special events as defined herein, special approval and review shall include consideration of all relevant factors including but not limited to the availability of parking or an appropriate parking plan, the hours of operation and any limitations to be placed thereon, the capacity of the dwelling or structure in terms of occupancy, compliance with applicable noise limitations with the express authority of the mayor and council to impose stricter requirements than would otherwise be permissible for the impacted zoning districts; the use of live entertainment or amplified sound equipment subject to limitations to be placed thereon; and approval by the [planning and zoning community development](#); the methods of lighting signage and buffering as necessary to provide reasonable protection to nearby property owners.

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

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

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

Any permitted use must adhere to the approved standards, restrictions, plans and conditions imposed by the mayor and council and/or the [planning and zoning community development](#) department.

- c. Miniature golf courses.
- d. Uses as of right:
 - 1. Residential uses permissible in the R-2 district including those permissible as of right and after special review. The uses permissible in R-2 after special review shall also require special review to be permissible in the C-2 zone.
 - 2. Following required site plan approval for commercial development residential uses above commercial shall be allowed by right if onsite parking is available.
- (3) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in C-2 highway business district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this Code.

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

- (G) *N-M neighborhood marina district.* The purpose of this district is to reserve those waterfront areas which have value for commercial land uses involving pleasure and commercial watercraft. The N-M district is intended to be used for neighborhood marina facilities with a modest scale of operation. These facilities shall be developed to be compatible with any adjacent residential properties and shall not be detrimental to persons or property on or off the site.

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

these public meetings, the proposed land is reviewed under criteria for both site plan approval and special approval.

- a. Lounges and package shops, for the retail sale of malt and alcoholic beverages;
 - b. Restaurants;
 - c. Watercraft and equipment rental;
 - d. Watercraft sales and dry dock storage;
 - e. Wholesale and retail seafood sales; and
 - f. Machine repair shops.
- (5) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in N-M neighborhood marina district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this code.

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

(H) Reserved.

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

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

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

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

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- (L) *Maritime district.* The purpose of this district shall be to protect the character of the commercial development along Lazaretto Creek within the city limits. In the maritime district, land may be used and buildings or structures may be erected or used for the following purposes.
- (1) Uses permitted after site plan approval. In a maritime district, land may be used and buildings or structures may be erected or used for the land uses listed below after a site plan has been submitted to the designated city official, the planning commission has reviewed the site plan and made comments, and the mayor and council has granted site plan approval at a scheduled meeting.
 - a. Boat launching facilities;
 - b. Bait shops; and
 - c. Retail sale of boating provisions;
 - d. Aquaculture projects;
 - e. Assembly hall, club, or lodge;
 - f. Boat building and repair facilities;
 - g. Commercial charter or sightseeing watercraft facilities;
 - h. Commercial fishing and crabbing;
 - i. Government buildings;
 - j. Marina;
 - k. Recreational activities carried on wholly within a building including theaters, dance halls, and activities of a similar nature;
 - l. Reserved.
 - m. Private or community dock;
 - n. Public utility structures;
 - o. Wholesale/retail seafood/sales/warehouses;
 - p. Restaurant — (no alcohol) — limited to sit down facility ~~with no drive through~~;
 - q. Restaurant, sit down facility which serves alcoholic beverages (must have council approval for liquor, beer, wine, and Sunday sales) and no drive through;
 - r. Watercraft rentals.
 - (2) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in the maritime district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this code.

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

(M) Reserved.

(N) Reserved.

(O) *South End business overlay district.*

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- (1) *Purpose.* The purpose of this district is to promote the welfare and vitality of the city's original main commercial and resort area and preserve its historic character and identity for future generations.
 - (2) *Uses.* All commercial and multi-family residential uses are permissible subject to site plan approval, or special review and site plan approval, as is required by the particular zoning classification of the property. In this district, the site plans established herein shall prevail over any setbacks in any other part of this Code, specifically including section 3-090 regardless of the use of the property. Mixed uses of the property are permissible. Site plan approval and special review is required for new construction and redevelopment of existing sites. New construction when a project includes the redevelopment of a parcel, a development agreement with the owner/developer and the city specifying the site plan, location of utilities, improvements, setbacks, driveway locations and dimensions and lot coverage may be required.
 - (3) *Signs.* Signage within the district shall be as specified herein to the extent of any inconsistency with the sign ordinance and the South End Policies and Procedures. ~~Permissible signage shall include sandwich boards not to exceed three feet by five feet, which may be displayed during business hours on sidewalks immediately adjacent to the business advertised on the sandwich board.~~ No advertising benches shall be permissible in the district. The existing advertising benches located in the Fourteenth Street parking lot may remain until such time the city provides public benches.

(3) Sidewalk cafes and merchandise displays. - A business seeking to use a sidewalk shall provide annually an Application, Affidavit, Indemnification Agreement, Certificate(s) of Insurance, and a Site Plan to the zoning administrator. Sidewalk cafes, merchandise displays, or other use of a sidewalk shall comply with the City of Tybee Island South End Policies and Procedures.
 - a. Within the district, café style seating on sidewalks may be permissible provided that sidewalks in the area involved, must be at least ten feet in width and are permitted under the sidewalk café and merchandise display permitting process.
 - b. Notwithstanding any other provision of this Code, no outdoor selling of merchandise on public or private sidewalks is permissible in the district except as special events permitted under the sidewalk café and merchandise display permitting process may be allowed in connection with authorized special events.
 - (4) *Demolition and relocation of historic buildings.* The following standards apply to all historic buildings within the overlay district that are 50 years of age or older and identified as listed, eligible, or may be eligible for listing in the National Register of Historic Places within the 2016 City of Tybee Island Historic Resources Survey, Phase 1. The Historic Preservation Commission shall review permit applications for demolition and relocation and provide recommendations to the zoning administrator.
 - a. *Demolition.* Demolition of historic buildings undermines the character of Tybee Island and shall only be permitted if the demolition is required to alleviate a threat to public health or public safety as determined by the zoning administrator based on supporting documentation from a licensed structural engineer licensed in the State of Georgia.
 - b. *Relocation.* Relocation of historic buildings can impact the character of Tybee Island and should only be considered as a last resort in order to preserve the building. It shall only be permitted if all of the following conditions are met:
 1. The current location and surrounding context no longer contribute to the overall character of the property (i.e. residential property now surrounded by new construction and commercial development).
 2. The character of the property onto which the building will be relocated and its surrounding context are compatible with the historic building (i.e. relocating a residential building within a residential area).

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3. The relocation is as close to the original site as possible (i.e. the relocation of a building to a new location on the same parcel or an adjacent parcel).
 - (5) ~~Appeals. Any applicant for a permit shall have the right to appeal to the planning commission and mayor and council should the zoning administrator refuse to approve the issuance of a permit in accordance with section 9-030.~~
 - (6) *Definitions.* In addition to existing definitions in section 2-010, the following terms apply to this overlay district:
 - Compatibility.* The positive relationship of existing buildings, relocated buildings, and/or designs for new construction to their environs.
 - Demolition.* The act of either demolishing or removing 50 percent or more of the exterior walls of a building; or any primary exterior wall facing a public street or beach; or 50 percent or more of the roof area.
 - Historic building.* A building that is worthy of preservation by reason of value to Tybee Island, Chatham County, State of Georgia, region, or nation, for one of the following reasons:
 - a. It is an example of a building representation of its era;
 - b. It is one of the few remaining examples of past architectural style, or building type;
 - c. It is associated with an event or persons of historic or cultural significance to Tybee Island, Chatham County, State of Georgia, region, or nation; or
 - d. It contributes to the cultural or historical development and heritage of Tybee Island, Chatham County, State of Georgia, region, or nation.

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

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

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

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

- (5) *Site plan review.* Any expansion of existing uses requires site plan review by the planning commission and approval by the mayor and council.

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

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

(Q) *North end cultural overlay district.*

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

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- (4) *Prohibited uses.* The following uses, though not exclusive, are specifically prohibited within the north beach overlay:

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

- a. Golf courses, except for miniature golf courses.
- b. Survival games.
- c. Any activity involving the use of crossbows, archery, firearms, including hunting, skeet-shooting and target practice.
- d. Dumping of trash, waste or other materials of any kind.
- e. Fireworks.

- (5) *Site plan review.* Any expansion of existing uses requires site plan review by the planning commission and approval by the mayor and council.

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

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

- (R) *Neighborhood grocery store district.*

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

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- b. Setbacks in this district for new structures shall be as provided in the R2 district under section 3-090.
 - c. This district shall have the same lot size and height restrictions applicable in the R2 district under section 3-090 for new construction or new structures.
- (4) *Parking.* Off-street parking for a grocery store operation shall require one parking spaces per every 370 feet of gross grocery store floor area under roof on a square foot basis regardless of the use of such area so as to include offices, stock rooms, freezers, etc. Parking for all permitted uses other than a grocery store shall be as required in section 3-080.
- (5) *Buffer.* A buffer of not less than three feet, including arboreal features and suitable fencing, shall be provided where the grocery store and parking is adjacent to the right-of-way of Lovell Avenue and neighboring residential property.
- (6) Notwithstanding any approved site plan or any other ordinance to the contrary, the city has adopted a policy pertaining to special use of designated off-street parking areas in the neighborhood grocery store district so as to allow a commercial business to use its private off-street parking area for an outdoor event when all of the conditions are met under the policy. The policy is on file with the clerk of council and with the zoning department. The policy may be changed from time to time by the mayor and council in accordance with this Code.
- (7) Notwithstanding anything to the contrary, the following conditions shall be applicable to the parcel described as Parcel Identification Number 4-0006-20-009:
- a. Parking of vehicles. The only motor vehicles that may be parked on this property are those which are either owned or leased by the owner of the adjacent grocery store, the store employees, located on the lot on the east side of Lovell Avenue adjacent to the subject lot and residents of the building on this identified parcel.
 - b. Temporary storage containers used to store products which are sold in the grocery store located on the lot on the east side of Lovell Avenue adjacent to the subject lot are allowed.

The temporary storage containers must be capable of being removed immediately upon notice provided by the appropriate authorities. Provided, however, that if a permanent structure is built on this log, pursuant to R(3)(a)(3), the parking of temporary storage containers shall be impermissible.
 - c. A warehouse to be used solely by the grocery store located across Lovell on Butler Avenue and any allowable residential uses above is permissible.
 - d. Notwithstanding the lot size restrictions applicable to this district, the minimum lot area a two family shall be at least 4,680 square feet.
 - e. Any two family residential units constructed on the parcel shall not be used as short term rentals and, therefore, no rentals for occupancy of such a unit may be for a period of less than 30 days.

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

ARTICLE 5. PROCEDURES FOR ADMINISTRATION AND ENFORCEMENT

Sec. 5-009. Permit prerequisite for construction.

It shall be unlawful for any person to commence excavation for, or construction of any building or structure, or moving of any existing building or structure without first obtaining a permit from the designated city official. No permit shall be issued for the construction or alteration of any building or structure until proper approval has been granted and fees have been submitted in accordance with the provisions of this article.

(Ord. No. 07-2013, 1-10-2013)

Sec. 5-010. Permits required for construction.

The following is a list of permits needed for construction of a building or structure or the movement of a building or structure that may be needed for any type of land development in the city.

- (A) *Building permit.* All building permits seeking to expand the exterior of any existing structure or seeking to construct any new structure must be accompanied by a valid survey depicting, among other things, the present location of all property lines and structures then on the property.
- (B) *Relocation permit.* A relocation permit is required any time a manufactured home, trailer, out building, house or structure is moved from any location to any lot or parcel within the city limits. Buildings used for the purpose of storage only with no need for electricity or plumbing are exempt from this requirement. Electrical, mechanical and plumbing permits are included within this permit.
- (C) *Sign permit.* Prior to the erection of a sign for either on-premises or off-premises advertising, the zoning administrator must first issue a permit in accordance with the sign regulations set forth in article 6. Permits are required for both temporary signs as well as permanent signs.
- (D) *Demolition permit.* Prior to destruction of a building, structure, or sign, a demolition permit is needed. Such permit may be attained from the ~~city code enforcement~~[community development](#) department.
- (E) *Electrical permit.* An electrical permit is needed before installing any electrical wiring or fixtures. This permit is not needed if a relocation permit or building permit has already been issued on the structure.
- (F) *Plumbing permit.* A plumbing permit is needed whenever a plumber installs a new plumbing system in an existing structure. This permit is not needed if a relocation permit or building permit has already been issued on the structure.
- (G) *Mechanical permit.* A mechanical permit is needed before a licensed installer may install any mechanical device such as a heating and/or cooling system for air or water. This permit is not needed if a relocation permit or building permit has already been issued on the structure.
- (H) *Land clearing, disturbance or excavation permit.* Regardless of the use of the land, a permit is required prior to the clearing of trees, topsoil, or water on any parcel of land in the city. A drainage plan with supporting calculations is required prior to the issuance of any permit for all new construction. The plan and calculations shall be prepared by a professional engineer licensed by the state to provide such services. Furthermore, there shall be no excavation or addition of soil, trees, or water until all proper permits are obtained. This permit is not needed if a relocation permit or building permit has already been issued on the structure.

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- (I) *Tree removal.* A tree removal permit is required if a person intends to remove either a significant tree or any number of trees that will result in a tree density of less than required. This permit is required regardless of any other permits obtained.
- (J) Reserved.
- (K) *Prohibit placing materials in the marshlands.* Notwithstanding any other provision of any ordinance or regulation to the contrary, no permit for building, land clearing, land filling or for the addition of materials to any area of "marsh," "marshlands," "coastal marshlands," "vegetated marshlands," or isolated freshwater wetlands as such terms are now or hereafter defined by the Coastal Marshlands Protection Act of 1970 (O.C.G.A. § 12-5-280 et seq.) or to any area of isolated freshwater wetlands shall be issued in the absence of a variance granted by the mayor and council subject to the strict application hereof pursuant to section 5-090. In addition to those provisions of article V, chapter 22 of the City Code which may be applicable, it shall be unlawful for any person or entity to place in marsh, marshland, or coastal marshlands as so defined any material whatsoever, in the absence of a permit issued pursuant to a variance properly granted.
- (L) *Construction of docks, walkways, etc.; liability insurance.* This subsection is intended to supplement and expressly not repeal existing provisions of Tybee's Code of Ordinances relating to permits required for construction, relating to building permits, regarding wetlands protection, regarding beach dune or vegetation disturbance.

All those individuals engaged in the construction or repairs of docks, walkways, marinas or marine facilities, or any other structure on or over coastal marshlands as defined in O.C.G.A. § 12-5-282(3) shall, prior to the commencement of any such construction, preparation or work provide to the City of Tybee Island evidence of liability insurance and/or bonds and/or letters of credit specifically covering environmental and other damages. Such applicant shall also provide for coverage and/or bonds and/or letters of credit in the nature of a performance bond requiring the completion of the work if it is not performed in accordance with the anticipated completion schedule filed with the city and shall further include the cost of removal of any equipment, debris or materials of any nature not removed by the dockbuilder. When a bond or letter of credit is used for the purposes described herein such bond or letter of credit shall be issued to the benefit of either the City of Tybee Island or the owner of the property depending upon the circumstances and the building official of the city shall be authorized to determine to whom the bond or letter of credit should be payable.

The amount of insurance, bond, or letter of credit shall be based on the nature, scope and cost of the anticipated work and shall take into consideration the potential consequences of spills, removal of equipment, debris or materials and other risk and shall be in such amount as is set by the building official of the city or his designee.

Including but not limited to fuel spills, fires, submersions of equipment and building supplies, etc., all dockbuilders shall be required to report any accidents, casualties or events which occur in connection with activities provided for in this subsection and which are likely to cause damage or which may cause damage to property, persons, the environment or coastal marshlands and in no event shall the responsible party wait more than two hours after the occurrence of such event, casualty or occurrence.

Any violation of this subsection shall subject the offender to punishment under section 5-160.

(Ord. No. 2001-13, 7-12-2001; Ord. No. 2001-02, 1-11-2001; Ord. No. 2005-02, amended 4-11-2005; Ord. No. 2005-07, amended 3-3-2005; Ord. No. 2005-03, amended 3-3-2005; Ord. No. 2005-02, amended 2-4-2005; Ord. No. 2004-16, amended 1-12-2005; Ord. No. 2004-16, amended 1-12-2005; Ord. No. 2004-16, amended 1-12-2005; Ord. No. 2001-13, amended 12-12-2001; Ord. No. 2001-02 Shore Protection, amended 4-19-2001; Ord. No. 1999-16, amended 6-4-1999; Ord. of 3-23-2006; Ord. of 1-11-2007(2); Ord. of 10-9-2008(3))

Sec. 5-020. Permits or actions required by this Land Development Code.

The following are permits or actions that may be required depending on the construction and particular [land use/zoning](#) district for which it will take place.

- (A) *Special review permits.* There are specific land uses permitted in certain zoning districts only after a review by the planning commission, a public hearing has been held by the mayor and council, and the mayor and council has determined that the use is appropriate based on certain criteria. These uses are listed throughout article 4 and the criteria listed in section 5-070. See section 5-040(A) and (B), and section 5-070.
- (B) *Site plan approval.* All land development activities other than residential one and two-family structures, regardless of the zoning district, must present a site plan of such development to the planning commission for review, and to the mayor and council for approval prior to the issuance of any land development permits. In the C-1 zoning district, all land-disturbing activities require site plan approval. See section 5-040(A) and (C), and section 5-080.
- (C) *Zoning variance.* Where strict enforcement of this Land Development Code may present an unnecessary hardship upon a lot or parcel of land, the owner may apply for a zoning variance. Such action requires a public hearing by the planning commission and approval by the mayor and council at a scheduled meeting. See section 5-040(A) and (D), and section 5-090.
- (D) *Amendment to the zoning map.* An amendment to the zoning map is considered to be an amendment to this Land Development Code. Such action requires a hearing by the planning commission and approval by the mayor and council at a scheduled public hearing. See section 5-040(A) and (E), and section 5-110.
- (E) *Amendment to the text of this Land Development Code.* 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. See section 5-040(A) and (E), and section 5-110.
- (F) *Subdivision of land.* Whenever a lot, parcel, or tract of land is divided into two or more parts, the owner must submit a preliminary subdivision plat to the zoning administrator. The preliminary plat shall be reviewed at a hearing held by the planning commission. The preliminary plat will be reviewed at a scheduled meeting of the mayor and council. Once the preliminary plat is approved by mayor and council, required infrastructure improvements may be permitted on the property. After the required infrastructure improvements are completed and inspected by the building inspector, a final plat may be submitted to the zoning administrator. The final plat shall be reviewed at a hearing held by the planning commission. The final plat will then be reviewed following a scheduled meeting of the mayor and council. Once the final plat is approved by the mayor and council, all parcels created by the subdivision may be recorded in the office of the Superior Court of Chatham County and subsequently become real estate. See section 5-040(A) and (G), and sections 5-130, 5-140 and 5-150.
- (G) *Sign permit approval.* All signs erected, and signs which are altered or repaired at a cost of 50 percent of the replacement value unless specifically exempted by this Land Development Code, must be permitted by the city. All signs not specifically exempted from the permit and/or licensing requirement of this Land Development Code shall be permitted by the city. An application for a permit shall be submitted to the zoning administrator and accompanied by plans and specifications of the sign in all its structural parts, and by accurate information designating the exact location of the proposed sign for review by the planning commission and approval by the mayor and council. The zoning administrator shall collect a standard fee for each permit and/or license at the time the permit or license is issued. See section 5-120, and article 6.

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- (H) *Use of recreational vehicles on private property for residential purposes.* This is a temporary permit issued by the zoning administrator during normal hours of operation at the city hall. See general provisions section 3-110(C) for restrictions.
- (I) *Permits required in conjunction with permits in this Land Development Code.* The following are permits required by other government entities that may be applicable to a development project in Tybee Island:
- (1) *Land-disturbing permit.* Under the Georgia Soil Erosion and Sedimentation Act (O.C.G.A. § 12-7-7), any major subdivision of land over 1 1/10 of an acre for single-family development and any construction within 200 feet of state waters requires a land-disturbing permit from the ~~department~~ [Department of natural-Natural resourcesResources, environmental-Environmental protection-Protection division-Division](#) (EPD).
 - (2) *Dune crossover.* The state's ~~department~~ [Department of natural-Natural resources-Resources](#) (DNR) maintains dune delineation lines and suspected wetland areas. In these places DNR provides revocable permits for private docks and dune crossovers.
 - (3) *Dock permits and construction in wetlands.* In conjunction with Georgia DNR, the United States Army Corps of Engineers maintains the authority to delineate the location of wetlands and is responsible for permitting any land-disturbing activity in them under section 404 of the federal Clean Water Act.
 - (4) *Individual well and sewer systems.* If a lot or parcel is not served by city water and sewer utilities a permit is required from the Chatham County Board of Health. There are only a few areas on the island not served by both.
 - (5) *Entrances on state and federal highways (curb cuts).* If the development of a lot, tract, or parcel requires an entrance onto a state or federal highway, a permit is required by the state department of transportation.
 - (6) *Shallow wells for irrigation only.* If a property owner decides to use a shallow well for the irrigation of his or her landscape, a well drilling permit must be obtained from the [city-code enforcement department building official](#) and the pump installation and design must meet the plumbing codes set forth in [article-Article](#) 9 of this Land Development Code.

(Ord. No. 1999-14, amended 6-4-1999)

Sec. 5-030. Fees.

Fees for each individual permit or zoning action are subject to change by the mayor and council. Please see the schedule of fees adopted by mayor and council which are displayed in city hall.

(Adopted Schedule as of 7-12-2001; Ord. No. 2001-14, 7-12-2001; Ord. No. 2001-14, amended 12-12-2001; Ord. No. 09A-2013, 2-14-2013)

Sec. 5-040. Application for permits or actions under this Land Development Code.

- (A) *Minimum requirements for all applications.* All applications for zoning actions shall be dated upon submission and require the following minimum information:
- (1) Name, address and signature of applicant. If the applicant is appointing an agent as the point of contact for the project, that agent must be designated on the application.
 - (2) Brief description of the land development activity and use of the land thereafter to take place on the subject property.

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- (3) Address and location of the subject property for which such land development activity shall take place.
 - (4) Name and address of owner of the subject property. Note: applicant must either have proof of ownership of the property or a signed affidavit from the owner granting the applicant permission to conduct such land development activity.
 - (5) Current zoning and use of the property or properties.
 - (6) Name and address of all adjacent property holders.
 - (7) Name and address of known participating contractors (building and construction, surveyor, architect, engineer, installer, developer, etc.).
 - (8) The application type, date of application, and action taken on all prior applications filed for the reclassification of the whole or part of the land proposed to be reclassified.
 - (9) If within two years immediately preceding the filing of the applicant's application for a zoning action, the applicant has made campaign contributions aggregating to more than \$250.00 to the mayor or any member of council or any member of the planning commission, it shall be the duty of the to disclose the following in the application:
 - 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 years immediately preceding the filing of the application for the zoning action and the date of each contribution; and
 - c. An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning action;
 - d. In the event that no such gift or contribution was made, the application shall affirmatively so state.
- (B) *Additional application requirements for special review.* In compliance with section 5-090, all applications for uses permitted in a zoning district for special review must also include the following minimum information:
- (1) A more detailed description of the activities, number of units, and hours of operation of the proposed special use;
 - (2) A site plan [see Subsection (C) of this Section], with architectural renderings. Building plans may be required at the discretion of city staff, the planning commission, or the mayor and council;
 - (3) A proposed starting date of land disturbance or construction, and a tentative date of completion for all improvements, and use opening or date of first occupancy; and,
 - (4) A list of activities undertaken by the developer and subsequent occupant to mitigate all adverse impacts upon the surrounding properties before, during, and after the completion of development activities.
- (C) *Additional application requirements for all site plan requirements and approval.* The designated city official, with input from other departments or consultants, may waive or delay the required submission of some of the requirements for site plans as situations and the project warrant. Unless waived by the designated city official, the site development plan shall include, but not be limited to the following:
- (1) A valid survey of the property, signed and sealed by a State of Georgia certified land surveyor, depicting the location, size and other pertinent data of all land uses on the site including types, location and height of buildings, parking, open areas, landscaping, and all existing trees;

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- (2) Dimension setback lines from property lines and street right-of-way lines;
 - (3) Adjacent thoroughfares and all curb cuts within 500 feet, including:
 - a. Proposed new cut(s) onto public rights-of-way with turning radii, and width;
 - b. Dimensions of all rights-of-way; and
 - c. If a corner property, compliance with section 3-050, obstruction to visions at street intersections, shall be illustrated;
 - (4) Drainage plan to conform with all ordinances, standards, specifications and policies adopted by the city;
 - (5) Location of all utilities, and water/sewer plans and design considerations;
 - (6) Tabulated data including at least:
 - a. Gross density of dwelling units;
 - b. Parking ratio per dwelling unit, and compliance with section 3-080, off-street parking requirements;
 - c. Percent and amount of land coverage by use;
 - d. Percent and amount of floor area by use and by type;
 - e. Flood zone(s) and minimum finished floor elevations;
 - (7) Topographical map showing existing and proposed 1-foot contours and natural features;
 - (8) Soil erosion and sediment control plan required for all projects whether a Land Disturbing Activity Permit is required or not;
 - (9) Tree removal plan, tree protection plan, and tree establishment plan;
 - (10) City staff or the planning commission or the mayor and council may require elevations or other engineering or architectural drawings covering the proposed development;
 - (11) The city's engineering consultant or his designee will review a site plan prior to the mayor and council acting upon a zoning decision;
 - (12) The extent and nature of any variances or zoning amendments necessary to the proposed project.
- (D) *Additional application requirements for a zoning variance.* Applications for a zoning variance shall be submitted to the designated city official. All applications for a zoning variance must also include the following minimum information:
- (1) Site plan and/or architectural renderings of the proposed development depicting the location of lot restrictions.
 - (2) Narrative describing the hardship and the reason for the variance request.
 - (3) A survey of the property signed and sealed by a State of Georgia certified land surveyor. No application for the same type of zoning variance request, which has been previously denied, shall be accepted by the designated city official until the expiration of at least six months immediately following the defeat by the mayor and council of such variance request.
- (E) *Additional application requirements for a Land Development Code or zoning map amendment.* Applications for amendment of these regulations may be in the form of proposals to amend the text of these regulations or proposals to amend the zoning map. Applications for amendment shall be submitted to the designated city official. No application for a zoning change requesting the same zoning district classification and affecting

the same parcel of property or part thereof shall be accepted by the designated city official until the expiration of at least six months immediately following the defeat of the rezoning request by the mayor and council. However if the request is for a different land use classification than the previous request, an application will be accepted. All applications for a Land Development Code or zoning map amendments must also include the following minimum information:

- (1) *Text amendment.* 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.
 - (2) *Map amendment.* An application for a map amendment shall include the following information:
 - a. A map or plat of the land in question prepared, signed and sealed by a State of Georgia certified land surveyor, and a description by metes and bounds, bearings, and distances of the land, or if the boundaries conform to the lot boundaries within a subdivision for which a plat is recorded in the land records of Chatham County then the lot, block, and subdivision designations with appropriate plat reference; and
 - b. The area of the land proposed to be reclassified stated in square feet if less than one acre, and in acres if greater than one acre.
- (F) *Additional application requirements for sign permit approval.* All applications for sign permit approval must also include the following minimum information:
- (1) Site plan showing the position of the sign in relation to nearby buildings or structures. Plan shall be to scale;
 - (2) Specifications setting forth the character of the sign in all its structural parts;
 - (3) Electrical permit if required;
 - (4) Wind pressure capacity (lbs./sq. ft. horizontal loads) if applicable.
 - (5) Sketch of sign showing sign dimensions.
- (G) *Additional application requirements for land subdivision approval.* Subdivision plan approval is a three-step process. The first step, a conceptual plan, is optional. The next two steps, preliminary and final plan approval, are required before any lot, parcel, or tract of land can be divided into two or more pieces of property and recorded in the Chatham County Clerk of Courts office. If the subdivision of land fits the definition of a minor subdivision, the preliminary and final platting information and procedure process may be combined. The information needed for each step of the land subdivision process is as follows:
- (1) *Conceptual plan.* Prior to the filing of an application for approval of a preliminary plan, a conceptual plan may be submitted to the planning commission for review and recommendation. When submitted, this conceptual plan shall show in simple sketch form the proposed layout of streets, roads, and other features in relation to existing conditions. The conceptual plan shall include the following information:
 - a. The boundary lines of the property being subdivided;
 - b. Watercourses and marshes found on the tract of land to be subdivided and the limits of habitable area;
 - c. The location, name, and right-of-way width of any existing streets on the land to be subdivided, or on land adjacent to the tract of land being subdivided.
 - (2) *Preliminary plan.* Before work shall begin to open a subdivision, thirteen prints of a preliminary plan, showing the proposed design of the subdivision, shall first be submitted to the planning commission for review and recommendation. Until the preliminary plan of a proposed subdivision has been reviewed by the planning commission, and approved by the mayor and council, a developer shall not grade,

scrape, or otherwise open or extend a street in the proposed subdivision, nor shall he stake out or lay out lots in such subdivision, nor shall he in any manner cause construction to actually begin on a subdivision. The plan shall be drawn at a scale of not less than 100 feet to the inch. The preliminary plan shall be signed and sealed by a State of Georgia certified land surveyor and shall contain the following information:

- a. *Existing features.* All of the following existing features shall be noted on the preliminary plan:
 1. The bearings and distances of the boundary lines of the property to be subdivided;
 2. The location of any streams, natural drainageways, and other waterways which exist on the property;
 3. The distance and direction to public water lines and sanitary sewer lines;
 4. The name, location, and right-of-way width of existing streets either on the property or on the land adjoining the property;
 5. Existing contours of the property in solid lines and at one-foot intervals and based on ~~1988~~ [current](#) North American Vertical Datum (NAVD);
 6. The name of subdivision or property owners adjoining the property;
 7. The line delineating the jurisdiction of the Department of Natural Resources (JD line) that is not more than one year old, if applicable;
 8. The line delineating the landward toe of the landward-most dune as certified by the Georgia Department of Natural Resources Coastal Resource Protection Division that is no more than one year old, if applicable;
 9. The line delineating a 10-foot setback distance from the landward toe of the landward-most dune that is no more than one year old, if applicable;
 10. All flood zones as shown on the most recently adopted Flood Insurance Rate Map (FIRM), if applicable;
 11. The location of public or private rights-of-way or easements, and of parks or other public spaces either on the property or adjoining the property; and,
 12. The location of all trees as defined in Article 2 of this Land Development Code.
- b. *Proposed design features.* All proposed improvements or alterations to the property features shall be noted on the preliminary plan:
 1. The location, purpose, and width of any proposed easements.
 2. Lot lines and lot line dimensions; proposed lot numbers.
 3. The location and specifications for proposed streets and lanes, including right-of-way lines, proposed finished grades, proposed parking areas and type of surfacing, profiles and typical cross- sections of streets, and such other information as shall be required to show compliance with the design specifications established by this Land Development Code for streets.
 4. Proposed street names.
 5. Proposed final contours in dashed lines at one-foot intervals and based on ~~1988~~ [current](#) North American Vertical Datum (NAVD);
 6. Proposed building lines.

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7. Proposed crosswalks.
 8. The location of proposed monuments.
 9. The expected limits of the 100-year floodplain where appropriate.
- c. *Other information.* In addition to the existing and proposed features listed above, the following information is also required with the preliminary plan:
1. Name of proposed subdivision, scale of the plan, north arrow, date, size of the tract being subdivided, key map showing location of the proposed subdivision in the city.
 2. A statement from the subdivider shall be placed on the preliminary plan which shall describe the method by which storm sewers, sanitary sewers, and water facilities will be provided. If septic tanks or individual waste disposal systems are to be used in a subdivision, then percolation tests shall be made in accordance with Chatham County Health Department requirements and the results of such tests, together with a contour map showing the site of each test hole, shall accompany the preliminary plan.
 3. Grading and drainage plans shall be submitted with each subdivision application. If the required drainage plans reveal that a request for subdivision approval would overload the capacity of the channel downstream or increase flood stages upstream, the subdivision approval permit shall be denied, unless equivalent flow and storage capacity is replaced and maintained by the owner within the floodplain affected.
 4. When the preliminary plan includes only a part of the tract on which the subdivider has an interest, the developer shall submit a tentative street plan for all of said tract.
 5. All exhibits accompanying the preliminary plan shall be prepared by a State of Georgia registered civil engineer and shall contain the seal of such engineer along with a statement that the plan meets the provisions and standards of Flood Damage Prevention, Article 8, for the city.
- d. *Deadline for preliminary plan submission.* The preliminary plan shall be filed with the planning commission in accordance with the procedures set by the planning commission. The mayor and council will not act upon a preliminary plan until it has met the approval of the city's consulting engineer or his designee.

(Ord. No. 1999-25, 8-12-1999; Ord. No. 2002-22, 10-10-2002; Ord. No. 2002-22 Application for Permits, amended 2-5-2003; Ord. No. 1999-25, amended 8-12-1999; Ord. No. 1999-15, amended 6-4-1999; Ord. No. 39-2011, 10-13-2011)

Sec. 5-041. Lot recombination.

Recombination of lots in their entirety may be approved by staff so long as there is no creation of a nonconforming lot or structure.

(Ord. No. 40-2011, 10-13-2011)

Sec. 5-050. Public notice.

After a completed application has been filed, the next step in the approval process for a zoning action or subdivision of land required by this Land Development Code is to set a date for a public hearing on the matter and render proper notice to the public. Proper public hearing notice procedures are as follows:

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- (A) *Legal notice.* Notice of public hearings before the planning commission and the mayor and council as required by this section shall be published within a newspaper of general circulation within the city in which are carried the legal advertisements of the city and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district or proposed zoning action of said property. Such notice for the official public hearing before the mayor and council shall be published at least 15 days; but, not more than 45 days prior to the date of the hearing.
 - (B) *Signs posted.* Where a zoning action of property is initiated, a designated official of the city shall post a sign at least 15 days prior to the mayor and council public hearing, in a conspicuous place on the property for which an application for a proposed zoning action has been submitted. The sign or signs will contain information as to the current zoning district, the proposed zoning district or zoning action, and the date, time and location of the public hearings before the planning commission and the mayor and council.
 - (C) *Notification to nearby property owners or occupants.* At least 15 days, but not more than 45 days, before the scheduled public hearing, the zoning administrator shall notify all neighboring property owners or occupants within a 200-foot radius of the location of the property for which the relief is requested on applications for rezoning, variance, special review and/or site plan approval. Notice, in addition to the date, time and place of the public hearing, shall include the location of the property and the relief sought. Failure of the zoning administrator to send out notices, or the failure of the property owners or occupants to receive notification shall not affect the validity of any determination of an application, as this procedure exists as a supplement to the legally required notification procedures.
 - (D) *[Additional public hearings.]* In instances where O.C.G.A. § 36-66-4(h)(1) would require that there be additional public hearings because of efforts to change land zoned for single- or two-family dwellings (R-1, R-1-B, R-2 and R-T) to zoning for multi-family dwellings (C-1 or R-T after special review), the procedures required by O.C.G.A. § 36-66-4(h)(1) apply.

(Ord. No. 2023-05 , § 1, 4-27-2023; Ord. No. 2023-06 , § I, 4-27-2023)

Sec. 5-060. Public hearing requirements.

Whenever a zoning action or subdivision procedure takes place, a hearing must be held before the public. Unless otherwise required by law, only one official public hearing is required for text amendments, rezonings, special uses, and concurrent variances, or any combination thereof. In Tybee Island there are two public hearings held for each zoning action or subdivision procedure, one before the planning commission and the other before the mayor and council. The public hearing before the mayor and council is by record the official public hearing. The purpose of each public hearing is to discuss information pertinent to the particular action or procedure. During the hearing the following rules and actions shall be followed:

- (A) *General rules of conduct.* Whenever a public hearing is required by this Land Development Code or by state law prior to consideration of a zoning action, such public hearing, whether conducted by the mayor and council or the planning commission, shall be conducted in accordance with the following procedures:
 - (1) The public hearing shall be called to order by the presiding officer.
 - (2) The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
 - (3) If the subject of the hearing is initiated by an applicant other than the mayor and council, the petitioner requesting such zoning decision, or the applicant's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who so desire shall be permitted to speak regarding the zoning decision.

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- (4) If the request is initiated by the mayor and council, all members of the council shall be allowed to speak as they are recognized by the mayor or presiding officer. Thereafter, all individuals who so desire shall be permitted to speak regarding the zoning decision.
 - (5) When any person wishes to speak at a public hearing, he shall raise his hand and, after being recognized by the presiding officer, shall stand and give his name, address, and make any comment appropriate to the proposed zoning decision. If within two years immediately preceding the filing of the applicant's application for a zoning action, the speaker has made campaign contributions aggregating to more than \$250.00 to any member of the mayor and council or any member of the city planning commission, it shall be the duty of the speaker to disclose the following information five days prior to the official public hearing:
 - 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 years immediately preceding the filing of the application for zoning action and the date of each contribution;
 - c. An enumeration and description of each gift having a value of \$250.00 or more made by the applicant to the local government official during the two years immediately preceding the filing of the application for the zoning action;
 - d. In the event that no such gift or contribution was made, the application shall affirmatively so state.

Campaign disclosure forms are available at the Tybee City Hall during normal hours of operation. Also, campaign disclosure forms shall be made available to the public at the planning commission public hearing for use at the official public hearing before the mayor and council.

- (6) The applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.
- (7) Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed, and the mayor and council or the planning commission, as the case may be, shall immediately and openly discuss the proposed zoning decision and vote on action which they are authorized to take.

The above rules of conduct for public hearing shall be the policies and procedures of the city governing the calling and conduct of hearings under the Land Development Code. Copies of these rules of conduct and policies and procedures shall be available for distribution to the general public. In any action on a zoning decision and for each zoning decision there shall be a minimum of ten-minutes time at the hearing for presentation of data, evidence and opinion by proponents of the zoning decision and an equal amount of time for presentation by opponents.

- (B) *Actions specific to the planning commission during a public hearing.* In all zoning actions in the city the planning commission is a recommending body and all final decisions must be made by the mayor and council. However, the planning commission has an important role in the public hearing process. This role is as follows:
 - (1) All proposed zoning actions shall be reviewed by the planning commission in a public hearing in accordance with the procedures set forth in subsection (A) of this section;
 - (2) The planning commission shall review and consider a recommendation to the mayor and council with respect to the application for a zoning action. The planning commission may decide to make no recommendation or it may make any of the following recommendations with respect to an application for a zoning action; approval, denial, deferral, withdrawal without prejudice,

reduction of the land area for which the application is made, change of the zoning district requested, or imposition of zoning conditions; and,

- (3) The planning commission shall submit its recommendation on a zoning action application to the mayor and council prior to the scheduled public hearing in which the mayor and council will consider the application for a zoning decision. If the planning commission fails to submit a recommendation prior to the public hearing, the planning commission's recommendation shall be deemed one of approval.
- (C) *Actions specific to the mayor and council during a public hearing.*
- (1) Before taking action on a proposed amendment and after receipt of the planning commission recommendations and reports thereon, the mayor and council shall hold a public hearing on the proposed amendment at their next scheduled meeting.
 - (2) So that the purpose of this Land Development Code will be served and so that health, public safety and general welfare will be secured, the mayor and council may in its legislative discretion:
 - a. Approve or deny the proposed zoning action as submitted;
 - b. Reduce the land area for which the application is made;
 - c. Change the zoning district to one other than that requested; or,
 - d. Add or delete zoning conditions as the mayor and council deems appropriate.
 - (3) An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred. The mayor and council may also approve a withdrawal of an application, and if so stipulated by the mayor and council in its decision to approve withdrawal, the 12-month limitation on re-filing of the application for the same property shall not apply.
- (D) *Public hearings records standards.* The city clerk or an agent of the city clerk shall mechanically record the proceedings of all zoning public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the mayor and council for its records. The record of the public hearing and all evidence (e.g., maps, drawings, traffic studies, etc.) submitted at the public hearing shall be noted as such and shall become a permanent part of the particular zoning action's file.
- (E) *[Appeals.]* In the event that an applicant is dissatisfied with a zoning decision of the mayor and council, the applicant may, within 30 days of the written decision, challenge the decision of the mayor and council as required by O.C.G.A. § 36-66-5.1. Pursuant to O.C.G.A. § 36-66-5.1(c), where an applicant challenges a decision, the mayor shall serve as the designated elected official with the power to approve or issue any form or certificate necessary to perfect the applicant's petition and who shall accept service of such petition on behalf of the mayor and council during normal business hours, at the offices of the local government.

(Ord. No. 1999-06, 4-22-1999; Ord. No. 2002-16, 7-11-2002; Eliminated subsection "E"; Ord. No. 2002-16, amended 1-9-2003; Ord. No. 2000-14, amended 6-28-2000; Ord. No. 1999-06, amended 5-24-1999; Ord. No. 2023-07 , § I, 4-27-2023; Ord. No. 2023-08 , § I, 4-27-2023)

Sec. 5-070. Standards for special review.

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

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- (A) *Review criteria.* The planning commission shall hear and make recommendation upon such uses in a district that are permitted after special review. The application to establish such use shall be approved by the mayor and council on a finding that:
- (1) The proposed use will not be contrary to the purpose of this Land Development Code;
 - (2) The proposed use will not be contrary to the findings and recommendations of the master plan;
 - (3) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood or adversely affect the health and safety of residents and workers;
 - (4) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement associated with the use, noise or fumes generated by or as a result of the use, or type of physical activity associated with the land use;
 - (5) The proposed use will not be affected adversely by the existing uses of adjacent properties;
 - (6) The proposed use will be placed on a lot which is of sufficient size to satisfy the space requirements of said use;
 - (7) The parking and all development standards set forth for each particular use for which a permit may be granted will be met.
- (B) *Additional mitigation requirements.* The planning commission may suggest and the mayor and council may impose or require such additional restrictions and standards (i.e., increased setbacks, buffer strips, screening, etc.):
- (1) As may be necessary to protect the health and safety of workers and residents in the community; and
 - (2) To protect the value and use of property in the general neighborhood.
- (C) *Adherence to requirements.* Provided that wherever the mayor and council shall find in the case of any permit granted pursuant to the provisions of these regulations, noncompliance of any term, condition, or restrictions upon which such permit was granted, the mayor and council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.
- (D) *Permit longevity.* If a building permit or other preparations or conditions are required prior to implementing special review approval granted by the mayor and council such permitting or other preparations or conditions must occur within 12 months from the date of special review approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by planning commission and mayor and council. In the event of a hardship or other extenuating circumstance the permit holder may apply to the designated city official for a one-time extension of permit approval. Permit extensions may not be approved in extenuating circumstances for a period of no more than 180 days. Should the permit not be exercised in the extension period it will expire.

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

Sec. 5-080. Site plan approval.

The site plan approval process is intended to provide the general public, planning commission, and mayor and council with information pertinent to how a new development will affect the surrounding area and the city as a whole and to ensure compliance with all applicable regulations and considerations as hereinafter stated. Where

a variance, special review, or any other land development activity is involved in connection with a site plan, the standards applicable to the variance, special review, and/or land development activity applied for shall apply.

- (A) *Process.* Upon submittal of the site plan, the designated city official will review the site plan for noticeable discrepancies and determine if there is a need to apply for other zoning actions. The site plan is then forwarded to the city's consulting engineer. Once the engineer has submitted comments to the designated city official, a public hearing before the planning commission shall be scheduled. The public hearing shall be held regardless of whether the site plan meets the requirements of this Land Development Code. Until the applicant addresses all of the engineer's comments and the site plan is satisfactory, the mayor and council will not consider the plan.

In addition to all other requirements, any applicant for a site plan must identify all prior site plan applications made by the applicant, any affiliates/relatives, corporate or business entities in which the applicant has had an interest for the property which is the subject matter of the current application.

The applicant must identify any parking meters proposed to be eliminated from city rights-of-way by the proposed site plan implementation.

The applicant must demonstrate compliance with all other applicable ordinances including but not limited to stormwater, flood damage prevention, and buffering.

In considering a site plan, the mayor and council may consider whether the proposed development will be unreasonably detrimental to adjacent or nearby uses and whether the proposed development will adversely impact existing conditions in the overall neighborhood, including but not limited to:

- (1) The impact or lack thereof on available resources and utilities.
- (2) Whether the proposed development is of a scale and mass so as to be compatible with the character of the neighborhood.
- (3) Whether the proposed development is consistent with the character area under the master plan.
- (4) Density considerations for the neighborhood including demands on infrastructure, traffic, and other relevant factors.

In considering a site plan, the mayor and council may approve or deny the application as submitted, or add or delete conditions appropriate to protecting the interest of the applicant as well as those of nearby properties. Buffering requirements beyond those expressly identified may also be imposed. If conditions are added or deleted the applicant must subsequently submit a revised plan of the proposed development to the designated city official and all such conditions that had been added or deleted must be accepted by the city's consulting engineer.

If all of the foregoing requirements have been satisfied and further if the mayor and council find that the benefits of and need for the proposed use and project are greater than any possible depreciating effects and damages to the neighboring properties, the application may be granted.

- (B) *Other zoning actions.* Because special review, variances and map amendments require site plans, site plan review may be the first step in the permitting process, however, the site plan should identify any other zoning actions necessary in order for the intended development to be constructed so that a public hearing can be held on all such zoning actions simultaneously with the public hearing on the site plan. Site plan approval should encompass approval of all other zoning actions necessary to accomplish the development, however, if the intended development is to be altered from an approved site plan, additional public hearing and review is necessary if an additional special review, variance or map amendment is necessitated by the proposed alteration.
- (C) *Site plan longevity.* After a site plan has been approved by the mayor and council it shall be valid for a period of 18 months from the date of approval. If a building permit has not been obtained and work

has not begun, the site plan approval shall be void and a new application must be submitted for site plan approval.

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

Sec. 5-090. Variances.

- (A) *Standards.* After an application has been submitted to the designated city official, reviewed by the planning commission, and a public hearing has been held by the mayor and council, the mayor and council may grant a variance from the strict application of the provisions in this Land Development Code only if a physical circumstance, condition, or consideration exists as described in subsection (1).
- (1) There are unique physical circumstances or conditions or considerations beyond that of surrounding properties, including a substandard lot of record that existed prior to March 24, 1971 (see section 3-040); irregularity; narrowness; or shallowness of the lot shape; or exceptional topographical or other physical circumstances, conditions, or considerations related to the environment, or to safety, or to historical significance, that is peculiar to the particular property; and;
 - (2) Because of such physical circumstances or conditions or considerations, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.
 - (3) A nonconforming use or structure does not constitute a unique physical circumstance, condition, or consideration.
- (B) *Height.* No part of any structure shall project beyond 35-feet above the average adjacent grade of a property except:
- (1) See section 2-010, terms and definitions; height of building.
 - (2) The following items that were existing on the date of the adoption of this section; flag poles, television aerials, water towers and tanks, steeples and bell towers, broadcasting and relay towers, transmission line towers, and electric substation structures.
- (C) *Variance longevity.* After a variance has been granted by the mayor and council it shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the mayor and council.
- (D) *Reviewing variance applications.* The designated city official, planning commission, and governing body, shall consider the factors stated herein in reviewing variance applications in taking action on a particular variance. In exercising the powers to grant variances, the mayor and council may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.
- (E) *Application approval.* Notwithstanding any other provisions of this Code of Ordinances, the designated city official may approve applications for variances without the need of public hearings and without the need of review by the planning commission or the mayor and council as follows:
- (1) When either of the following circumstances exists:
 - a. The proposed improvement or alteration will not result in an expansion of the existing footprint of the existing structure; or
 - b. No additional encroachment into any setback shall be created by the proposed improvement, construction or addition.

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- (2) When each of the following circumstances also exists:
- a. No encroachment or construction of habitable space or other prohibited improvements will exist below one foot above the base flood elevation; and
 - b. The requested improvements or construction will not violate existing zoning provisions.

This subsection shall have specific application to existing nonconforming structures as referred to in section 3-020.

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

(Ord. No. 1999-27, 8-12-1999; Ord. No. 2002-08, 5-9-2002; Ord. No. 2002-08 Variances, amended 8-29-2002; Ord. of 8-11-2005; Ord. No. 14-2010, 8-26-2010; Ord. No. 57-A-2014, § 1, 12-11-2014 ; Ord. No. 2019-10 , § 1, 4-25-2019)

Sec. 5-100. Standards for variance from the flood damage control regulations.

The standards for variances from flood damage prevention ordinances are set out in article 8 of the Land Development Code and those provisions are hereby incorporated herein.

(Ord. of 10-9-2008(4), § 1)

Sec. 5-110. Standards for Land Development Code or zoning map amendment approval.

In order to promote the public health, safety, and general welfare of the city against the unrestricted use of property, the following standards and any other factors relevant to balancing the above stated public interest will be considered, when deemed appropriate, by the mayor and council in making any zoning decision:

- (A) The existing land use pattern;
- (B) The possible creation of an isolated district unrelated to adjacent and nearby districts;
- (C) The existing population density pattern and the possible increase or overtaxing of the load on public facilities;
- (D) Whether changed or changing conditions ~~make the passage of the proposed amendment reasonable~~ affecting the use and development of the property give supporting grounds for either approval or disapproval of the zoning proposal;
- (E) Whether the proposed change will adversely influence existing conditions in the neighborhood or the city at large;
- (F) Potential impact on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity;

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- (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;
 - (H) Whether the proposed change will permit a use that is suitable in view of the use and development of adjacent and nearby property or will be detrimental to the value or improvement or development of adjacent or nearby property in accordance with existing requirements;
 - (I) Whether the proposed change is out of scale with the needs of the neighborhood or entire city;
 - (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,
 - (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.

(L) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

Sec. 5-111. Conditional zoning.

In conjunction with the approval of a rezoning of property in accordance with this article, the city council may impose conditions to rezoning approval which shall have the full force and effect of law. A condition to rezoning approval may be imposed regardless of whether it is agreed to by the applicant or property owner. Use or development of the rezoned property shall not be permitted unless the conditions are fully complied with. A property owner may request an amendment to any condition imposed by the city council by application to the city and compliance with the procedures for rezoning of property.

(Ord. of 9-28-2006)

Sec. 5-120. Sign permit approval.

It is the responsibility of the building ~~inspector-official~~ to determine whether the information provided by the applicant meets the requirements of the sign regulations in article 6. Once a determination is made the building ~~inspector-official~~ may grant sign approval. Sign permit approval does not constitute approval of any other zoning action or permit.

Sec. 5-130. Major subdivision plat procedure.

It shall be the duty of the planning commission to inspect preliminary plans and to recommend approval or disapproval of such plans. It shall be the duty of the planning commission to inspect final plats and the information submitted with such final plats, and to recommend approval of such final plats when the requirements of this article have been met and to recommend disapproval of such final plats when the requirements of this article have not been met. When the planning commission acts on a plat, it shall forward it to the mayor and council with its recommendations.

- (A) *Action on preliminary plan.* If the planning commission finds that the proposed design of the subdivision shown on the preliminary plan complies with the design requirements of these regulations, it shall recommend approval of such preliminary plan to the mayor and council. If the planning commission finds that the proposed design of the subdivision shown on the preliminary plan does not comply with the design requirements of these regulations, then the planning commission shall either recommend disapproval of such plan or shall recommend approval of such plan on the condition that specified violations are corrected prior to the submittal of the final plat. When the mayor and council disapprove of a preliminary plan, it shall give the developer the reasons for such disapproval in writing.

Except where an extension of time is authorized by the applicant, the planning commission shall have up to 30 days from the date of the submission of a preliminary plan to act on such plan. Unless the planning commission makes a recommendation for approval or disapproval on an application within the 30-day period, it shall be deemed that a recommendation of approval has been issued by the planning commission. The mayor and council, following review by the planning commission, shall hold a public hearing in accordance with the procedures applicable thereto. Following the public hearing, the mayor and council may approve, disapprove or require modifications to the subdivision plat.

- (B) *When preliminary plan approved, work may proceed.* When a developer receives approval of the preliminary plan showing the design of his proposed subdivision, he may proceed with the construction of the subdivision, such construction shall conform with the design submitted to and approved by the mayor and council.
- (C) *Time limit on preliminary approval.* The mayor and council's approval of a preliminary plan shall be valid for one year. If work has not started on a subdivision which has been granted preliminary plan approval on or before the end of this one-year period, then the plan of such subdivision shall be resubmitted for preliminary approval; provided, however, that this time may be extended unless changes have occurred in this article, or in the character of the property surrounding the property of the proposed subdivision which make it necessary to revise the design of the proposed subdivision as determined by the mayor and council.
- (D) *Final plat.* Before a plat of a subdivision is recorded with the clerk of the Superior Court of Chatham County and the lots thereon offered for sale, an original and four prints of a final plat showing the final design of the subdivision shall be submitted to the planning commission for review. Until a final plat of a subdivision has been submitted to and reviewed by the planning commission and approved and signed by the zoning administrator, mayor, and clerk of the city, the clerk of the Superior Court of Chatham County shall not record the plat of such subdivision, nor shall the owner or agent of such subdivision be authorized to transfer or sell any of the land within such subdivision by reference to a plat. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the planning commission. The original copy of the final plat shall be drawn on 18" x 24" sheets of Mylar reproducible material at a scale of not less than 200 feet to the inch. Where necessary, the final plat may be several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall contain the following information:
 - (1) Primary control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - (2) Tract boundary lines; right-of-way lines of streets; easements and other rights-of-way; property lines of all lots; and in all such cases with surveyed dimension, bearings or deflection angles, radii, arcs, and central angles of all curves shown.
 - (3) Name and right-of-way width of each street or other right-of-way.
 - (4) Location, dimensions, and purpose of any easement.
 - (5) Number to identify each lot or site.
 - (6) Purpose for which sites, other than residential lots, are dedicated or reserved.
 - (7) Minimum building setback line on all lots and other sites.
 - (8) Location and identification of monuments.
 - (9) Names of record owners of adjoining unplatted land.
 - (10) Reference to recorded subdivision plats of adjoining platted land by record name.

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- (11) Certificate that all survey work was performed by a registered civil engineer or registered surveyor.
 - (12) Statement by owner, on the plat, dedicating streets, rights-of-way, easements, and any sites for public use. This statement shall be signed by the owner, or his attorney as agent, and shall read as follows:

All streets, rights-of-way, easements, and any sites for public use as noted on this plat are hereby dedicated for the use intended.

(owner or attorney as agent)

Such dedications must be formally and specifically accepted by the mayor and council of the city before such dedications shall be binding on the city.

- (13) Title, scale, north arrow, and date.
 - (14) Key map showing the location of the subdivision in the city.
 - (15) All plats shall show the expected limits of the 100-year flood where appropriate.
 - (16) Any further requirements as specified by O.C.G.A. § 15-6-67.
- [(E) Reserved.]
- (F) *Certificate from county health department.* If lots are to be served by neither public sewers nor public water, nor both then the final plat shall be accompanied by a certificate from the county health department certifying health department approval of the water supply system and/or waste disposal system to be used and health department approval of lot sizes and lot widths established in such subdivision.
 - (G) *Certificate from engineer.* At the time the final plat is submitted, it shall be accompanied by a certificate from the developer's engineer certifying that the subdivider has complied with either of the following conditions:
 - (1) All improvements have been installed in accord with the requirements of this article and the flood damage prevention provisions for the city (article 8 of this Land Development Code) and in accord with the design approved by the mayor and council on the preliminary plan; and
 - (2) A bond, escrow account or certified check has been posted, which is available to the city, and in sufficient amount to assure the completion of all required improvements, as well as to assure the maintenance thereof for a period of not more than 12 months after completion. The mayor and council may reduce the bond or escrow account 50 percent at the end of six months. At the end of the second six months, the developer shall request an inspection, and if no faults or failures have developed, the mayor and council shall release the bond or escrow. Such bond or escrow shall remain in force until released by the mayor and council after due inspection of said improvements and shall not automatically expire at the end of 12 months.
 - (H) *Filing the final plat.* The final plat shall be filed with the planning commission not less than 20 days prior to a regular meeting of the planning commission.
 - (I) *Action on final plat.* If the planning commission finds that all the requirements of this section have been met, it shall recommend approval of the final plat and submit such plat to the mayor and council. If the planning commission finds that all the requirements of this section have not been met, and after deficiencies have been discussed and reviewed with the sponsor, and the sponsor given a period of time which shall not exceed 90 days to take corrective action, then the planning commission shall recommend disapproval of the final plat to the mayor and council and shall set forth its reasons for

such recommendations in writing. Except where an extension of time is authorized [stipulated] by the applicant for final plat review, the planning commission shall have 30 days from the date of the submission of a final plat to submit its recommendations on such plat to the mayor and council. Unless such action is taken within such 30-day period, then such plat shall be deemed to have received a recommendation for approval from the planning commission, and the mayor and council may take final action on such plat without waiting further for the recommendations of the planning commission.

- (1) When the final plat has been approved, the city shall present the final plat to the clerk of the Superior Court of Chatham County to be recorded. The zoning administrator shall provide the subdivider with the subdivision map book number and page number in which the subdivision has been recorded by the clerk of the superior court. The cost of such recording shall be paid by the subdivider and shall be deposited with the city clerk prior to such recording.
 - (2) After the final plat of the subdivision has been recorded, then all lots shown on such subdivision may be made available for sale and such subdivision shall be entitled to all privileges and services available to other subdivisions within the city.
- (J) *Revisions to recorded plat.* If during the development process revisions must be made to either the preliminary or final plat as approved by the health department, engineer, planning commission or mayor and council, the following shall apply:
- (1) *Major revisions.* The subdivider shall file with the planning commission copies of the proposed revision to a recorded plat together with all supporting information as required by these regulations. Proposed revisions to a recorded plat which alter or change in any way the street and/or utility layout of said plat shall be submitted as a preliminary plan in accordance with subsection (A) of this section.
 - (2) *Minor revisions.* Proposed revisions to a recorded plat which do not alter or change in any way the street and/or utility layout of said plat shall be submitted as follows: the subdivider shall file with the planning commission four copies of the original plat with all minor revisions shown in red. The plats shall be accompanied by a statement signed by all affected property owners acknowledging their awareness of and approval of the revisions. Proposed revisions shall be reviewed by the planning commission. Upon a finding that the revisions comply with all applicable regulations, the revised plats shall be submitted to the mayor and council for approval. One copy of the approved plat shall be recorded and one copy shall be attached to the originally recorded plat as part of the public record.

(Ord. No. 1999-28, 8-12-1999)

Sec. 5-140. Minor subdivision plat approval procedure.

Minor subdivisions may be submitted as final plats, and shall comply with the requirements of these regulations, including minimum finished floor elevation requirements, with the following exceptions:

- (A) Setback and dead-end street regulations established in article 10 will not apply unless the streets' original development and the lots' original establishment was governed by this Land Development Code. Setback shall not be less than the average setback existing in the blocks on each end of the affected city block, in the street affected.
- (B) Topographic information shall be required. (Ord. No. 2003-21, 10-9-2003)
- (C) Only one benchmark shall be required. An existing accessible benchmark within 200 feet of petitioner's property, if shown on the plat, shall satisfy this requirement.
- (D) A drainage plan with supporting calculations is required. The plan and calculations shall be prepared by a professional engineer licensed by the state to provide such services.

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- (E) Provided that where a series of minor subdivisions are developed or proposed immediately adjacent to one another, the planning commission or mayor and council may require the developer to comply with the procedures for major subdivisions.
 - (F) Residential lots having peculiar shape or topography may be approved utilizing private driveway access easements, provided the purpose and intent of these regulations are met. Such easements shall have a minimum width of 20 feet. The following notation shall be placed on the subdivision plat: "The private driveway access easement is hereby dedicated perpetually for use by the owners and residents of all lots within this subdivision and will not be maintained by the city." This provision will only be applicable to minor subdivisions.
 - (G) In the event the applicant has no present plans to construct on the property, an appropriate statement shall appear upon the plat to the effect that all drainage requirements must be met prior to the issuance of a building permit on any lot in the subdivision and that there will be compliance with article V, chapter 22 of the City Code except to the extent the requirements of that article may be inconsistent with this section.
 - (H) *Time limit on minor subdivision plat approval.* The mayor and council's approval of a minor subdivision plat shall be valid for 60 calendar days from the date of approval. If the plat has not been recorded with the county superior court on or before the end of the 60-calendar-day period, then the plat shall be resubmitted for reconsideration.

(Ord. No. 2003-21, 10-9-2003; Ord. No. 2004-17, 8- -2004; Ord. No. 2004-17, 8- -2004; Ord. No. 2004-17, amended 1-12-2005; Ord. No. 2003-21 Minor Subdivision, amended 12-15-2003; Ord. No. 37-A-2014, § 1, 8-14-2014; Ord. No. 03-2018 , § 1, 4-26-2018)

Sec. 5-150. Standards for subdivision proposals.

- (A) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (D) Base flood elevation data shall be provided for subdivision proposals and other proposed development.

Sec. 5-151. Subdivision of duplex.

Notwithstanding any other provision of the Code of Ordinances, the building official of the city is authorized to approve minor subdivisions of duplexes which have been completed and which have passed the requisite fire inspections without the need for review by the planning commission or mayor and council and without the need for any public hearing.

(Ord. No. 2000-15, 4-13-2000; Ord. No. 2000-15, add 6-28-2000)

Sec. 5-155. Design standards for maritime district.

The development plan for the maritime district shall comply with the following standards:

- (A) Access shall be located, designed and improved for safety, convenience, efficient circulation on the property, and a minimum of interference with normal traffic flow.
- (B) Driveways and curb cuts intersecting with public rights-of-way shall be marked and shall not exceed a maximum width of 30 feet.

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- (C) Pedestrian ways shall be separated from vehicular traffic ways.
 - (D) A natural or manmade buffer shall be required where residential use abuts commercial use in this district, 25 feet will be required.

(Ord. No. 1995-17, 12-7-1995; Ord. 1995-17, add 11-10-1999)

Sec. 5-156. Survey requirements.

- (A) *Foundation survey.* Any person erecting, moving, enlarging, or reconstructing any principal or any accessory structure by 250 square feet or greater, which, under this ordinance, requires a building permit shall upon completion of the construction of the footings, concrete slab, piers, or other foundations, submit to the community development department a letter from the architect or the owner's agent certifying that the required setbacks have been met along with a survey prepared by a Georgia registered land surveyor showing the locations, boundaries, dimensions, elevations, and sizes of the following: the boundaries of the lot, all existing structures including foundations and their relationship to the lot(s) lines. The designated city official shall compare the location of all new or extended footing, concrete slabs, piers, or other foundations with the location of all proposed construction activity reported on the building permit application. No further inspections such as electrical, plumbing, or HVAC may occur after the foundation inspection unless the designated city official shall find that the foundation location is consistent with the permit as issued. A determination that the foundation location is consistent with the building permit as issued shall not be construed as a warranty or guarantee that the as-built drawing will be approved [see Section 5-156(B)]. In all circumstances it is the responsibility of the owner, contractor or applicant to satisfy all setback requirements. A foundation survey is not required when an approved building plan shows all the setbacks to be double those required.
- (B) *As-built drawing requirements.* On a project which site plan approval, special review, engineering, a drainage plan, or plan review is required, the owner, contractor or applicant shall file an as-built plan certified by a State of Georgia certified engineer, surveyor or architect demonstrating compliance with the previously approved plans and identifying any deviations therefrom. If there are deviations identified, the engineer or architect must certify that the deviations will not materially adversely alter the stormwater controls or drainage characteristics of the original plan or that the deviations are within acceptable levels of tolerance recognized by the profession. Until such certified as-built plans are accepted by the city and approved, no certificates of occupancy may be issued.
- (C) *Height certification.* The city shall have the right to request that the contractor have a State of Georgia certified engineer or surveyor certify the height of any structure.

(Ord. No. 2000-23, 9-14-2000; Ord. No. 2000-23, add 10-4-2000; Ord. of 1-26-2006(3); Ord. No. 38-2011, 9-22-11)

Sec. 5-160. Enforcement.

- (A) *Zoning enforcement officer.* The mayor and council shall provide for the enforcement of this Land Development Code by appointing a zoning administrator, who shall, jointly with the city marshal and other inspections personnel, have the right to withhold building permits. The zoning administrator shall not have the authority to grant approval to any building permit that does not meet the requirements of this Land Development Code.
- (B) *Violations.* Any building or structure that is erected, altered, converted, or maintained in violation of this Land Development Code shall be subject to a minimum penalty of \$500.00. Continuance of a violation shall be considered a separate and distinct offense for every day the violation is continued.
- (C) *Enforcement of violations.* When the zoning officer finds that any provision of this Land Development Code is being violated, the zoning officer or agent thereof shall execute the following procedures:

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- (1) Thirty days prior to legal action by the city, send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional notices may be sent at the zoning officer's discretion.
 - (2) Fifteen days prior to legal action by the city, send a final notice by certified mail stating the action the zoning officer intends to pursue if the violation is not corrected and shall advise that the zoning officer's decision may be appealed to the mayor and council at the next scheduled meeting.
 - (3) The zoning officer shall request a summons, accusation, or complaint from the clerk of the municipal court of Tybee Island. "Complaint" shall mean summons, citation, accusation or statement of violation.
 - a. Upon receipt of the complaint, the clerk of the municipal court shall cause the complaint and a hearing notice to be issued and served upon the owner of and any parties in interest in the property or sign which is involved in or is the subject of the complaint. Such hearing shall be held before the judge of the municipal court not less than ten days nor more than 30 days after service of the complaint, unless continued as provided by law.
 - b. Complaints or orders issued by the municipal court pursuant to the provisions of this Land Development Code shall, in all cases, be served upon each person in possession of said property, each owner, and each party in interest; and the return of service signed by the public officer or his agent and the return of such public officer that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence shall be conclusive as to such service, to the extent permitted by law.
 - c. If any of the owners and parties in interest reside out of the city, service shall be perfected by causing a copy of such complaint or orders to be served upon such party or parties by the sheriff or any lawful deputy of the county of the residence of such party or parties and the return of services signed by the public officer or his agent other than the resident initiating the complaint; and the return of such public officer that such party or parties were served either personally or by leaving a copy of the complaint or order at the residence shall be conclusive as to such service, to the extent permitted by law.
 - d. Nonresidents of this state shall be served by posting a copy of such complaint or orders in a conspicuous place on premises affected by the complaint or orders. Where the address of such nonresidents is known, a copy of such complaint or orders shall be mailed to them by registered or certified mail.
 - e. In the event either the owner or any party in interest is a minor or an insane person or person laboring under disabilities, the guardian or other personal representative of such person shall be served and if such guardian or personal representative resides outside the county or municipality or is a nonresident he shall be served as provided for in subsection (C)(3)d. of this section. If such guardian or personal representative or in the event such minor or insane person lives outside the city or is a nonresident, service by leaving a copy at the place of his residence which shall be sufficient evidence as to the service of such person or persons; in the case of other person who live outside of the city or are nonresidents, service shall be perfected by serving the judge of the probate court of the county wherein such property is located who shall stand in the place of and protect the rights of such minor or insane person or appoint a guardian ad litem for such person.
 - f. In the event the whereabouts of any owner or party in interest is unknown and the same cannot be ascertained by the zoning officer in the exercise of reasonable diligence the zoning officer shall make an affidavit to that effect, then the service of such complaint or order upon such persons shall be made in the same manner as provided in subsection (C)(3)d. of this section or service may be perfected upon any person, firm, or corporation holding itself out as an agent for the property involved.

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- (D) *Complaints regarding violations.* Whenever the zoning enforcement officer receives a written, signed complaint alleging a violation of this Land Development Code, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.
 - (E) *Persons liable for violations.* The owner, tenant, or occupant of any building or land or part thereof and any architect, engineer, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Land Development Code may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Sec. 5-170. Other city actions affected by this Land Development Code.

- (A) *Alcohol beverage license.* The mayor and council shall not approve an alcohol beverage license to any establishment that is not in compliance with this Land Development Code.
- (B) *Occupational taxes.* No business shall receive an occupational tax certificate unless such business is in compliance with this Land Development Code.
- (C) *Chatham County tax assessment.* Zoning actions conducted by the mayor and council may affect the tax-assessed value of a lot or parcel on Tybee Island. It is the responsibility of the landowner to notify the assessor of such changes.

ARTICLE 6. SIGN REGULATIONS¹

Sec. 6-009. Editor's note to ~~article~~Article 6.

No sign structure shall be placed or maintained within the city except in conformity with this sign ordinance. Violations of this article may be punished in the same manner as other violations of the Land Development Code. The city reserves the right to take legal action to remove signs erected in violation of this article, or to otherwise enforce the provisions of this article. Definitions specific to this Article, except where otherwise noted, are as provided in Article 2. Definitions.

If any provisions or requirements of this ordinance are found to be in conflict with any other provision, requirement of this ordinance or any other applicable governmental law, ordinance, resolution, rule, or other governmental regulation of any kind, the more restrictive rule or standard shall take precedence.

In adopting these sign regulations, it is the intent and purpose of the mayor and city council of the City of Tybee Island not to impose an outright ban on signs, but instead to:

- (A) Balance the right of the individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs; and
- (B) Further the objectives of the City's Master Plan; and
- (C) Protect the public health, safety, and welfare; and
- (D) Reduce traffic and pedestrian hazards; and
- (E) Maintain the historical and cultural heritage and the image of the city; and
- (F) Protect property values by minimizing the possible adverse effects and visual blight caused by signs; and
- (G) Avoid the harmful aspects of the unrestricted proliferation of signs; and
- (H) Promote economic development and tourism; and
- (I) Ensure the fair and consistent enforcement of sign regulations; and

– Interpretations. Words and phrases used in this Article shall have the meanings set forth and specific to this Article. Words and phrases not defined herein but defined elsewhere in the City's Code(s) shall be given the meanings set forth there. Principles for computing sign area and sign height are provided in Sec. 6-1xx. All words and phrases shall be given their common, ordinary meanings, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Ordinance. Illustrations included in this Article shall be used in interpreting the relevant provisions, but where the text conflicts with an illustration, the text shall control.

Definitions. Definitions as contained in this Section, are understood to apply specifically to Signs and not intended to be used in other portions of this Code except where otherwise noted.

¹Note(s)—Ord. No. 06-2010, adopted May 13, 2010, repealed former Art. 6, §§ 6-009—6-120, in its entirety which pertained to similar subject matter and derived from Ord. No. 1995-17, 12-7-1995; Ord. No. 1996-15, 8-8-1996; Ord. No. 1996-29, 11-14-96; Ord. No. 2005-15A, § 1, 5-26-2005; Ord. No. 2005-15B, §§ 1—15, 5-26-2005; Ord. of 9-28-2006(2);

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

1. Awning. Any rigid or non-rigid material, such as metal, fabric, or flexible plastic that extends from the exterior wall of a building and is supported by or attached to a frame.
3. Background Area. The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact posted or painted (see also "Face of Sign").
4. Beacon. Any light with one or more beams regardless of intensity directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.
5. Canopy. A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles or braces extended from the ground. Unlike a marquee, a canopy generally has very limited vertical surface area; and unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.
6. Channel Letter. The outline of a letter, with metal sidewalls into which a neon tube, fiber optics or LED's are placed. A channel letter's sign prevents the neon from having a run together appearance. The depth of the channel letter may vary. Variations include: open channel letter, reverse channel letter, and front and back lit letters.
7. Charitable/Nonprofit Event. An event which takes place entirely or partially within the City of Tybee Island and the organization holding the event is classified as a nonprofit or charitable organization.
8. Commercial Message. Any sign, wording, logo, or other representation, except for the actual name of the business, that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.
9. Copy. The wording and advertising display on a sign surface.
10. Copy Area. The area in square feet of the smallest geometric figure that describes the area enclosed by the actual copy of the sign. For wall or canopy sign, the copy area limits refer to the message and the illuminated background.
11. Seasonal Decorations. Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent and contain no advertising material or commercial message.
12. Logo. The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.
13. Marquee. A roof-like structure that cantilevers from the wall of a building over its principal entrance that has no vertical supports other than the wall from which it cantilevers.
14. Neon. A tasteless, colorless, inert gas - When an electric current is discharged through it, neon produces a reddish-orange glow. Neon is also used synonymously with a type of luminous tube sign where a glass tube is bent to a desired shape, fitted with an electrode at each end, the atmosphere is pumped and burned out, and the resulting vacuum is filled with a rare gas, such as neon, helium, argon, mercury vapor or a combination of gases.
15. Open Channel Letter. A channel letter which has no face and in which the neon tubing is visible.
16. Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, which is suspended from a rope, wire, string or pole, usually in series, and which is designed to move in the wind.
17. Poster Box. A box installed on a wall for the purpose of displaying posters of shows at a theater.
18. Public Event Banner. Any sign of lightweight fabric or similar material, except for national, state, municipal or official flags of any institution, that is mounted to a pole or building by a supporting frame at two or more edges.
19. Raceway. A metal structure enclosing the electric components of a sign.
20. Real estate information tube/box. A box or tube attached to one end of the temporary real estate sign for the purpose of holding a brochure whose information relates to the subject property. The dimensions of the

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- box shall be a maximum ten inches by 14 inches by three inches, and the tube shall be a maximum 12 inch by three-inch diameter. The box and the tube shall be black or white in color, or translucent. Advertising on the exterior of the box or tube shall be prohibited.
21. Sign, Abandoned. A permitted sign that was erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 30 days or more, or a permitted temporary sign for which the permit has expired.
 22. Sign, Animated. Any sign that uses movement (by wind or other means), projection, or change of lighting or other electrical impulses to depict action or create a special effect or scene, except LED displays on restaurant menu boards. Variable display signs, beacons and moving message boards are considered to be animated signs under this article.
 23. Sign, Awning. A sign located on an awning. This may also include a Suspended sign, one in which the sign is placed, connected and or attached to the underside of an awning or building overhang.
 24. Sign, Backlighted (Back lit). A sign consisting of a cabinet containing a light source surrounded by one or more translucent faces.
 25. Sign, Banner. Any sign printed or displayed upon cloth or any other flexible material, with or without frames or insignia.
 26. Sign, Building Marker. Any sign indicating the name of the building and date and incidental information about its construction. Such sign typically is cut into a masonry surface or made of bronze or other permanent material.
 27. Sign, Building. Any sign attached to any part of a building, as contrasted to a "ground sign."
 28. Sign, Canopy. Any sign that is a part of or attached to a structural protective cover over a door, entrance, window, or outdoor service area. This may also include a Suspended sign, one in which the sign is placed, connected and or attached to the underside of a canopy or building overhang. A marquee is not a canopy sign.
 29. Sign, Changeable Copy (Manual). Any sign designed so that letters or numbers attached to the sign can be periodically changed manually to indicate a different message.
 30. Sign, Changing (Automatic). A sign, such as an electronically or electrically controlled public service time, temperature and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.
 31. Sign, Construction. Any sign bearing the names of contractors, architects, engineers, and the like, or advertising, promotions, price ranges and similar information, that is placed at a construction site that has received development plan approval from the City of Lakeland.
 32. Sign, Directory. A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows, or other directional information. A directory sign is intended primarily for pedestrian orientation, dissimilar to a monument sign which is intended primarily for vehicular orientation.
 33. Sign, Double-faced "V" Type Back-to-Back. Those configurations or multiple sign structures, as those terms are commonly understood. In no instance, shall these terms include two or more signs which are not physically contiguous or connected by the same structure or cross-bracing or, in the case of the back-to-back or "V" type signs, located no more than three (3) feet apart at their point of connection.
 34. Sign, Exempt. Any sign which is exempt from the permit requirements established herein.
 35. Sign, Existing. Any sign lawfully erected, mounted or displayed prior to adoption of this Ordinance.
 36. Sign, Face. The entire area of sign on which copy could be placed; the area of a sign which is visible from one direction as projected on a plane (see also "Background Area").
 37. Sign, Flashing. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted light source. A sign, the illumination of which is not constant in intensity when in use, and which exhibits sudden and marked changes in lighting effects. A sign that automatically and periodically changes its message more than once per day shall be considered a flashing sign under this Ordinance. LED displays on restaurant menu boards are not considered flashing signs.
 38. Sign, Ground. A sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure. A Ground Sign will be allowed as

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- a monument sign in its allowed district but may never be constructed as a single pole sign. A Ground Sign is not a single pole/pylon sign.
39. Sign, Identification. A sign bearing the address of the premises or name of occupant but containing no logo or commercial message.
 40. Sign, Illegal. A sign that contravenes this chapter, or a nonconforming sign for which a permit required under a previous ordinance was not obtained.
 41. Sign, Illuminated (Internally). A sign that transmits light through its face or any part thereof.
 42. Sign, Incidental. A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and similar information and directives. No sign with a commercial message legible from a position off the site on which the sign is located shall be considered incidental.
 43. Sign, Institutional. A sign bearing a message related to an institutional use, where such sign is located on the same premises as such use.
 44. Sign, Interstate. A monument-style sign located on a parcel zoned commercial and also having no less than 1,000 linear feet of lot frontage upon directly upon the right-of-way of Interstate 40 and installed in accordance with Section III.5.6.4(J)(1) Interstate Signage of this Ordinance.
 45. Sign, Marquee. A sign attached to or mounted to or on top of a marquee.
 46. Sign, Menu Board. An accessory sign providing items and prices associated with a drive-thru window.
 47. Sign, Model Home. A temporary sign designating a furnished model home.
 48. Sign, New Project Real Estate. A sign announcing space available for sale, rent or lease within a new project or a project having undergone renovation efforts equal to 25 percent of its value.
 49. Sign, Nonconforming. A sign erected or otherwise in use that met the requirements of the City at time it was erected or otherwise put in use but does not conform to the requirements of this Ordinance.
 50. Sign, Off-Premises (Off-Site Sign). A sign that directs attention to a business, commodity, or service offered at a location other than the premises on which the sign is erected. Any sign that is not an on-premises sign as defined herein shall be considered an off-premises sign.
 51. Sign, On-Premises (On-Site Sign). A sign that directs attention to a business, commodity or service located or offered on the premises on which the sign is erected. For the purpose of this Ordinance, common access easements, common reserved areas or common open space shall be considered as part of the premises on which the sign is erected.
 52. Sign, Pole. A detached sign erected and maintained on a single mast or pole, or on two masts or poles, and not attached to any building but not including ground signs.
 53. Sign, Political. A sign attracting attention to political candidates or issues.
 54. Sign, Portable. Any sign, banner, or poster that is not permanently attached to the ground or other structure.
 55. Sign, Prohibited. Any sign, other than nonconforming sign, which does not comply with this Ordinance or is specifically restricted herein.
 56. Sign, Projecting. Any sign attached to a building wall at a right angle extending laterally more than eighteen (18) inches from the face of such wall.
 57. Sign, Real Estate. A sign advertising real property for sale or for lease.
 58. Sign, Real Estate Window. A sign located inside a window offered for sale, rent, or lease for the purpose of announcing such.
 59. Sign, Residential. Any sign located in a district zoned for residential uses that contains no commercial message.
 60. Sign, Reverse Channel Letter. A sign composed of channel letters which have face and sides, but no back and are pegged out from a background surface (wall). When the light source inside the letter is lit, it produces a halo-effect around the letter.
 61. Sign, Roof. A sign erected wholly or partially above the roofline.
 62. Sign, Rotating. Any sign or portion of a sign that moves in a revolving or similar manner.
 63. Sign, Seasonal or Special Occasion. A sign that is not permanently attached and is limited to a specific activity or in the celebration of holidays or other special events for a specified period of time.

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64. Sign, Shopping Center. A ground mounted sign that may contain the name of the shopping center and/or individual tenants.
 65. Sign, Sidewalk. A sign (also commonly referred to as a sandwich board or A-Frame) dedicated for the display of a message on a sidewalk in front of a business. The sidewalk sign cannot interfere with the flow of pedestrians, access to building entrances, pedestrian and traffic safety, or the aesthetic quality of the surrounding area. A sidewalk sign can only be displayed during the hours the business is open to the public and must be removed from the sidewalk when the business has closed for the day.
 66. Sign, Snipe. Any sign that is affixed by any means to trees, utility poles, fences, or other objects, where the message appearing thereon is not applicable to the present use of the premises upon which the sign is located.
 67. Sign, Subdivision. A sign that gives the name of a residential or non-residential subdivision or multifamily development.
 68. Sign, Suspended. A sign that is suspended from and supported by the underside of a horizontal plane surface.
 69. Sign, Tag. Secondary signs that are descriptive of goods and services available on the premises such as "Deli/Bakery" and "Open 24 Hours".
 70. Sign, Temporary. Any sign that used only temporarily and sign is not permanent mounted, and that is allowed only for a designated time period.
 71. Sign, Traffic. A sign indicating federal, state, or municipal regulations for vehicular or pedestrian movement.
 72. Sign, Two-Sided (Two Sign Faces). Any sign constructed on a single set of supports with messages visible on either side, or a "V" type sign with a common support in the center of the "V".
 73. Sign, Wall. Any sign painted on or attached to and extending not more than 12 inches from an exterior wall in a parallel manner. A wall sign may include murals conveying the name of a business or a commercial message.
 74. Sign, Window. Any sign that is applied to the inside or outside of glassed areas of a building or within one (1) foot of the window.
 75. Sign Plan. A plan prepared to scale conforming to submittal requirements contained in this Ordinance that depict construction details for all types of signage proposed for installation on a parcel.
 76. Sign Structure. Any structure that supports or has supported or is capable of supporting a sign, including decorative cover.
 77. Site Triangle (or Horizontal Sight Distance). The horizontal and vertical areas at the intersections of streets and/or driveways which must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.
 78. Wall, Exterior. A vertical, structural component of a building which encloses habitable or usable space; a parapet extending not more than twelve (12) inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.
 79. Windblown Device. Any banner, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag (which is not of local, state, federal, corporate, nonprofit or religious origin) that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by wind, mechanical, electrical or any other means.

~~(Ord. No. 06-2010, 5-13-2010)~~

Sec. 6-010. State code adopted.

- (A) All signs that are visible from a state highway that is part of the interstate and primary highway system must also conform with Georgia Outdoor Advertising Law (O.C.G.A. § 32-6-70 et seq.) and the rules and regulations of the state department of transportation. Where incidents of conflict between the state code and this Land Development Code exist the more stringent regulation shall apply.
- (B) Notwithstanding any other restrictions in this article, any sign, device, or display allowed under this article may contain any commercial or non-commercial message, or any political or non-political message; except

where such a message depicts obscenity, as defined by O.C.G.A. § 16-12-80, nor can they depict sexual conduct or activity or sexually explicit nudity, as defined in O.C.G.A. § 36-60-3, nor advertise any activity illegal under the laws of Georgia or the United States.

(Ord. No. 06-2010, 5-13-2010)

Sec. 6-020. Permit required.

Except as otherwise provided herein, it shall be unlawful for any person or firm to, or cause to erect, enlarge, move, convert, or replace any sign in the city without first obtaining a sign permit from the designated city department. This section shall not require a sign permit for the repair or maintenance of a conforming sign for which a permit has already been issued, so long as the sign is not modified in any way different from its original condition, including changes to the permanent copy of the sign. A permit shall be required for any new business making any changes on an existing sign. All signs must be maintained to retain structural integrity and shall be maintained in their approved, permitted state. Signs not requiring a Permit are identified in Sec. 6-0404 below.

~~(Ord. No. 06-2010, 5-13-2010)~~

Sec. 6-030. Traffic safety.

No sign as regulated by this article shall be erected or continued to be displayed at the intersection of any street or any public right-of-way in such a manner as to obstruct free and clear vision of the roadway and pedestrian facilities; or at any location, by reason of the position, shape, color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, incidental sign, signal or device; or which makes use of the words, "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic. Incidental Signs also include regulatory signs as included within the Manual on Uniform Traffic Control Devices (MUTCD), as may be amended. Incidental signs also include those signs required by Federal, State, or local laws, ordinances, codes, or regulations.

~~(Ord. No. 06-2010, 5-13-2010)~~

Sec. 6-040. Exemptions; signs not requiring a permit.

Except as otherwise provided, the following on-premises signs may be erected without securing a permit; provided that each is in accordance with the prescribed conditions and all other applicable codes and regulations.

- (A) One building identification marker for each business or residence not to exceed four square feet to include information such as name, address, suite, unit number, or occupant. Building identification signs including the use of logos or similar are subject to the provisions of Sec. 1-6xx.
- (B) Legal notices and official instruments.
- (C) Flags, cumulatively subject to the following provisions:
 - (1) Limited to singular official flags of each of the following: the United States or other recognized sovereign nation, Georgia, Chatham County, City of Tybee Island, flags which depict affiliation or membership in an off-site non-profit organization (such as FDIC) and do not convey a commercial message, or any other sanctioned and approved flag by the city.
 - (2) Flag poles shall not exceed 35 feet in height (total length) and flags must be flown in accordance with standard protocol.
 - (3) Government-owned parcels are exempt from total flag area limitations.

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- (4) In residential districts, flags which do not convey a commercial message and are attached to a habitable building.
 - (D) Decorative flags, banners, and bunting for city-wide celebrations, conventions, public service announcements or events, yard of the month, and commemorations when specifically authorized by the community development director for a prescribed period of time not to exceed 30 days. [See also Sec. 6-097 for Temporary Signs.](#)
 - (E) Holiday lights and decorations.
 - (F) One "building marker" per building [as defined below in Sec. 6-xxx.](#)
 - (G) Non-advertising directional signs or symbols (e.g., entrance, exit, caution, slow, or no trespassing) located on and pertaining to a parcel of private property not to exceed two square feet in area.
 - (H) One non-illuminated real estate sign per street frontage, each containing a maximum of two sign faces back to back, and provided as follows:
 - (1) Maximum sign area (per face) shall be limited to six square feet in all residential districts, and 32 square feet in all non-residential districts. For areas containing two) or more residential lots that are contiguous a total of six square feet per lot shall be allowed to be combined on to one sign not to 50 square feet.
 - (2) Multiple listing strips, sale pending, and sold signs may be allowed when attached to a real estate sign and are subject to the same maximum area requirements.
 - (3) One on-premises open house or open for inspection sign, not exceeding two square feet in area may be allowed in addition to the above area requirements. Similar off-premises signs for directional purposes may be allowed at street intersections on other private properties with the consent of the property owner. The sign shall be located at a minimum of five (5) feet off of the unimproved portion of the public right of way and shall not be attached or placed on any sign, utility pole, bench, rock, or any form of vegetation. They must be removed when the premises are no longer open for inspection.
 - (4) All real estate signs shall be removed when ownership or occupancy has changed and the property is no longer for sale, rent, or lease.
 - (I) [Except for Temporary Signs included in Sec. 6-075, s](#)Signs for temporary yard sales, garage sales, permitted private parking lots, and the like, located in residential districts and subject to the following provisions.
 - (1) On-premises signs shall be limited to one per parcel and a maximum area of four square feet.
 - (2) Similar off-premises signs for directional purposes, not exceeding two (2) square feet in area, may be allowed at street intersections on other private properties with the consent of the property owner. The sign shall be located at a minimum of five (5) feet off of the unimproved portion of the public right of way and shall not be attached or placed on any sign, utility pole, bench, rock, or any form of vegetation.
 - (J) One single-sided construction sign per street frontage located on property where building is actually in progress under a current building permit. This shall be a freestanding sign not to exceed ten (10) feet in height, 12 square feet in a residential district, 32 square feet in a commercial district, and shall be set back from the property lines at least five feet. Such sign shall be removed before a certificate of occupancy is issued for the building or structure.
 - (K) Political signs as follows:

- (1) The sign shall be located at a minimum of five feet off of the unimproved portion of the public right-of-way and shall not be attached or placed on any sign, utility pole, bench, rock, or any form of vegetation.
- (2) Except for signs otherwise used for off-premises advertising, signs shall not exceed six square feet in residential districts and 16 square feet in all non-residential districts.
- (3) The city marshal or designated representative shall, without notice, immediately remove or cause to be removed any and all political signs in violation of this section. The removal will be at the expense of the candidate and the owner of the property on which the sign was located.
- (4) All political signs must also meet corresponding sign type regulations for the zoning district in which the sign is located. Freestanding political signs are not subject to any maximums that exist for on-premises signage.
- (L) Signs incorporated on machinery and equipment at the manufacturer's or distributor's level, and which only identify or advertise.
- (M) Historic signs
- (N) Municipal and other government agency signs.
- (O) Signs painted or otherwise attached to motor vehicles which are not conspicuously parked in proximity to a right-of-way and obviously not parked in such a way as to advertise any business or service to motorists or pedestrians. This may include signs for realtors, delivery trucks, lawn, service, etc.
- (P) Window signs whereas only ~~50~~25% or less of the window space is used for signage.



- (1) Description: A window sign is an on-premise sign attached flat but parallel to the inside of a window or is within 12" of the inside of the window.
- (2) Location: Window signs may only be placed on windows with primary street frontage.
- (3) Size: Sign Area and Height:
Area per business (max combination of all windows covered by sign): 25%, 2' in height, 10' in width
- (4) Miscellaneous: No more than two (2) total are permitted for any building/tenant
Window signs located along the same building frontage shall be limited to the maximum size provided in Sign Area (A) total
Window signs located in the upper story(s) may increase A and B by 10 percent

Posters, bulletins, or non-flashing illuminated signs may be displayed inside windows or doors and exterior surface of a window or door. These may not exceed the standards, where permitted, of the window sign standards.

~~(Q) Canopy/Awning signs are exempted as such signs must be a part of the canopy/awning itself and cannot be attached or affixed to the materials of the structure.~~

(RQ) Sandwich board signs, otherwise known as "A-frame signs," are exempted only where they are located in connection with a business location and do not encroach on to city rights-of-way unless where specifically allowed.

(R) Repainting of or cleaning a sign shall not require a permit and shall be considered maintenance.

~~(S)(S)~~ Replacement of an existing sign face (to the same existing size and specifications, like for like) shall not require a permit and shall be considered maintenance.

~~(Ord. No. 06-2010, 5-13-2010)~~

Sec. 6-050. Obsolete/abandoned signs.

In the event a business does not renew its business license, the sign owner shall immediately remove any sign, identification or advertising of said business, or any product sold thereby; provided, however this requirement shall not apply where under the provisions of this article, an existing conforming sign may be altered to advertise a new business or product sold thereby, and there is evidence that a new business will be in operation on the premises within six months. For instance, the sign frame may be kept in good condition if the sign face is replaced with blank white area to show that there is no business operating at that location.

(Ord. No. 06-2010, 5-13-2010)

Sec. 6-060. Unsafe signs.

Any blighted/hazardous sign (s) and/or sign structure (s) shall be removed by the property owner or sign owner no later than 30 days after written notification from the city. This applies to those single use buildings where the entire use of the building is also abandoned or vacant. This does not apply to a parcel in a joined shopping center, where other uses are still maintained, unless the sign is deemed to be a safety hazard and that the sign will be subject to the removal requirements. Similarly, any sign which is abandoned or that is not properly maintained, shall be removed after notice is given by the City. If the property owner or sign owner fails to comply within 30 days after written notification, the city may cause the removal of the sign at the property or sign owner's expense.

(Ord. No. 06-2010, 5-13-2010)

Sec. 6-070. Prohibited signs.

The following signs and advertising devices are prohibited within the city limits:

- (A) Signs displaying any words, characters, or illustrations of an obscene, indecent, or immoral nature as defined by the City Code of the City of Tybee Island.
- (B) Signs which advertise or encourage an illegal activity as defined by local, state, or federal laws.
- (C) Animated signs; including those that flash, blink, change image, or show any form of movement (by wind or other means), excluding historically designated -signs and those officially designated for public service. This includes animated signs or signs which change copy less than once every six (6) hours in conflict with Sec. 6-xxx080 - below.

- (D) Signs that resemble any official traffic control device or emergency vehicle markings (see also Sec. 6-030) including signs which ~~-(E) Signs which~~ make use of the words "stop," "look," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse vehicular traffic.
- ~~(EF)~~ Unshielded illuminated devices that produce glare or create a hazard or nuisance to ~~motorists or~~ occupants of adjacent properties, including those that are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or pedestrian.
- ~~(EG)~~ Signs or advertising devices attached to any vehicle or trailer parked so as to be visible from a public right-of-way for the purpose of providing advertisements of products, services, or events or directing people to a business or activity, except for a common carrier or other vehicle which is used for daily transportation of merchandise with a valid license plate. Any allowable vehicle or common carrier having a sign attached thereto as a part of the operational structure, such as a company logo or branding image, of the vehicle is to be parked in a legal parking space belonging to the business or on the property to which the sign makes reference. No signs on trailers or other non-motorized vehicles will be allowed under this subsection other than those vehicles used specifically for a service business (landscaping, construction, delivery, etc.), which does not include an advertising business.
- ~~(GH)~~ Snipe signs, which are off-premises signs that are tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.
- ~~(H4)~~ Temporary signs, excluding real estate, political campaign signs, and signs allowed under subsection 6-040(D).
- ~~(I)~~ Roof signs or any non-freestanding sign which extends above the roof line of a building.
- ~~(JK)~~ Signs which emit visible smoke, vapor, particles, or odor.
- ~~(KL)~~ Signs with lighting or control mechanisms which cause radio, television, or other communications interference.
- ~~(LM)~~ Motion picture mechanisms used in such a manner as to permit or allow images to be visible from a public right-of-way or sidewalk.
- ~~(MN)~~ Signs located on benches or other forms of street furniture.
- ~~(NO)~~ Handbills.
- (O) Signs in the waterways, except signs for navigation, warning, trespassing, caution, animal protection (including turtles, and manatees) less than or equal to eight square feet in area;

(Ord. No. 06-2010, 5-13-2010)

Sec. 6-075. Temporary Signs including Banners

Temporary signs as defined by this Section and Sec. 6-140 shall not require a permit as regulated by Sec. 6-040. Temporary Signs include but are not limited to the following. The Community Development Director may use the following as a guide in determining if a sign is Temporary.

- (1) Legal notices erected by or on behalf of a governmental body;
- (2) Emergency warning signs or devices erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- (3) As defined in Section III.5.2(J) Temporary Signs, except where otherwise regulated, temporary signs may be permitted in any district for a maximum thirty (30) days. Temporary signs shall be limited to six (6) square feet.

Banners: The city has identified an area located near the intersection of Highway 80 and Old Highway 80 and between the Library and Fifth Street in Memorial Park along Butler Avenue where banners may be located

that are advertising city approved special events and/or events sponsored by a city non-profit organization that has qualified for a city community service award and/or events to be held within the city which are sponsored by a non-profit organization. Banners promoting a political candidate and/or an election are not allowed at these locations. An application and approval by the facilities coordinator or his/her designee is required. Such events must be open to the general public. These banners shall not exceed 32 square feet. All banners are required to have half-moon cuts to allow air movement. An application will be accepted within 90 days of the event date. Such banners cannot be erected earlier than eight days before an event and must be removed within 24 hours of completion of the event. A banner permit will be issued on a first come, first served basis.

(a) A banner may be allowed on a temporary basis for a maximum of 90 days per calendar year upon obtaining a special banner permit. A permit shall be for a 30-day period. An applicant, at the time of making an application, shall select one of the following options per calendar year:

(1) Banner displayed 30 days; banner removed 60 days.

(2) Banner displayed 30 days; banner removed 30 days.

(3) Banner displayed concurrently, without removal, not exceeding 90 consecutive days.

(4) A special banner permit of \$15.00 must be obtained from the designated city department each 30-day period with no more than three permits allowed per location during any calendar year. All banners under any of the above stated options must comply with the following limitations:

a. Each business location shall be limited to three permits per calendar year and banner display shall not exceed the total of 90 days in one calendar year.

b. Banners must be physically attached to a building or some other permanent structure which requires a building permit for construction excluding a freestanding sign.

c. With a special banner permit, banners will be allowed over and above the wall signage maximum of the business; banner area shall not cumulatively exceed 32 square feet.

(b) Notwithstanding the foregoing provisions, a museum, as defined in section 2-010(B), and/or an educational facility, may erect a banner(s) that exceeds the maximum allowable days permitted under subsection (J)(a) and exceeds the cumulative maximum of 32 square feet, upon approval of a banner plan by the mayor and council. The banner plan must be reviewed and approved by the mayor and council on an annual basis.

Sec. 6-080. Design standards.

(A) *Illumination.* If a sign is to be illuminated, it should be done so as to prevent harmful lighting to motorists, residents, and wildlife and be downlit wherever possible. All electrically wired signs shall require an inspection upon installation and will be monitored periodically by the city and are subject to the requirements of the adopted building codes of the city. No sign illumination shall be directed off site onto adjacent properties and or onto public or private right-of-ways. Illuminated signs shall not exceed 5,000 nits during daylight hours. Brightness from dusk until dawn shall not exceed 500 nits.

(B) *Wind pressure.* Signs shall be compliant with the International Building Code.

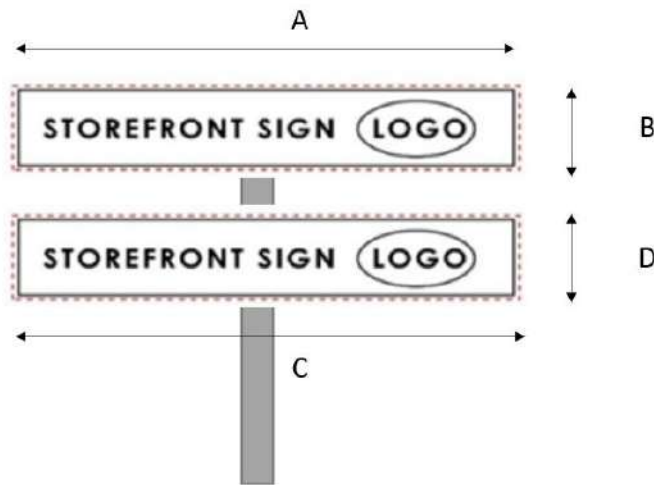
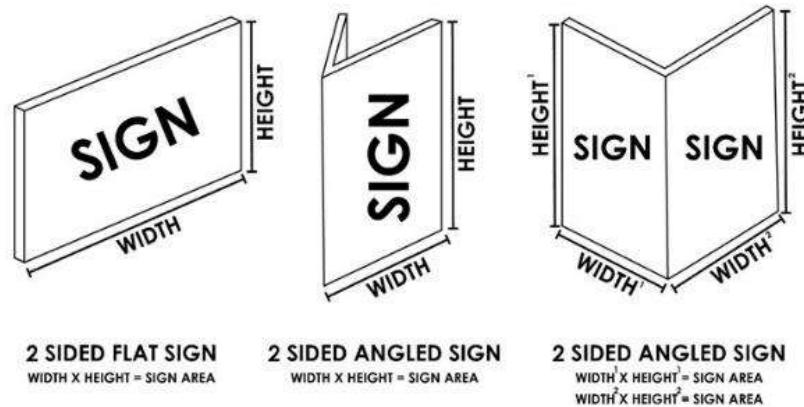
(C) *Area and height size computations.* The following principles shall control the computation of sign area and sign height for sign restrictions in all zoning districts.

(1) *Computation of area of individual signs.* The area of a sign face, of which normal length times width ($l \times h$) will be used for calculating the total area of the sign will be calculated to determine total sign area. This does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets these or other ordinances or regulations and is clearly incidental to the display

itself. If frames, supporting structures or similar are integrated into the sign, then those areas shall be calculated towards the sign area.

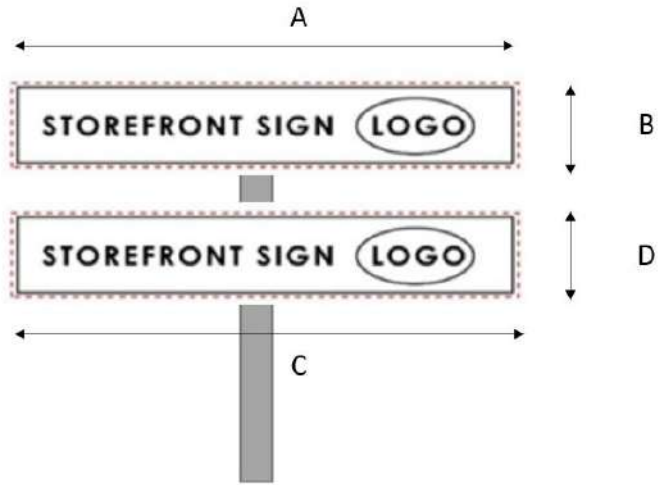
- (2) *Computation of area of multi-faced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

Figure 6-xxx Sign Area Calculation for Multiple Signs on Single Pole Illustration

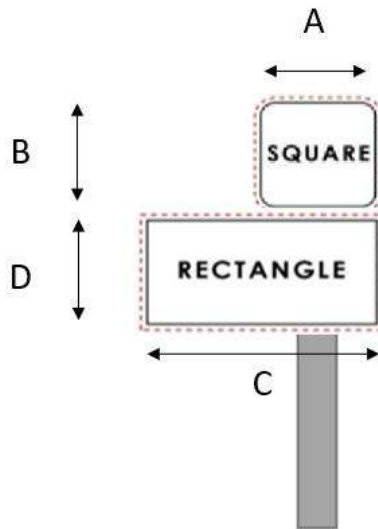


Total Sign Surface Area =
 $(A)(B) + (C)(D)$

Figure 6-xxxx Sign Area Calculation for Multiple Signs on Single Pole Illustration



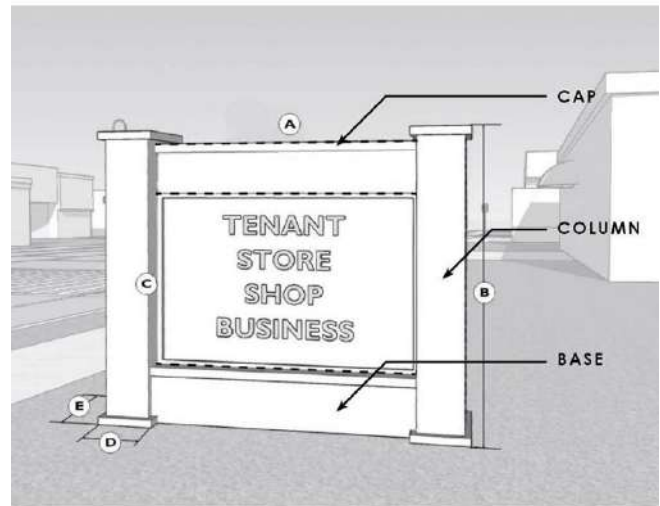
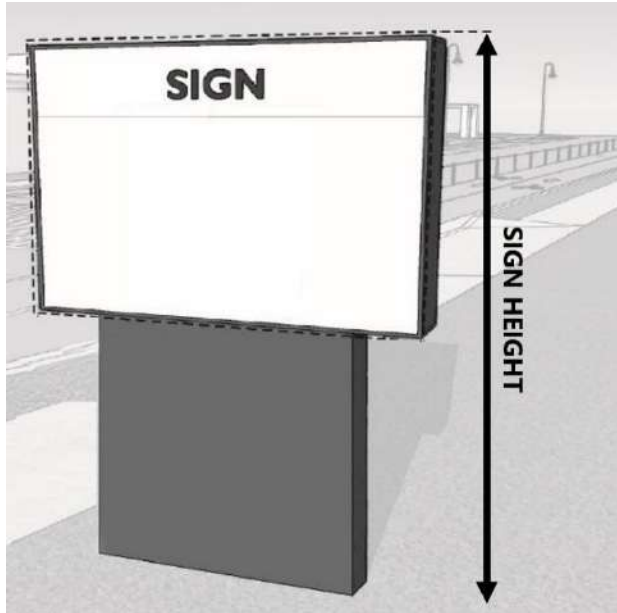
Total Sign Surface Area =
 $(A)(B) + (C)(D)$



Total Sign Surface Area =
 $(A)(B) + (C)(D)$

- (3) *Computation of height.* The height of the sign shall be computed as the distance from the base of the sign at average adjacent grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive on any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

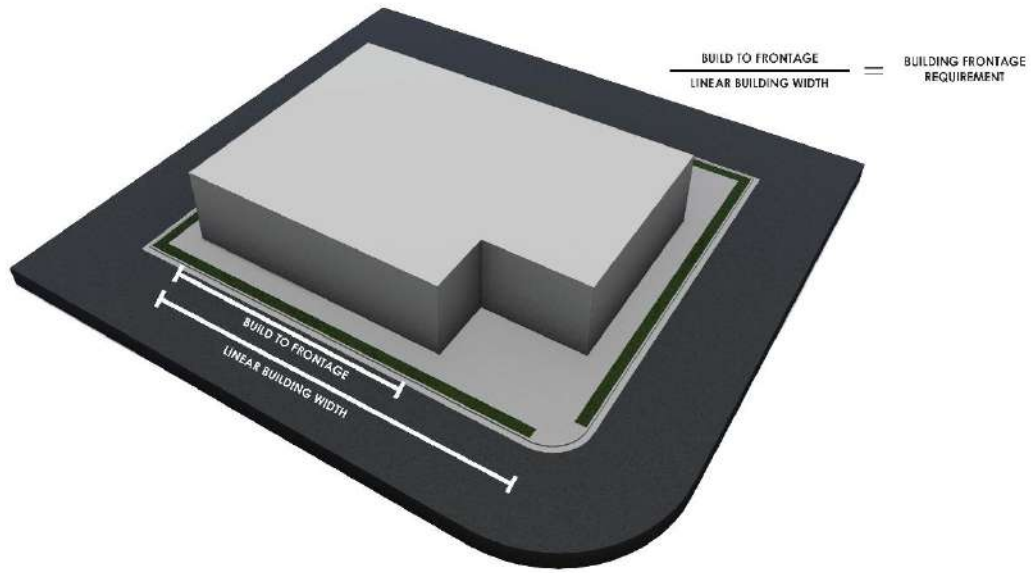
Figure 6.xxx Sign Height Illustration



(4) New Section:

Building Frontage. Building frontage shall mean the horizontal length of a building on the side with its principal entrance as shown in Figure 6-xxx Building Frontage Measurement that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one end of the side of the building with the principal entrance to the other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to project in front of the front corners, then the measurement shall be made as the shortest distance between two lines projected from the two front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building.

Figure III.5-56.xxx Building Frontage Measurements



(D) Types of Signs. Permitted Sign Types. This subsection provides description, locational standards, size standards, and any other required information for each sign type. Graphic illustrations for permitted signs are provided below for reference and context; illustrations are for example purposes only. Text shall take precedent over any conflict with illustrations. All permitted sign types require a permit.

(1) Building Signs

Figure 6-xxx Illustrative Example of Building Signs



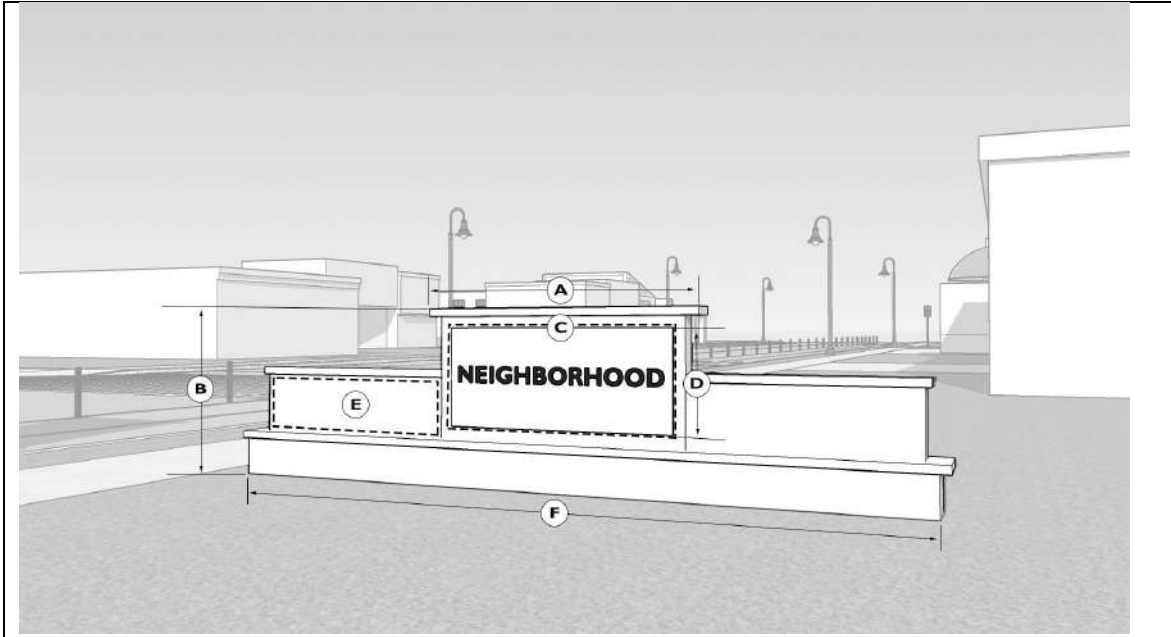
Example Table for implementation:

PERMITTED SIGN TYPES IN TRADITIONAL DISTRICTS	RESIDENTIAL					COMMERCIAL		MARITIME	
	R-1	R-1-B	R-2	RT	PUD	C-1	C-2	N-M	MD
BUILDING SIGNS									
Wall Signs	X	X	X	X	X	P	P	P	P
Window	X	X	X	X	X	P	P	X	X
Canopy/Awning	X	X	X	X	X	P	P	X	X
Projecting/Blade	X	X	X	X	X	P	P	X	X
FREE-STANDING SIGNS									
Monument/Community	X	X	X	X	P	P	P	P	P
Sidewalk	X	X	X	X	X	P	P	X	X
KEY: P = Permitted X = Not Permitted									

(E2) *Residential signs.* For all residential uses, only the following signs are hereby allowed.

(1a) All signs exempted from this article as described in ~~section~~ Sec. 6-040.

(2b) Permanent subdivision signs at residential subdivision entrances:



<p><u>1. Description</u></p>	<p><u>A freestanding ground sign identifying entry to a mixed use district, neighborhood, or a residential subdivision. All neighborhood or subdivision signs shall be in the form of monument signs.</u></p>
<p><u>2. Location</u></p>	<p><u>1 sign per entrance (e.g. median sign) or 2 wall signs either side of entrance. Additional signs may be permitted as a design alternative.</u></p> <p><u>ROW Encroachment allowed with administrative approval.</u></p>

<p><u>3. Size</u></p>	<p><u>Sign Area and Height:</u></p> <p>—Sign Area Width: Maximum 8’.</p> <p>A. _____</p> <p>—Total Sign Height: Maximum 7’.</p> <p>B. _____</p> <p>—Sign Area: Maximum 4025 square feet.</p> <p>C. _____</p> <p>—Sign Height: Maximum 5’.</p> <p>D. _____</p> <p>—Sign Exposed Material: Maximum 80 square feet per side.</p> <p>E. _____</p> <p>F. <u>Sign Structure Overall Width: Maximum 25’.</u></p> <p>G. <u>Shall not exceed one sign per roadway entrance to the subdivision.</u></p> <p>H. <u>Shall be limited to the name of the subdivision address and developer name or logo.</u></p> <p>I. <u>May be externally illuminated with a maximum of one (1) light.</u></p> <p>J. <u>Must be shown on preliminary plat during subdivision review.</u></p>
<p><u>4. Wall/Fence Signs</u></p>	<p><u>Neighborhood or subdivision signs may be placed on a subdivision wall or fence. The sign area is not to exceed 40 square feet per face.</u></p>

- ~~a. _____ Shall not exceed 24 square feet in area.~~
- ~~b. _____ Shall not exceed one sign per roadway entrance to the subdivision.~~
- ~~c. _____ Shall be limited to the name of the subdivision address and developer name or logo.~~
- ~~d. _____ May be externally illuminated with a maximum of one (1) light.~~
- ~~e. _____ Must be shown on preliminary plat during subdivision review.~~

(E3) _____ *Commercial signs.* For all commercial uses, only the following signs are hereby permitted.

- (1a) *Wall sign.*



<p><u>1. Description</u></p>	<p>An on-premise sign attached directly to a building wall above the given store front place. A wall sign shall include murals conveying the name of a business or a commercial message. A wall sign shall not extend more than 18 inches from the building.</p>
<p><u>2. Location</u></p>	<p>Directly above store located on the supporting building wall. Wall signs are not allowed to extend above the roof line or the parapet wall.</p>
<p><u>3. Size</u></p>	<p><u>A. Number.</u> There shall be not more than one wall sign for each principal building except where the building abuts two or more streets, one wall sign oriented to each abutting street shall be permitted.</p> <p><u>B. Area.</u> The gross surface of a wall sign shall not exceed ten percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or 200 square feet, whichever is smaller.</p> <p><u>C. Height.</u> A wall sign shall not project higher than the wall to which the sign is to be affixed or 20 feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.</p> <p><u>D. Special conditions.</u> Where a principal building is devoted to two or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such wall sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is</p>

	<p><u>to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.</u></p>
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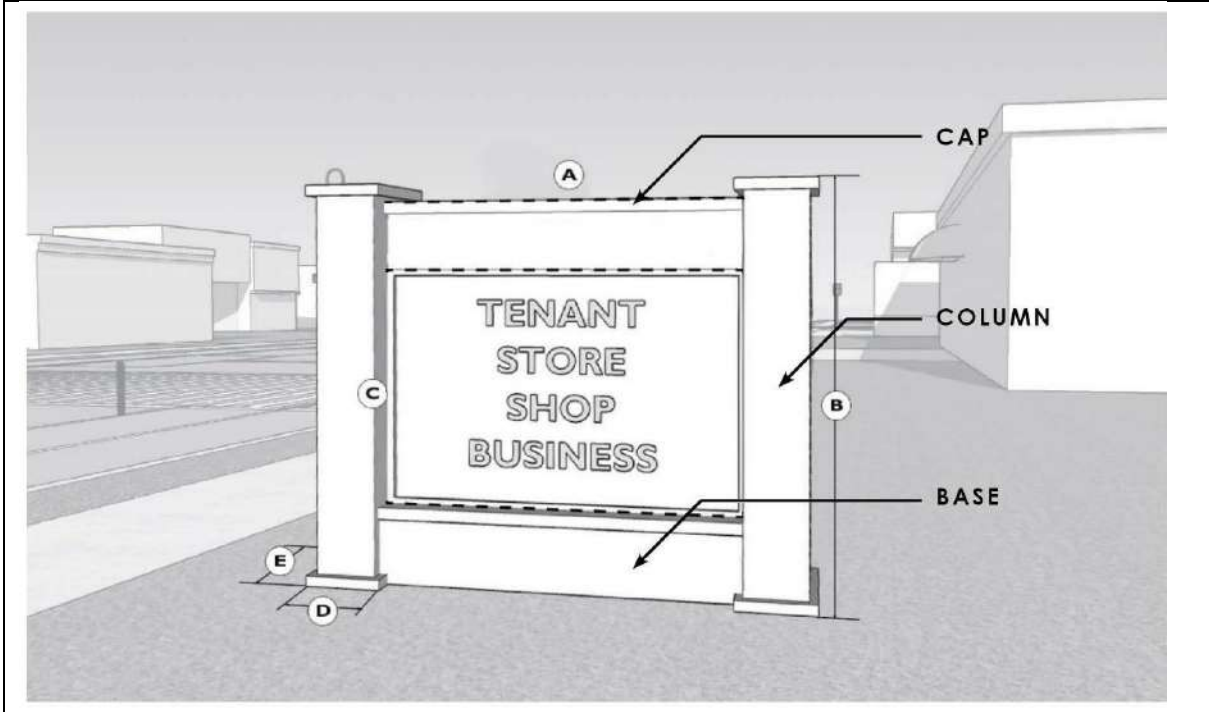
a. — *Number.* There shall be not more than one wall sign for each principal building except where the building abuts two or more streets, one wall sign oriented to each abutting street shall be permitted.

b. — *Area.* The gross surface of a wall sign shall not exceed ten percent of the area of the building wall, including doors and windows, to which the sign is to be affixed or 200 square feet, whichever is smaller.

c. — *Height.* A wall sign shall not project higher than the wall to which the sign is to be affixed or 20 feet, as measured from the base of the building wall to which the sign is to be affixed, whichever is lower.

d. — *Special conditions.* Where a principal building is devoted to two or more permitted uses, the operator of each such use may install a wall sign upon his/her proportionate share of the building wall to which the sign is to be affixed. The maximum gross surface area of each such wall sign shall be determined by calculating the proportionate share of the area of the building wall, including doors and windows, to which the sign is to be affixed and applying such proportion to the total permitted wall sign aggregate gross surface area for the building.

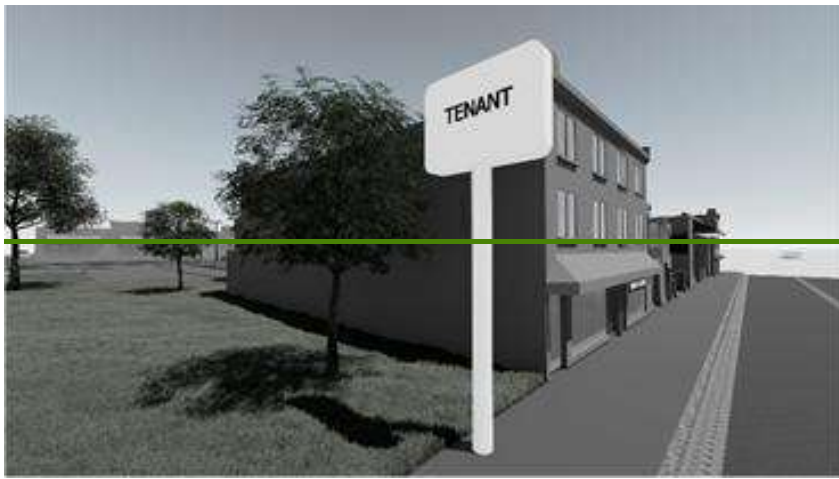
(2b) *Freestanding signs.*



<p><u>1. Description</u></p>	<p><u>A freestanding ground sign with a supporting structure with two columns on the end of the sign. A monument sign is not attached, supported or suspended to or from any building or structure. All monument signs shall include base, cap, and columns. All ground signs shall be in the form of monument signs and include the physical address on the sign.</u></p>
<p><u>2. Location</u></p>	<p><u>1 sign per frontage maximum.</u></p>
<p><u>3. Size</u></p>	<p><u>Sign Area and Height:</u></p> <p><u>A. Number. There shall not be more than one freestanding sign for each principal building.</u></p> <p><u>B. Exception. Notwithstanding the limitation on one freestanding sign for each principal building, where the principal building is occupied by a "destination marketing organization" as defined in O.C.G.A. tit. 48 or a non-profit promotion and marketing organization funded by or through a destination marketing organization, there may be permitted an additional freestanding sign, provided that the additional sign, viewed as a single freestanding sign, is in accordance with the prescribed conditions and all other applicable codes and regulations, and after special review and approval by mayor and council.</u></p> <p><u>C. More than one principal use. In the event that there is more than one principal use, the sum total for each sign shall not exceed the maximum size allowed per building. Where the exception in subsection (2)(a) is applicable, regarding the limitation on one freestanding sign for each principal building, the sum total of the two freestanding signs shall be evaluated independently, and the maximum size allowed per building shall be applicable to each sign independently, so that the total sum will be double what it would otherwise be if only one sign were permitted.</u></p>

	<p><u>D. Off-premises signs not permitted.</u></p>
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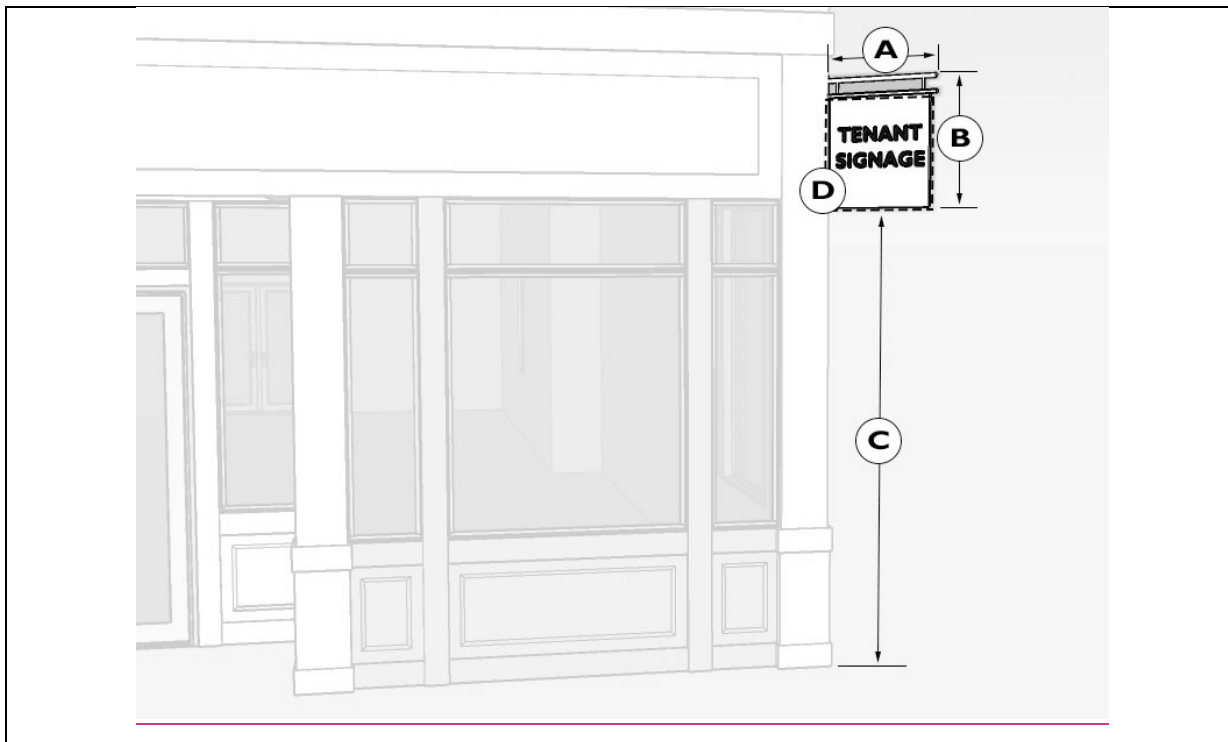
NOTE: Recommendations for signage frontage, area and height for purposes of sign readability based on roadway classification, speed of roadway and other considerations shall be provided upon further review and refinement to the sign code. Until such time, the following recommendations are provided as guidance.



- a. ~~Number.~~ There shall not be more than one freestanding sign for each principal building.
- (i) ~~Exception.~~ Notwithstanding the limitation on one freestanding sign for each principal building, where the principal building is occupied by a "destination marketing organization" as defined in O.C.G.A. tit. 48 or a non-profit promotion and marketing organization funded by or through a destination marketing organization, there may be permitted an additional freestanding sign, provided that the additional sign, viewed as a single freestanding sign, is in accordance with the prescribed conditions and all other applicable codes and regulations, and after special review and approval by mayor and council.
- b. ~~More than one principal use.~~ In the event that there is more than one principal use, the sum total for each sign shall not exceed the maximum size allowed per building. Where the exception in subsection (2)(a) is applicable, regarding the limitation on one freestanding sign for each principal building, the sum total of the two freestanding signs shall be evaluated independently, and the maximum size allowed per building shall be applicable to each sign independently, so that the total sum will be double what it would otherwise be if only one sign were permitted.
- c. ~~Off-premises signs not permitted.~~

Class	Street Speed Limit (mph)	Maximum Frontage (feet)	Maximum Size Area (square feet)	Maximum Height (feet)
I	0—20	50	10	12
II	20—35	80—150	20	12
III	20—35	150+	50	20
IV	36—54	150	60	25
V	55	150	60	25

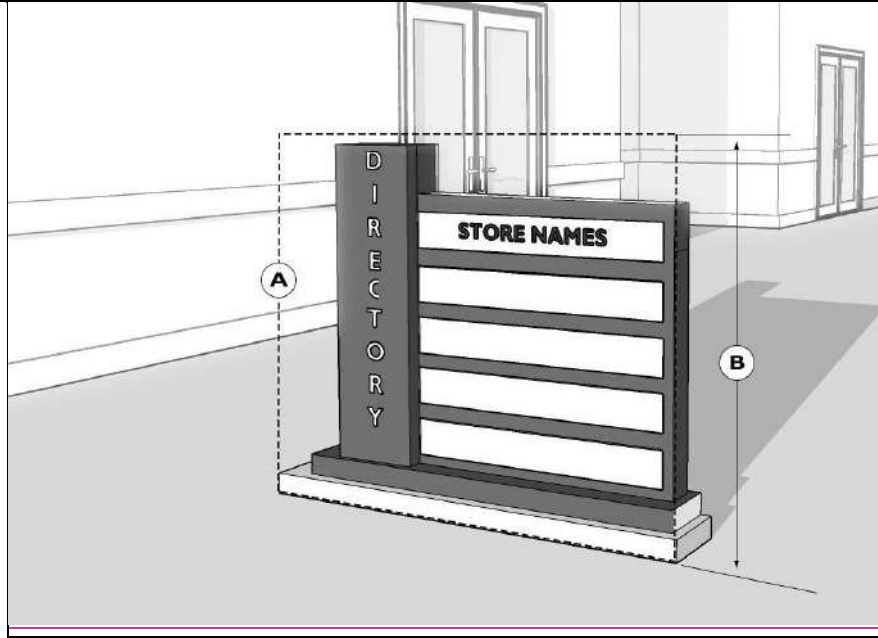
(3c) *Projecting signs.*



<u>1. Description</u>	A <u>blade sign</u> attached directly to a supporting building wall and intersecting the building wall at a right angle. A projecting sign may be 2 or 3-dimensional.
<u>2. Location</u>	<u>1 projecting sign per business.</u>
<u>3. Size</u>	<p><u>Sign Area and Height:</u></p> <p><u>A. –Number.</u> For all principal uses occupying 125 or less linear feet of street frontage (building measurement and not lot width/measurement per Sec. 6-yyy, "projecting" signs shall be permitted one square foot of display area per sign face per linear foot of frontage occupied by each principal use; up to a maximum sign area of 45 square feet per sign face for each projecting principal use sign allowed. For all principal uses with building frontage exceeding 125 linear feet, one additional foot of sign area shall be allowed for each additional</p>

	<p><u>foot of building frontage occupied over 125 feet; provided, such sign shall not exceed 100 square feet in area.</u></p> <p><u>B. Projection. The outer edge of a projecting sign shall not extend more than six feet from the building to which it is attached.</u></p> <p><u>C. Height. The height of a projecting sign shall not be higher than wall of the building to which it is attached, and the lowest point of the projecting sign shall not be less than ten feet above the established grade.</u></p>
<p><u>4. Miscellaneous</u></p>	<p><u>Projecting signs erected at building corners may intersect at a 45 degree angle to the corner of the building, in which case only 1 projecting sign is allowed. No projecting sign is allowed to extend above the roof line or the parapet wall. Buildings with 2 or more stories may not have a projecting sign located higher than the second story or 27', whichever is less.</u></p>

- ~~a. Number. For all principal uses occupying 125 or less linear feet of street frontage (building measurement and not lot width/measurement per Sec. 6-yyy, "projecting" signs shall be permitted one square foot of display area per sign face per linear foot of frontage occupied by each principal use; up to a maximum sign area of 45 square feet per sign face for each projecting principal use sign allowed. For all principal uses with building frontage exceeding 125 linear feet, one additional foot of sign area shall be allowed for each additional foot of building frontage occupied over 125 feet; provided, such sign shall not exceed 100 square feet in area.~~
- ~~b. Projection. The outer edge of a projecting sign shall not extend more than six feet from the building to which it is attached.~~
- ~~c. Height. The height of a projecting sign shall not be higher than wall of the building to which it is attached, and the lowest point of the projecting sign shall not be less than ten feet above the established grade.~~
- ~~(4) Roof mounted sign. Roof mounted signs shall not extend above the peak of the roof or four feet above a flat roof.~~
- (54) *Service island identification signs.* Service island identification signs indicating the type of service offered, the price of gasoline, and other relevant information or direction to persons using the facility but containing no advertising material of any kind shall be subject to the following:
 - a. *Type.* Service island identification signs may be either wall or freestanding signs.
 - b. *Number.* There shall not be more than one service island identification sign for each service or pump island located on the premises.
 - c. *Area.* The sign area of a service island identification sign shall not exceed 12 square feet.
 - d. *Height.* A service island identification sign shall not project higher than 15 feet.
- (65) *Directory sign.* A directory sign may be used for places with more than one business.



<p><u>1. Description</u></p>	<p><u>A directory sign is a freestanding ground sign, located at the beginning or end of a commercial area, listing the store names and/or a directional sign. A directory sign is not attached, supported or suspended to or from any building or structure. A directory sign is intended primarily for pedestrian orientation, dissimilar to a monument sign which is intended primarily for vehicular orientation.</u></p>
<p><u>2. Location</u></p>	<p><u>Developments less than 10 acres in size may have up to 2 directory signs; developments greater than 10 acres in size may have one additional Directory Sign for each 10 acres.</u></p>
<p><u>3. Size</u></p>	<p><u>Sign Area and Height:</u></p> <p><u>A. Number. One sign shall be permitted for shopping center or office complex. No other freestanding sign shall be permitted.</u></p> <p><u>B. Size. The sign shall be permitted one-half square foot of sign area for each foot of lot frontage provided such sign shall not exceed 150 square feet or 12 square feet per use, whichever is greater.</u></p>

~~a. Number. One sign shall be permitted for shopping center or office complex. No other freestanding sign shall be permitted.~~

~~b. Size. The sign shall be permitted one half square foot of sign area for each foot of lot frontage provided such sign shall not exceed 150 square feet or 12 square feet per use, whichever is greater.~~

~~(F6) Signs on vacant property in commercial zoning districts. Signs shall not be permitted on lots in commercial zoning districts with ~~no~~ out a primary structure.~~

(G) *Signs in neighborhood marina districts (NM).* Only one principal use sign shall be visible from the adjacent public street. That sign shall not exceed a maximum size of 32 square feet in area nor eight feet in any outer dimension. Any sign if illuminated shall be externally lit, non-flashing, and containing no neon illumination. The maximum height of the sign shall not exceed 15 feet above the average ground elevation of the base of the sign or from the structure foundation to which it is attached. No sign shall be located closer than five feet to the property line or street right-of-way.

~~(H7) Signs in parks-conservation district. There is no limit to the number or design of signs in this district. However, before a permanent sign is placed on a lot or parcel in this district, the applicant shall appear before mayor and council at a regularly scheduled meeting. If the request is approved, prior to any work a sign permit must be issued by the designated city department zoning administrator.~~

~~The city has identified an area located near the intersection of Highway 80 and Old Highway 80 and between the Library and Fifth Street in Memorial Park along Butler Avenue where banners may be located that are advertising city approved special events and/or events sponsored by a city non-profit organization that has qualified for a city community service award and/or events to be held within the city which are sponsored by a non-profit organization. Banners promoting a political candidate and/or an election are not allowed at these locations. An application and approval by the facilities coordinator zoning administrator or his/her designee is required. Such events must be open to the general public. These banners shall not exceed 32 square feet. All banners are required to have half-moon cuts to allow air movement. An application will be accepted within 90 days of the event date. Such banners cannot be erected earlier than eight days before an event and must be removed within 24 hours of completion of the event. A banner permit will be issued on a first come, first served basis.~~

~~(I8) Signs in environmental-conservation districts (EC). All signs in any size, shape or form are strictly prohibited in the environmental-conservation districts.~~

~~(9) Signs in maritime district (M). Commercial signs: see sign regulations for wall signs, freestanding signs, projecting signs, roof mounted signs, directory signs and temporary signs. Properties located within the Maritime District (MD) shall be limited to one (1) waterfront sign not exceeding 75 percent of the adopted Sign Type Size. Maritime Districts signs shall also be limited to six (6) feet in height or less and not to exceed 24 square feet.~~

~~(J) Banners.~~

~~(a) A banner may be allowed on a temporary basis for a maximum of 90 days per calendar year upon obtaining a special banner permit. A permit shall be for a 30-day period. An applicant, at the time of making an application, shall select one of the following options per calendar year:~~

~~(1) Banner displayed 30 days; banner removed 60 days.~~

~~(2) Banner displayed 30 days; banner removed 30 days.~~

~~(3) Banner displayed concurrently, without removal, not exceeding 90 consecutive days.~~

~~(4) A special banner permit of \$15.00 must be obtained from the designated city department each 30-day period with no more than three permits allowed per location during any calendar year. All banners under any of the above stated options must comply with the following limitations:~~

~~a. Each business location shall be limited to three permits per calendar year and banner display shall not exceed the total of 90 days in one calendar year.~~

b. ~~Banners must be physically attached to a building or some other permanent structure which requires a building permit for construction excluding a freestanding sign.~~

c. ~~With a special banner permit, banners will be allowed over and above the wall signage maximum of the business; banner area shall not cumulatively exceed 32 square feet.~~

(b) ~~Notwithstanding the foregoing provisions, a museum, as defined in section 2-010(B), and/or an educational facility, may erect a banner(s) that exceeds the maximum allowable days permitted under subsection (J)(a) and exceeds the cumulative maximum of 32 square feet, upon approval of a banner plan by the mayor and council. The banner plan must be reviewed and approved by the mayor and council on an annual basis.~~

(K9) *Murals of appropriate scenes.* Commercial establishments located within the C-2 district, the neighborhood grocery store district, and the south end overlay district may produce and display murals with depictions of appropriate scenes on commercial buildings, structures, fences, or walls. The use of such murals and scenes and their display is to be promoted and, in the absence of vulgar, obscene, or lewd displays, should presumptively be permissible. The standards of section 6-070 are applicable. If illuminated, it shall be as required by section 6-080(A). The murals must be hand-designed and must be painted by hand when installed. The applicant and/or the property owner may not receive compensation for the mural or scene. The Main Street design committee shall review requests and provide recommendation to the Main Street board of directors. Following review by the main street board of directors, all requests are subject to review and approval by the [planning and zoning department/zoning administrator](#). A permit is required prior to installation. ~~The permit fee is \$75.00.~~

~~(L10) *Changeable Copy.* Changeable copy on monument/community, canopy, and wall signs is permitted in limited instances per the following standards:~~

~~(a) Where permitted, only one (1) double-faced ground mounted sign is permitted on any parcel;~~

~~(b) The sign must contain high contrast background and letter of sufficient size to be viewed from the public right-of-way;~~

~~(c) Such signs shall not exceed 60 inches in height measured from finished grade;~~

~~(d) Such signsThe changeable copy area shall not exceed 25 square feet in sign area per side;~~

~~(e) Such signs shall be set back a minimum of 2010 feet from the edge of the public street right-of-way;~~

~~(f) Such signs shall be oriented to the middle of the front property line unless in conflict with an entrance but, in no case shall be placed within 15 feet of a side property line oriented perpendicular to the front property line~~

~~(g) The sign shall not be internally illuminated but, may be externally illuminated using a single white light source mounted on the ground with appropriate shields to minimize glare;~~

~~(h) The sign shall be placed upon a masonry base a minimum of 18 inches in height measured from finished grade;~~

~~(i) The base surrounding the sign shall be landscaped with a combination of evergreen plantings and seasonal colors and such landscape areas shall be irrigated;~~

~~(j) Video, animated, scrolling or moving changeable electronic variable messages are not permitted. This provision shall not restrict the copy from changing from one message to another.~~

~~(k) Period of time between each copy or message shall be a minimum of ten (10) seconds six (6) hours.(1)~~

- (l) Changeable copy signs can only be used for on-premise advertising. Off-premise signs and off-premise copy are not permitted.
- (m) Establishments engaged in the business of selling fuel may use up to one-half (1/2) of the area of its principal ground sign or one-half of the area of any wall sign for changeable copy displaying current fuel prices.
- ~~(M11)~~ Drive-Through Signs. For each parcel with a lawful, permitted use that utilizes a drive-through lane, a maximum two (2) drive-through menu signs shall be allowed for each drive-through lane and shown on the signage plan.
- (a) Each allowed drive-through sign may be either a freestanding monument sign or an attached sign and shall not exceed twenty-four (24) square feet in sign area and not more than eight (8) feet in height).
- ~~(b)~~ Drive-through signs shall be in addition to the freestanding and attached signage otherwise allowed pursuant to the other provisions of this Section.

(Ord. No. 06-2010, 5-13-2010; Ord. No. 15-2012, 7-12-2012; Ord. No. 04-2014-A, § 1, 1-9-2014; Ord. No. 34-A-2014, § 1, 8-14-2014; Ord. No. 09-2015, § 1, 4-23-2015 ; Ord. No. 17-C-2015, § 1, 8-13-2015)

Sec. 6-090. Nonconforming signs.

- (A) *General.* Any sign which by its height, area, and location does not conform to the requirements of this article shall be termed nonconforming.
- (B) *Alterations to nonconforming signs.* No nonconforming sign shall be structurally altered or moved, unless brought into conformity with the requirements of this article, except that such signs may have normal maintenance including repainting or changes in copy.
- (C) *Continuation and removal.* All nonconforming signs existing before the effective date of the ordinance, and all nonconforming signs properly permitted and existing before the effective date of amendments thereto, may continue in use in accordance with the other provisions of this article.
- (D) *Damage.* Any legal nonconforming sign may be repaired or restored to its original condition subject to the conditions that repairs do not exceed 50 percent of its total value and that repairs do not alter the original permanent copy.
- ~~(E) *Off premises signs.* Notwithstanding the provisions of this section in conflict, as pertains to nonconforming off premises free standing signs on commercial use lots, subsection 06-080(E)(2), and signs on vacant lots in commercial zoning districts, subsection 06-080(F), whether nonconforming at the adoption of this ordinance or which were made nonconforming by the amendment of July 12, 2012, whenever one of these signs is damaged by fire, flood, hurricane, explosion, earthquake, war, riot, or any act of God, it may be restored, reconstructed and continued as the same nonconforming sign as existed before such damage, provided however, that the sign be located in the same location, that the sign not exceed the pre damage size, height and area dimensions, and that any permit(s) required to initiate restoration be obtained within six months of the occurrence of damage. If not obtained within six months, then only a conforming use or structure will be allowed upon the property. Provided further, however, that the mayor and council may grant an extension of this six month period in their discretion.~~
- ~~(FE) *Other sections.* Pertaining to signs, this section supersedes any other sections of the Land Development Code which pertain to nonconforming uses.~~

(Ord. No. 06-2010, 5-13-2010; Ord. No. 15-2012, 7-12-2012)

Sec. 6-100. Relief from sign design requirements.

A sign may be granted relief from the strict application of the design standards for height and area by adhering to the following requirements:

- (A) *Sign height.* The maximum sign height may be increased by one foot for every two feet that the entire sign is placed back from all property lines including side and rear lines, not to exceed a maximum of 25' in height, not including flagpoles which are subject to the standards of subsection 6-040(D) and are allowed to a maximum height of 35 feet.
- (B) *Sign area.* The maximum sign area may be increased by two square feet for every one foot that the entire sign is placed back from all property lines including side and rear lines. This does not apply to wall or roof mounted signs, not to exceed a maximum of 100 square feet.

(Ord. No. 06-2010, 5-13-2010)

Sec. 6-110. Other permissible signs.

Notwithstanding any other provision herein to the contrary, any sign or signs which meet requirements as to design standards, size, illumination, and location for the premises where a sign is sought to be permitted, shall be allowable for the purpose of displaying a message.

(Ord. No. 06-2010, 5-13-2010)

~~Sec. 6-115. Maritime district.~~

~~The following signs are not allowed in the maritime district under the provisions of this article:~~

- ~~(1) Flashing and/or animated signs;~~
- ~~(2) Signs erected on or located on any street, or public right of way, curb, curb stone, hydrant, lamppost, trees, barricade, temporary walk, utility pole, or public fence;~~
- ~~(3) Signs with revolving or rotating beams of light;~~
- ~~(4) Signs in the waterways, except signs for navigation, warning, trespassing, caution, animal protection (including turtles, or and manatees) manatee protection less than or equal to eight square feet in area; and~~
- ~~(5) Handbills.~~

~~Commercial signs: see sign regulations for wall signs, freestanding signs, projecting signs, roof mounted signs, directory signs and temporary signs. Properties located within the Maritime District (MD) shall be limited to one (1) waterfront sign not exceeding 75 percent of the adopted Sign Type Size. Maritime Districts signs shall also be limited to six (6) feet in height or less and not to exceed 24 square feet.~~

(Ord. No. 06-2010, 5-13-2010)

Sec. 6-120. Enforcement.

Violations of this sign ordinance shall be treated as a direct violation of the City of Tybee Island Land Development Code. Any sign found to be violation of this article shall be subject to the applicable enforceable actions of Section 5-160, Enforcement of this Land Development Code by the city marshal and in conjunction with the zoning administrator.

(Ord. No. 06-2010, 5-13-2010)

Sec. 6-130. Severability and conflict.

If any section, subsection, clause or provision of this article 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 article which is not invalid or unconstitutional. Where the provisions of this article are in conflict with other ordinances, the most restrictive provision shall be enforced. The enactment of this severability and conflict clause in this article shall not be construed as expressing an intent that the severability and conflict clause contained in the overall land use plan, section 1-050, should not be applicable to this and all other articles. The purpose of the inclusion of this particular severability clause is to emphasize the intention of the mayor and council that in the event any particular provision of this article is held to be invalid, then all other provisions of this article to the fullest extent possible, remain valid and enforceable.

ARTICLE 7. TREE ~~REMOVAL-PROTECTION AND REPLACEMENT REGULATIONS~~¹

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-reduce~~ surface runoff of rainwater, ~~thereby mitigating flood damage~~.
 - ~~(C)~~ Trees serve as windbreaks by dissipating wind energy, mitigating potential wind damage to structures and property.
 - ~~(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-providing~~ 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 preserve and protect trees as wind 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 ~~a~~ 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~~potentially 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 fee 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 design exists in order to make reasonable, beneficial economic use of the property. ~~To be considered are the Necessary design elements to be considered when accounting for the feasibility of protecting existing trees include 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. The addition of pools, water features, cabanas, and accessory buildings and similar elements shall not be considered as necessary additions that excuse the feasibility of removing a significant tree. 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.

(A) 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. To apply for a tree removal permit, the landowner or building permittee shall obtain a tree survey or an ISA certified arborist assessment showing the species, condition, DBH, and location of all existing trees. The Tree Protection and Removal Plan shall be submitted to the city ~~including with~~ the existing tree information obtained from a significant tree survey or ISA certified arborist assessment on a site plan including:

1. north arrow and scale, ~~together with~~
2. the location of existing or planned improvements on the site to include existing and proposed structures, utilities,
3. limits of disturbance,
4. existing and proposed contours,
5. site layout,

6. preserved trees (species with DBH),
7. proposed trees for ~~removed trees~~removal (species with DBH),
8. tree protection fencing,
9. jurisdictional wetlands, shore protection act and coastal marshland protection act areas,
10. beaches and wildlife habitats.

(B) To satisfy any tree replacement required as outlined in section 7-050 and 7-060, the landowner or building permittee must also submit a Tree Replacement Plan incorporating proposed tree species, sizes, and locations that satisfy the tree replacement requirements and follow standards for tree protection and tree planting set forth in sections 7-070 and 7-080.

(C) For all commercial and multi-family sites, a landscape architect licensed within the state of Georgia is required to seal the Tree Protection and Removal Plan and the Tree Replacement Plan (if required for site density or tree replacement satisfaction) when submitting to the city.

(D) A tree removal permit shall be obtained prior to the removal of any living, damaged, or dead tree. See section 9-030 of this Land Development Code for further requirements for permitting and application procedure. ~~A tree survey must be submitted before a permit can be issued.~~

(E) Trees that do not meet the criteria in Sec. 7-030 and are identified by staff for removal from city property and/or city right of way will have a 30-day review period for public comment prior to their removal. A sign will be posted on the tree with pertinent information.

(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 ~~Density removal requirements~~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 one tree per each for every 1,500 square feet (i.e. a 4,500 square foot lot requires three trees, a 6,000 square foot lot requires four trees) ~~three trees per each 4,500 square feet~~ of upland area is maintained of existing trees or proposed trees or combination thereof. As used herein upland means the portion of the parcel that is landward of the GA DNR marsh delineation line. If a significant tree must be removed, refer to section 7-060 for requirements for satisfying significant tree replacement.

1. Proposed trees counting toward tree density must be at least 3 inch caliper size at time of planting or minimum 8 foot height. The Recommended Tree Replacement List can be found in Section 7-080.

2. Existing trees counting toward tree density must be at least 6 inch DBH at time of survey or arborist assessment. ~~Existing invasive species shall not count toward tree density.~~

3. Utility easements, building footprint, stormwater ponds, and athletic fields may be excluded from the upland area when calculating tree density at the discretion of the by the zoning administrator or designated city representative reviewing the plans.

4. No trees or vegetation shall be removed from the DNR marsh ~~setback line~~buffer. Trees in the marsh ~~setback~~buffer may not be counted as remaining trees for site density.

5. Proposed trees located within confined landscape areas (like medians, ~~or tree pits, street tree, landscape island~~) must have a minimum landscape area of ~~±2050 SF for each understory medium tree tree or palm or~~ 2400 SF for each ~~overstory overstory~~ tree. Tree classifications are defined in The Significant Tree and Recommended Tree Replacement List found in Section 7-080.

~~(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.~~

~~(B) For parking lots greater than 10 parking spaces, every parking space must be within 640 feet of a canopy tree. These trees may be counted toward overall tree density.~~

~~1. Landscape islands within parking lots where trees are planted to satisfy parking lot tree requirement must be a minimum landscape island size of 9' x 18', 250 SF for each medium tree or 400 SF for each overstory tree.~~

~~(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 zoning administrator 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. Significant Tree Removal and Mitigation ~~Removal of significant trees.~~

~~(A) (A)~~ Significant trees are defined ~~in section 2-010 as:~~

~~1. A tree of eight (8) inches DBH or greater marked as Significant Trees on the Significant Tree and Recommended Tree Replacement List.~~

~~2. A tree of 18 inches DBH or greater that is a non-invasive species and is native to the Georgia coast.~~

~~(B) If a significant tree must be removed, each significant tree removed shall be replaced by a significant tree in tree caliper inches of at least equal to the total DBH of the removed tree(s) that are 24" DBH or greater. For significant trees sized 8" – 23" DBH, trees removed shall be replaced at ½ the DBH inches of each tree removed. Reference example calculations in the Significant Tree Calculation Example below. Minimum sizes for selected replacement tree shall be a minimum of 3 inch caliper or 8 foot height. Such significant replacement tree(s) can be considered to be one tree for the purpose of meeting density requirements established in section 7-050(A) or one tree for parking lot tree requirement. All significant trees shall be replaced with one or more trees from the trees noted as acceptable for significant tree replacement in the Significant Tree and Recommended Tree Replacement table in section 7-080. 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.~~

a. Significant Tree Calculation Example

<u>Tree Species to be Removed</u>	<u>Tree DBH Removed</u>	<u>Mitigation Inches Required</u>
<u>Southern Magnolia</u>	<u>10"</u>	<u>5"</u>
<u>Live Oak</u>	<u>17"</u>	<u>8.5"</u>

Live Oak	24"	24"
		37.5 Total Mitigation Inches Required

37.5 Total Mitigation Inches Required

Proposed Trees (species selected from Recommended Tree Replacement Table Section 7-080):

(4) 4" Caliper Trees = 16"

(2) 3" Caliper Trees = 6"

(1) 2.5" Caliper Tree = 2.5"

16" + 6" + 2.5" = 24.5" Proposed

Tybee Fund Recompense:

37.5" Required – 24.5" proposed = 13" deficit

13 x \$200 = \$2,600 payment to the Trees for Tybee Fund

Requirement Satisfied

(D) Significant trees shall be prioritized to be protected and may be approved to be removed only under the following situations or conditions, at the discretion of the zoning administrator or designated city representative reviewing tree permit applications:

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. For-Where the significant trees is considered dead tree, diseased tree, or is a tree that is a danger to or obstructs public safety and welfare or that might infect otherwise healthy trees, as assessed by an ISA certified arborist. For a significant tree to meet this exception, appropriate documentation shall be provided to the zoning administrator clearly demonstrating the reason(s) necessitating the removal.
4. 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.

(E) If a significant tree must be removed, The a tree removal permit must be applied for including the plans outlined in section 7-040 allowing the The removal of significant trees shall require the landowner/permittee to comply with the tree standards and requirements within the entirety of Article 7 Tree Protection and Replacement Regulations, 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 greater than 24" left remaining on the site may be counted as two trees as replacement trees according to the mitigation schedule toward site tree density.~~ These trees must be noted on the plat and shall be protected as a tree as defined by section 2-010.

~~(DF)~~ —No significant tree shall be removed from any vacant lot, undeveloped parcel, or public right-of-way within the city without express written permission from the zoning administrator and the documentation of the reasons necessitating the removal.

(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 and Buffer p~~Protection and ~~r~~Restoration ~~d~~During ~~d~~Development ~~Tree~~ protection during development.

(A) On each lot or tract where construction is ongoing pursuant to a validly issued building permit, tree protection fences (or protective barricade) ~~protective barricades~~ shall be placed around trees at the tree drip line which are to be retained, and shall remain in place throughout construction. Tree protection fences shall be a 4' height temporary chain link fence with metal posts embedded a minimum of 1' below grade. The areas within the tree protection fences ~~protective barricades~~ shall remain free of all building or construction materials, construction debris, vehicles, excavation, vegetation grubbing, and any development activities. Penalties for violation of this section shall be the same as found in section 7-090.

(B) The Tree and vegetation protection notes below shall be provided on the Tree Protection and Removal Plan.

1. Tree protection shall adhere to the following standards specified by the City of Tybee Island.
2. The tree protection devise (unless directed otherwise by the City of Tybee Island) shall be a 4' temporary chain link fence constructed at and around the perimeter of the Tree Protection Zone. The fence shall be attached to galvanized metal posts, spaced no farther than 8' apart.
3. Tree protection devices shall be erected prior to the start of construction and shall remain in place until all site and exterior building work is completed and landscape installation has begun. Broken or dislodged tree protection devices shall be immediately repaired.
4. All designated Tree Protection Zones must be protected from the sedimentation of erosion material.
5. Silt fencing shall be placed along the outer uphill edge of Tree Protection Zones at the land disturbance interface.
6. Silt fencing shall be backed by 4' chain link fence in areas of steep slopes.
7. No vehicles shall be parked, or construction material or substances poured, stored, disposed of or placed within any Tree Protection Zone at any time during clearing or construction of the project.
8. No change in grade within the Tree Protection Zone shall be allowed around existing trees except for a maximum additional two inches of mulch unless approved by the City of Tybee Island.
9. Trees within a Tree Protection Zone shall not be pruned or removed without prior knowledge and consent from the City of Tybee Island.
10. All retained or planted trees shall be protected or sited so as to prevent damage from environmental changes or land disturbance resulting from any building or facility construction within or immediately adjacent to the Critical Root Zone of the tree(s).
11. Any damage or ~~injury~~injury to trees shall be reported immediately to the City of Tybee Island.

(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-three~~ inches DBH, caliper measure ~~or 8' foot height~~. The permittee/landowner shall choose the species of replacement trees from the ~~significant species list recommended tree 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 Palm trees may only be used as a tree replacement for any tree except a palm to be removed. Understory trees may only be used as tree replacement for an Understory tree to be removed.~~ Ideally, planting should be done immediately following construction or in the earliest growing season ~~(spring or fall)~~ thereafter.

~~1-Tree species for site density or significant tree replacement may be selected from the recommended tree replacement list below. Columns with an "X" are counted as suitable species for that condition. For all trees planted on site, there must be a minimum of 60% canopy trees.~~

Significant Tree and Recommended Tree Replacement List

Large Canopy Trees (trees with a mature height greater than 40' and canopy spread greater than 30')					
Species	Significant Tree	Parking Lot Tree	Street Tree	Under Power Lines	Special Note:
Southern Magnolia (magnolia grandiflora)	X				
Southern Red Oak (Quercus falcata)	X	X	X		
Overcup Oak (Quercus lyrata)	X				
Willow Oak (Quercus phellos)	X	X			
Shumard Red Oak (Quercus shumardii)	X	X			
Live Oak (Quercus virginiana)	X	X			
Sugarberry (Celtis laevigata)	X				
Sycamore (Plantanus occidentalis)	X				
Sweetgum (Liquidambar styraciflua)	X				
Red Maple (Acer rubrum)	X	X	X		
Florida Maple (Acer floridanum)	X	X	X		
Toothache Tree (Xanoxylum clava-hercules)	X				
Black Gum (Nyssa sylvatica)	X	X	X		
Bald Cypress (Taxodium distichum)	X				
American Elm (Ulmus americana)	X	X	X		
Pine (Pinus spp)	X	X			In no case may pine trees be used as a replacement for any tree except a pine to be removed
Medium Canopy Trees (trees with a mature height between 25' -40')					
Species	Significant Tree	Parking Lot Tree	Street Tree	Under Power Lines	Special Note:
Trident Maple (Acer buergerianum)	X	X	X		
River Birch (Betula nigra)	X				
American Hornbeam (Carpinus caroliniana)		X	X		
Carolina Silverbell (Halesia carolina)			X		

Eastern HopHornbeam (<i>Ostrya virginiana</i>)					
Persian Parrotia (<i>Parrotia persica</i>)		X	X		
Sassafras (<i>Sassafras albidum</i>)					
Small Canopy or Understory Trees (<i>trees with a mature height less than 25'</i>)					
Species	Significant Tree	Parking Lot Tree	Street Tree	Under Power Lines	Special Note:
Eastern Redbud (<i>Cercis canadensis</i>)				X	
Fringetree (<i>Chionanthus virginicus</i>)				X	
Downy Serviceberry (<i>Amerlanchier arborea</i>)				X	
Devilwood / Wild Olive (<i>osmanthus americanus</i>)					
Dogwood (<i>Cornus florida</i>)				X	
Sweet Bay Magnolia (<i>Magnolia virginiana</i>)		X		X	
Carolina Cherry Laurel (<i>Prunus caroliniana</i>)				X	
Carolina Willow (<i>Salix caroliniana</i>)				X	
Tough Bumelia / Buckhorn (<i>Sideroxylon tenax</i>)				X	
Sparkleberry (<i>Vaccinium arboretum</i>)				X	
Chastetree (<i>Vitex agnus-castus</i>)				X	
Evergreen Screening Trees					
Species	Significant Tree	Parking Lot Tree	Street Tree	Under Power Lines	Special Note:
Red Cedar (<i>Juniperus virgiana</i>)					
Red Bay (<i>Persia borbonia</i>)					
Native Hollies (<i>Ilex spp.</i>)	X				
Palms					
Species	Significant Tree	Parking Lot Tree	Street Tree	Under Power Lines	Special Note:
Cabbage Palm (<i>Sabal palmetto</i>)	X	X	X		In no case may cabbage palm trees be used as a replacement for any tree except a cabbage palm to be removed
Jelly or Pindo Palm (<i>Butia capitata</i>)				X	
Canary Date Palm (<i>Phoenix canariensis</i>)					
European Fan Palm (<i>Chamaerops humilis</i>)				X	
Fortune's Windmill Palm (<i>Trachycarpus fortunei</i>)		X	X		
Washington Palm (<i>Washingtonia robusta</i>)		X	X		

~~(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.

(~~CB~~) *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. The permittee/landowner must maintain documentation that the tree continues to be healthy and disease and pest free. 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.

(~~DC~~) *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 or approved by the zoning administrator or a donation recompense payment may be made to the trees for Tybee fund. ~~All significant trees may be mitigated to meet mitigation requirements~~ at a cost of ~~\$200~~ \$100.00 per inch deficit.

(~~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 noncompliance and/or unlawful tree removal.

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

(~~A~~) ~~(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, due to the unauthorized removal or damage of any tree(s) on the property will be required to plant additional trees as necessary to bring the site back into compliance and shall be fined as follows:

(1) \$1,000.00 per tree per day upon being found guilty of violation, shall be subject to a fine not to exceed \$1,000.00 for each unlawfully removed or damaged private property tree. For each unlawfully removed or damaged

(~~B~~) Any person who causes damage or compensates another party to cause damage to any city owned or public property tree(s) or commercial property tree (s), pursuant to the provisions of this article shall be fined as follows:; the person found guilty of violation shall be subject to a minimum fine of \$xxx.

(1) \$1,000 per tree damaged or removed, plus

(2) Actual cost to prune, or otherwise repair damaged tree(s)

(3) Actual cost to remove tree(s) and/or stump(s) if required due to damage

(4) Loss in value of tree(s) as a result of damage as determined by appraisal in accordance with standard tree appraisal guidelines

(~~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 Article 7 section 7-080. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violations of this article.~~

(C) Where violation of this article is associated with construction, pursuant to a city building permit, a certificate of occupancy may not be issued until such violation has been remedied and trees are planted or replaced, pursuant to the requirements of section 7-080, as necessary to meet the requirements of this article. The requirements of this subsection are mandatory, and shall apply regardless of any other penalties imposed for violation of this article.

- (D) Any person who has been adjudged to have violated previous tree removal permits ~~two or more times~~more than once 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~~zoning administrator, ~~city marshal, or his or their~~ 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>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"	
Palm numerous scientific names	1:1	3"	

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



HPC'S PROJECT TO DEVELOP A LOCAL HISTORIC DISTRICT FOR FORT SCREVEN AND THE NORTH CAMPBELL NEIGHBORHOOD

FREQUENTLY ASKED QUESTIONS Issue Date: 10/6/2025

ACKNOWLEDGEMENT OF FEDERAL ASSISTANCE

The project to develop a local historic district for the Fort Screven National Historic District and the North Campbell Neighborhood has been financed with assistance from the Historic Preservation Fund, administered by the National Park Service, U. S. Department of Interior, through the Historic Preservation Division of the Georgia Department of Community Affairs. Any opinions, findings, conclusions or recommendations expressed in this project are those of the author(s) and do not necessarily reflect the views or policies of the Department of the Interior or the Georgia Department of Community Affairs, nor does the mention of trade names, commercial products or consultants constitute endorsement or recommendation by these agencies. This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, gender or disability in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office for Equal Opportunity, National Park Service, 1849 C Street, N. W., Washington, D.C. 20240.

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1. What is the Historic Preservation Commission (HPC)?

Background: Having determined that the historical and cultural heritage of Tybee Island is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, education, understanding and appreciation of historic properties, the Tybee Island City Council passed a Historic Preservation Ordinance (Ord. No. 1999-13; Article 14 in the LDC) on May 27, 1999 to provide for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects and landscape features having special historical, cultural interest or value. Section 14-030 of the ordinance created the Tybee Island Historic Preservation Commission (HPC).

Commission Members: The HPC consists of five (5) members appointed by the mayor and ratified by the city council. Members must be residents of Tybee Island and have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources. Members serve three-year terms and may not serve more than two consecutive terms.

Commission Responsibilities: Among the seventeen (17) powers granted, the Commission is authorized to prepare and maintain an inventory of all property within the city having the potential for designation as historic property; recommend to the city council specific places, districts, sites, buildings, structure or objects to be designated as historic properties or historic districts; develop and recommend historic guidelines; review and grant or deny applications for certificates of appropriateness; conduct educational programs; make investigations and studies of matters relating to historic preservation; and seek out local, state, federal and private funds for historic preservation.

2. What is the HPC's CLG Grant Project?

The HPC was awarded a grant from the Historic Preservation Fund (HPF), administered by the National Park Service through the Georgia Department of Community Affairs, to develop a local historic district for the Fort Screven National Historic District and the North Campbell Neighborhood. Only a Certified Local Government (CLG) can apply for HPF grants. To achieve certification, a local government must have demonstrated its commitment to local historic preservation. The City of Tybee Island is a CLG, certified and audited every four years by the Georgia Department of Community Affairs.

3. Why did the HPC apply for a grant to develop a local historic district?

The HPC reviews and makes recommendation on building permit applications for structures 50 years and older on Tybee. Those reviews confirm that island-wide, the Tybee community is losing its historic fabric.* Many structures that ten years ago were identified as eligible or may be eligible for listing on the National Register of Historic Places have lost their historic integrity or have been demolished entirely. Not only is this a loss to our shared heritage, it puts Tybee's three designated National Historic Districts at risk. Currently, there is nothing in place to preserve the historic integrity of the island's historic buildings or save them from demolition. In consultation with the Tybee Island Historical Society, the HPC determined that only a local historic district could offer the protections needed to preserve the historic architecture and character of the island.

***What is "historic fabric?"** Historic fabric refers to the architectural and physical elements of buildings and structures that convey their historical significance. These elements include original materials, construction techniques, and design features and styles that define a building's character. Preserving the historic fabric of our community preserves our heritage and the collective memory represented in our historic built environment.

Other considerations in HPC's decision to apply for a grant to develop a local historic district included:

Facing the Challenges of Growing Development Pressures Tybee Island has a total area of 5.2 miles—3.7 of these miles is land and 1.4 miles is water. For all practical purposes, Tybee Island is built out. There is no additional land. Unlike inland communities, city "sprawl" is not an option. This results in increasing pressure on historic structures, which are often viewed as ripe for demolition and new construction.

Tybee Island is home to Georgia's largest public beach. Like many coastal communities, Tybee Island faces growing development pressures, especially from outside investors and absentee-owners who desire contemporary and state-of-the-art beach houses. Wholesale alterations to historic structures can mean that they are no longer historically contributing within the National Register Historic Districts on Tybee. In-fill development has been and continues to be an issue. To ensure that we can preserve what remains for our community and future generations, local protections and sensitive development are needed.

Historic Preservation Education and Public Engagement In its discussion of opportunities for livability and neighborhood enrichment, the City of Tybee Island's Comprehensive Plan Update 2021-2026 states,

"The island is home to several registered historic districts, and there is an opportunity for more formal preservation guidelines and incentives, as well as more targeted marketing of these historic assets to both residents and visitors. Historic buildings add character and value to an area, and the more people know about them, the more likely they are to be preserved."

Over the past several years, HPC has been working to identify and address a general lack of public awareness of Tybee's historic structures (excepting the Light Station), as well misinformation and misconceptions among some members of the community and local officials related to:

- Tybee Island's National Register Historic Districts
- The significant differences between national and local historic districts
- How local historic districts work and their benefits
- The criteria for historical significance
- The wealth of historic resources on Tybee that have lost historic integrity or are lost to demolition, including structures within the three designated National Register Historic Districts (which puts their designations at risk)
- The current lack of protections and preservation options for Tybee's historic structures
- The various developmental histories of the Island and their importance to the U.S., the State of Georgia, Savannah and Chatham County

HPC viewed a local historic district project as a significant opportunity not only to prevent further loss of Tybee's historic fabric, but also to educate the community and local government officials on preservation of historic structures. A major component of the HPC's local historic district project is education and public engagement, which is critical to its success.

4. Why did the HPC choose Fort Screven and the North Campbell Neighborhood for the

grant application to develop of a local historic district?

Fort Screven has the second largest concentration of historic buildings remaining on the island and includes the iconic Light Station and the Fort's gun batteries. The North Campbell Neighborhood was one of the earliest residential developments adjacent to Fort Screven's main gate. The choice of these areas was driven by preservation considerations:

Preservation of Historic Significance, Architecture and Character

The Fort Screven National Register Historic District (NRHD) is one of the most intact Endicott Era military fortifications left in the nation. It is a turn-of-the-century (19th to 20th century) federal coastal defense installation situated at a strategic southeast maritime location marked by a prominent light station facility. It was part of the nation's coastal defense network at the time, which was itself part of a larger military preparedness brought about by the emergence of the United States as a world power. Later, in the 1930s, Fort Screven was placed under the first command of Lt. Col. George C. Marshall.

The historical significance of the Fort Screven NRHD is impressive and multi-faceted. It is significant in terms of the military, engineering, architectural, landscape architectural, community planning, transportation, communications, and exploration and settlement history of the nation. For additional information on the developmental history and historical significance of Fort Screven, see the "Local Historic District Report_Phase 2 Final Report_Updated 071125" on the HPC's project website at <https://talktyb.org/hpc-clg-grant-project>

It has been over 40 years since Fort Screven was designated a NRHD. NRHD designation brings welcomed recognition as an area worthy of preservation and local pride, but it does not prevent loss. Many historic structures remain in the Fort Screven NRHD, but there have been losses since the fort was designated as a NRHD in 1982. The protections afforded by a local historic district designation for Fort Screven can preserve, for the long term, its collection of Army Corps of Engineers buildings and structures which represent nearly every type and design found on a turn-of-the-century military base in a subtropical climate.

The North Campbell Neighborhood also is deserving of local historic district protection. The area developed as a residential neighborhood immediately adjacent to Fort Screven serving as the entryway to the Fort at Gate No. 1 near the main Guard House. The bungalows, American Small Houses, hall-parlors and other structures of the North Campbell Neighborhood reflect one of the earliest residential communities that developed around the fort in 1880s through the 1940s. For additional information on the developmental history and historical significance of the North Campbell Neighborhood, see the *Ft Screven N Campbell Local Historic District Report_Phase 2 Final Report_Updated 071125* on the HPC's project website at <https://talktyb.org/hpc-clg-grant-project>

Note: A map of the proposed local historic district is accessible at <https://talktyb.org/hpc-clg-grant-project>

5. What are the benefits to the Tybee community of a local historic district for Fort Screven and the North Campbell neighborhood?

There are a number important actual and potential benefits:

- Properties listed on the National Register of Historic Places (NRHP) are eligible for state and federal tax incentives when performing substantial historic rehabilitations. This includes

buildings that historically contribute to the Fort Screven National Historic District. These programs vary based on the end-use of the property (income producing, mixed use, and owner occupied). The state recently passed new rules for their program that allows owner-occupied properties that are locally designated as historic to be eligible for the state tax credit of 25% of the rehabilitation cost. This would allow the owner-occupied historic properties that may not be eligible for NRHP listing and/or fall outside of the NRHP district and/or constructed from 1947-1975 to take advantage of the state credit when performing substantial historic rehabilitations. For owner-occupied properties, the minimum spending requirement for the credit is \$25,000. There is also a property tax freeze available which requires a minimum expenditure of 50% of the building value. There are application fees associated with these programs.

- The Tybee Island Historical Society has informed HPC that many visitors to the Tybee Light Station come to learn about the history of Tybee and often ask, "Where is Fort Screven and how do I get there?" Maintaining historic architecture and character is a draw for visitors and potential residents. A local historic district supports cultural and historic-based tourism, which can help Tybee meet its goal of attracting more visitation by family groups. The retention of historic areas as a way to attract tourist dollars makes good economic sense.
- Another potential benefit is increased property values. A Georgia State University study found a 7% increase in property values for structures located in a local historic district. A South Carolina Department of Archives and History study found that properties within local historic districts are worth more, appreciate faster and retain more of their value. Increased property values benefit the local government.
- A locally designated historic district provides protection for the investments made by property owners in preserving the historic character of their structures. This is also true for local historic rehabilitation projects funded in part by federal or state tax incentives.
- Local historic districts have the potential to create more jobs for historic rehabilitation. Historic preservation typically creates more jobs than new construction. In new construction, half of the expenditures go for labor and half for materials. For historic preservation jobs, 60-70% typically goes to labor as the work itself is generally more labor intensive. Local labor is often used and wages are likely to feed back into the local economy.
- Preservation of historic structures has environmental benefits for the community. By rehabilitating and reusing historic structures rather than demolishing and building new, the amount of landfill and other waste is reduced. Fewer materials are made, transported, and disposed.
- Tybee residents love Tybee history. Many residents bemoan the loss of historic structures to demolition and they communicate their unhappiness to the HPC, but they do not know how to save them. A local historic district can preserve the historic structures of Fort Screven and an early and unique residential community that grew up adjacent to the Fort. It saves Tybee history. It saves the historic fabric of our community.

- Residents who are aware of Tybee’s historic districts are proud to have three National Historic Districts on this small island. A local historic district will preserve Fort Screven’s National Register Historic District designation for future generations to learn about and enjoy. It has the benefit of instilling civic pride.
- In the past several years, the HPC has reviewed multiple permit applications for demolitions of historic properties. In some cases, site visits confirmed the structures could have been saved if ordinary maintenance and repair had been performed over time (actions which would not require a COA if the structures were located within a local historic district). Typically, deteriorated structures detract significantly from the appearance of the surrounding area. A local historic district can have the benefit of demonstrating how routine maintenance can contribute to a positive historic aesthetic in our community.
- A local historic district has the benefit of encouraging better and more sensitive design and protection from inappropriate alterations. This is particularly important in a popular coastal community which is experiencing significant development pressures. Comparative studies have shown that there is a greater sense of relatedness, more innovative use of materials and greater public appeal within local historic district than in areas without historic designation.
- Designation of the local historic district has the benefit of instilling confidence that decisions have been made through a defined participatory process rather than without public input.

6. What is the difference between a National Register Historic District and a Local Historic District?

The National Register of Historic Places is the nation's official list of buildings, sites or areas (districts) worthy of preservation. Listing does not impose requirements, nor restrict what the property owner may do with the property unless the owner is using federal assistance, like federal historic rehabilitation tax credits. Presently, Tybee Island has three designated and one proposed National Register Historic Districts: Fort Screven (designated 1982), the Strand (designated 1999), the Back River (designated 1999), and Central Tybee Island (application pending).

A local historic district is a district designated by a local ordinance, which falls under the jurisdiction of an appointed citizen-board called a Historic Preservation Commission. It provides communities with the means to make sure that growth, development, and change take place in ways that respect the important architectural, historical, and environmental characteristics within a district. Presently, Tybee Island does not have any locally designated historic districts.

7. What constitutes a local historic district?

According to the 1980 Georgia Historic Preservation Act, which makes such local designations possible, a local historic district is an area that has significance to the local government because it:

- 1) has special character or historic, cultural or aesthetic value or interest;
- 2) represents one or more periods, styles or types of historic architecture; and
- 3) visually stands apart as a unique section of the municipality.

8. How is a local historic district designated?

A historic district is designated by the elected officials after recommendation from the Historic Preservation Commission (HPC). Prior to making such a recommendation, the HPC must prepare a

report outlining the significance of the district, accompanied by a map with the boundaries of the district, and a listing of each property address included.

Once the report has been prepared, the HPC/City Council must hold a public hearing and notify all property owners that will be included in the district. Notice in the newspaper is also required. The HPC may hold information work sessions prior to the hearing to answer questions regarding the proposed designation.

After the public hearing is held, HPC's final recommendation is submitted to the elected officials who may adopt, alter or reject the designation as proposed.

9. How has the HPC worked to inform and engage the residents and property owners within the proposed Fort Screven and North Campbell local historic district, as well as the broader Tybee community?

During the preparation of the original grant proposal to the Georgia Department of Community Affairs in January 2024, the HPC recognized the critical importance of education and public engagement in the project to develop a local historic district for Fort Screven and the North Campbell neighborhood. Since the start of the project on November 1, 2024, the HPC has taken action to engage the affected residents and property owners, the community, and local government officials through social media and city website postings, community postings (flyers, yard signs), public workshops and presentations, and maintenance of a publicly available project website. Public engagement activities include:

- November 7, 2024: Local Historic District CLG Grant Public Kick-Off Meeting (Guardhouse)
- November 22, 2024: Launched HPC's Local Historic District Project Website <https://talktyb.org/hpc-clg-grant-project>
- February 27, 2025: Local Historic District Project Update to City Council Meeting
- May 14, 2025: Local Historic District Public Visioning Session (Guardhouse)
- July 9, 2025: Local Historic District Project Update to City Council Workshop
- July 21, 2025: Local Historic District Information Update & Input Session with Planning Commission
- August 19, 2025: Local Historic District Project Overview with Tybee Island Historical Society
- August 19, 2025: Local Historic District Public Workshop (Guardhouse)
 - Notification letters were mailed to owners of historically contributing properties in the proposed district
 - Notification flyers were mailed to owners of non-contributing properties in the proposed district
- September 15, 2025: Local Historic District Information Update & Input Session with Planning Commission
- October 8, 2025: Local Historic District Project Update to City Council Workshop
- October 13, 2025: Local Historic District Public Q&A Session (Public Safety Building)
- October 20, 2025: Planning Commission Public Hearing on the Proposed Local Historic District for Fort Screven and the North Campbell Neighborhood (planned)
- November 11, 2025: City Council/HPC Public Hearing on the Proposed Local Historic District for Fort Screven and the North Campbell Neighborhood (planned)

10. Where can I find a list of the historic properties within the proposed local historic district?

The list of historic properties can be found in Appendix B of the *Draft Local Historic District (LHD) Design Guidelines* available at: <https://talktyb.org/hpc-clg-grant-project>

11. What is the benefit of a local historic district versus individual houses getting historic designation?

Historic designation of individual properties has been an option available to any property owner under the city's Historic Preservation Ordinance since 1999. The advantage of a local historic district designation is that the developmental history and historical significance is established for a collection of historic structures that share elements of a common history which is significant to the local community and does not necessarily require researching the history of every single structure individually. A property owner who wants their individual property designated as historic will need to first determine that the structure still retains its historical integrity, research the history of that specific structure and establish that the structure has historical significance. Design guidelines specific to that structure would need to be prepared. Because the designation of the individual property as historic will involve a "mini" zoning overlay district in perpetuity, a rezoning application (\$1,000) will be needed, as well as review and approval by the Planning Commission and the City Council.

12. Would existing structures within the local district that are less than 50 years of age then be designated as historically contributing structures once they are 50 years old?

No. The developmental history of Fort Screven and the North Campbell Neighborhood established the period of historical significance for the proposed local historic district in the area of Community Planning & Development as 1880-1975. Structures built after 1975 would not be designated as historic. For additional information on the developmental history and historical significance of Fort Screven and the North Campbell Neighborhood, see the "Local Historic District Report_Phase 2 Final Report_Updated 071125" on the HPC's project website at <https://talktyb.org/hpc-clg-grant-project>

13. Does the HPC plan to propose the designation of additional local historic districts on Tybee Island in addition to the Fort Screven/North Campbell Neighborhood area?

The HPC has no current plans to propose the designation of additional local historic districts on Tybee Island. Several owners of historic properties within the proposed district who participated in HPC's public workshops on the local historic district expressed the hope that property owners in other parts of the island might become interested in local historic district protections.

14. Will inclusion in a local historic district restrict how I can use my property?

No. A local historic district is generally "overlaid" on the existing zoning classifications in a community. Therefore, a local Historic Preservation Commission deals only with the appearance of the district, not with the uses of those properties. Uses of properties is governed by zoning ordinances.

15. Will inclusion prevent me from making changes to my property?

Designation does not prevent owners from making changes to their properties, nor does it require them to restore or even fix-up their property (unless they are allowing it to deteriorate and collapse from neglect). Designation ensures that alterations, additions or demolitions are in keeping with special character of the district. This happens through a process called design review, whereby the Historic Preservation Commission approves major changes that are planned for the district and issues Certificates of Appropriateness (COAs). The intent of the COA process is to ensure the integrity and character of the district is maintained. Local designation encourages sensitive development in the district and discourages unsympathetic changes from occurring.

16. What is the design review process?

The primary purpose of the design review process is to assess the potential impact of proposed changes on the historic integrity of a building or district and to provide recommendations for minimizing or mitigating adverse effects. The design review process typically involves examination of proposed changes which can include information from the COA application, photographs, drawings, specifications, and other related documentation, if necessary and as appropriate. The reviewers assess the proposed changes using design criteria and guidelines adopted by the HPC. Design criteria and guidelines:

- respect the historic character of the district;
- prioritize preservation of character defining elements of historic structures;
- provide guidance to property owners, contractors, and others in developing design solutions for proposed changes to historic structures; and, importantly
- support consistency and fairness in HPC decisions on COAs.

Collaboration and communication are essential components of effective design review. Open and respectful communication and collaboration between the stakeholders involved in the proposed change(s) are critical to ensuring that preservation goals are met. Ensuring that changes to historic structures and the district are made in ways that respect their historic integrity helps historic buildings and historic districts continue to be relevant and meaningful to our community.

The HPC is investigating and considering the possible use of administrative/staff level reviews for specific types of COA applications to streamline the design review process. The HPC has identified other certified local governments (CLGs) in Georgia that have administrative level reviews for COA applications involving such things as the addition of storm windows or doors, removal of non-historic detached accessory structures, repointing and rebuilding of masonry, removal of artificial siding. Qualification as an administrative review item would mean that the proposed work clearly and distinctly complies with the intent and requirements of the design guidelines. HPC will retain its authority for final decisions on COAs, but through the use of a consent agenda in the public HPC meetings, the design review process could be streamlined for certain types of proposed changes that are the subject of COA applications.

Note: The *Fort Screven and North Campbell Neighborhood Local Historic District Draft Design Guidelines* is available at <https://talktyb.org/hpc-clg-grant-project>.

17. What might happen to the value of my property if it is included in a local historic district?

Designation of an area as a historic district will not directly affect property values. Because local historic district properties are protected from insensitive development, owners may be more inclined to make improvements to their properties, and this can increase the value of all property in a local district.

National and statewide economic studies show that local historic district designation first stabilizes property values, and then slowly values begin to rise. In most cases properties in local historic districts appreciate at rates greater than: (a) the local market as a whole, and (b) similar neighborhoods that are not designated.

18. Do I have any say as to whether my property is included in a local historic district?

Before a local historic district is designated, all residents and owners of property in the proposed local district have the opportunity to express their views at public hearings with the Historic Preservation Commission and the elected officials. But remember that the HPC and elected officials are evaluating a property's designation based on objective criteria in the ordinance, not on personal preference. Elected officials are legally obligated to pass laws that treat similarly situated persons alike, and therefore treat similar historic properties uniformly.

19. Are all buildings in a local historic district necessarily historic?

No. A major goal of local historic districts is maintaining the overall historic character of the area. When the boundaries are drawn for a local historic district, it will often include non-historic properties (called "non-contributing" or "non-historically contributing" properties) and vacant lots. Reviewing proposed changes to non-historic properties as well as historic properties ensures that alterations and more recent construction will not become more intrusive and hopefully will become less so.

If these non-historic properties are not included in the district, there is a greater chance that changes to these properties could have a negative impact on the historic character of the area or on adjoining historic buildings. The design review process ensures that alterations and new construction does not detract from the district and is compatible with its neighboring historic structures.

20. What about new construction?

A review of compatibility with historic character and neighboring historic structures must recognize that new construction is required to meet current building codes and FEMA requirements, including compliance with the city's 35-foot height limit and FEMA elevation requirements. HPC's design review process must take such requirements into account when considering potential impacts of new construction on the historic character of the district and nearby historic structures. In other words, on Tybee Island, new construction will always be built at a higher elevation than the majority of the surrounding historic structures. HPC does not have the authority to override existing building codes or FEMA requirements.

21. Are exemptions from the COA process allowed?

The HPC consulted with the State Historic Preservation Office on the question of whether non-historic properties within a local historic district can be exempted from COA requirements. There are no exemptions from the COA process allowed for non-historic structures located within the local district. The Georgia Historic Preservation Act states in Section 44-10-27 (a),

"After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of the historic property or of a structure...within the historic district shall be made or permitted to be made...unless or until application for a certificate of appropriateness has been submitted to and approved by the [historic preservation] commission."

The COA process applies to non-historic structures to help ensure that historic character of the district is maintained.

The Georgia Historic Preservation Act [Section 44-10-27 (b)] allows only two exemptions from the COA process for a locally designated historic district: (1) any work performed or funded by the Georgia Department of Transportation; and (2) local governments, provided that the local government shall

notify the HPC 45 business days in advance prior to beginning any work that otherwise would require a COA and allow the HPC an opportunity to comment.

22. What sorts of changes require a COA?

A COA would be required for work that physically alters the appearance of the property, such as moving or replacing windows and doors, enclosing a porch, installing artificial siding, painting a previously unpainted surface (e.g. a foundation), or demolishing all or part of a structure.

23. What sorts of changes do not require a COA?

Interior changes that do not affect the exterior appearance of a structure do not require a COA. Minor repairs and ordinary maintenance on exteriors to correct deterioration, decay or damage, or to sustain the existing form, that do not involve a material change in design, material or appearance such as repainting or repairing a roof with the same materials do not require a COA. Changes in paint color do not require a COA. The Georgia Historic Preservation Act specifically excludes exterior paint alterations from the types of changes that require a COA.

24. Are there maintenance requirements for properties within a locally designated historic district?

Owners of historic properties or properties within the local district must provide ordinary maintenance and repair of the exterior of their buildings. In other words, buildings cannot be allowed to deteriorate by neglect. The conditions that constitute failure to provide ordinary maintenance and repair are:

- broken windows, doors, and openings which allow the elements and vermin to enter;
- deterioration of exterior architectural features; and
- deterioration of a building’s structural system.

Since maintenance requirements are already addressed for properties within historic districts and the conditions that constitute failure are defined, there is no apparent reason for HPC to create or impose any additional maintenance requirements.

25. What decisions can HPC make on COA applications?

Acceptable HPC decisions on COA applications are as follows:

- The HPC shall approve the application and issue a COA if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the historical or architectural significance and value of the historic property or the historic district.
- The HPC shall deny (reject) a COA if it finds that the proposed material change(s) in appearance would have substantial adverse effect on the historic or architectural significance and value of the historic property or the historic district.
- The HPC may make approval of a COA conditional upon complying to certain situations which may be listed in the certificate. Such stipulations are to be used only to diminish the adverse impact of the changes in material appearances proposed in the COA application.

26. Can undue hardship be considered in HPC decisions on COA applications?

By reason of unusual circumstances, the HPC can take undue hardship under consideration in making decisions on COA applications. The Georgia Historic Preservation Act and the City of Tybee Historic Preservation Ordinance provide HPC with the power to vary or modify strict adherence to the provisions or to interpret the meaning of the provision so as to relieve exceptional difficulties or undue

hardship provided, however, that such variance, modification, or interpretation shall remain in harmony with the general purpose and intent of the provisions so that the architectural or historic integrity or character of the property shall be conserved and substantial justice done. In granting variations, the HPC may impose reasonable and additional stipulations and conditions. An undue hardship shall not be a situation of the person’s own making or as a result of any failure to maintain the property in good repair.

27. Are public hearings required for COA applications?

The Georgia Historic Preservation Act does allow the HPC, “In cases where the commission deems it necessary, it may hold a public hearing concerning the application.” However, it is also required that all meetings of the HPC must be open to the public, including meetings at which COA applications are discussed. The HPC holds open public meetings on the second Monday of every month. The HPC plans to have COA applications addressed at its monthly public meetings at which the applicant and *materially affected* property owners (if any) will have an opportunity to be heard. The HPC may decide to hold a public hearing for COA applications involving demolition or for an application involving unusual or complex circumstances or affecting many property owners.

28. What happens if the HPC rejects my COA application?

If the HPC rejects a COA application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The HPC may suggest an alternative course of action it thinks proper if it disapproves of the application submitted. The applicant, if they so desire, may make modifications to the plans and may resubmit the application at any time after doing so.

In cases where the COA application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the COA application shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.

29. If I am unhappy with a decision made by the Historic Preservation Commission concerning my Certificate of Appropriateness application, may I appeal?

Yes. Appeals may be made to the elected officials and then to the County Superior Court, who will both determine if the HPC abused its discretion – not following the standards in the ordinance or the design guidelines – in reaching their decision.

ADDITIONAL QUESTIONS FROM THE COMMUNITY

30. Does a local historic district effectively create a homeowner’s association (HOA)? How is a local historic district different from an HOA?

A local historic district does not create an HOA. There are significant differences between a local historic district and an HOA. In general, an HOA involves much more far-reaching covenants, codes and restrictions than a local historic district.

Local Historic District	Homeowner’s Association (HOA)
<ul style="list-style-type: none"> • Created by local government through an ordinance based on recommendations from a historic preservation commission 	<ul style="list-style-type: none"> • A private legal entity created by developers and attorneys or by property owners
<ul style="list-style-type: none"> • Purpose is to preserve and protect 	<ul style="list-style-type: none"> • Purpose is to protect property

Local Historic District	Homeowner's Association (HOA)
the significant historic and architectural features and character of a designated area	values, maintain community amenities, and ensure properties meet certain standards through community codes and rules
<ul style="list-style-type: none"> Governs exterior alterations, new construction, demolitions, and relocations through a design review process by a historic preservation commission; focuses on the visual appearance and historic character of the district, not the property's use 	<ul style="list-style-type: none"> Establishes codes and rules for various aspects of the community like landscaping, maintenance, fences, noise, parking, pets, property use, resident behavior, renovations, paint color
<ul style="list-style-type: none"> The design review process requires an application for a certificate of appropriateness (COA) 	<ul style="list-style-type: none"> Enforces community codes and rules through an HOA board and the use of fines
<ul style="list-style-type: none"> Encourages sensitive design and development, preserves historic resources, can enhance property values, and provides educational and economic benefits through tourism. 	<ul style="list-style-type: none"> Promotes stable property values, community connection, ensures well maintained common areas, deters nuisance activity

31. Is it correct that some residents in the North Campbell Neighborhood want an HOA and the local historic district is their means to get it through local government?

No. This is not true and is an example of misinformation circulating in the community.

32. What happens to my historic house within the local historic district if it is destroyed by a hurricane or fire? Do I have to rebuild in the same historic style?

No. Once a historic house is destroyed, it is lost forever. There is no requirement for replication of what has been lost. If your historic house was destroyed and you decided to rebuild, it is new construction. New construction must meet current building codes and flood regulations. New construction would be a non-historically contributing property within the district. New construction within the district would apply for a COA and would be reviewed by HPC for compatibility with the character of the district. Keep in mind that Fort Screven and the North Campbell Neighborhood have an eclectic set of historic buildings and it is likely that many contemporary designs will be found compatible and consistent with the historic character of the local district.

33. What if my historic home within the local historic district is flooded but not destroyed?

The Secretary of the Interior Guidelines for Flood Adaptation could be useful in providing options to mitigate flood risk and rehabilitate a historic structure. Remember, the local historic district and the COA's design review process is only concerned with the exterior appearance of buildings.

34. Regarding the COA and the design review process, how will I know what would be approved and not approved and would that change with different people on the HPC?

When planning changes to their building, the best approach is for property owners (and/or contractors, if applicable) to familiarize themselves with the design guidelines adopted by HPC for the design review process. Familiarity with the guidelines provides: (1) insights into changes to exteriors that are likely to be recommended; and, (2) a better basis for communication and collaboration with the HPC on

developing design solutions for proposed changes to historic structures.

The *Fort Screven and North Campbell Neighborhood Local Historic District Draft Design Guidelines* is available at <https://talktyb.org/hpc-clg-grant-project>. The Secretary of Interior Standards and Guidelines for Rehabilitation that are referenced in the *Fort Screven and North Campbell Neighborhood Local Historic District Draft Design Guidelines* are available online from the National Park Service website. These include:

- Secretary of the Interior Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings <https://www.nps.gov/crps/tps/rehab-guidelines/rehabilitation-guidelines-1997.pdf>
- Secretary of the Interior Standards for Rehabilitation & Illustrated Guidelines on Sustainability for Rehabilitating Historic Buildings <https://www.nps.gov/orgs/1739/upload/sustainability-guidelines.pdf>
- Secretary of the Interior Standards for Rehabilitation & Guidelines for Flood Adaptation for Rehabilitating Historic Buildings <https://www.nps.gov/orgs/1739/upload/flood-adaptation-guidelines-2021.pdf>
- National Park Service Preservation Brief 16: The Use of Substitute Materials on Historic Building Exteriors <https://home.nps.gov/orgs/1739/upload/preservation-brief-16-substitute-materials-2023.pdf>

An important role of design guidelines is to support consistency and fairness in HPC decisions on COAs. The HPC must retain records of all COAs and fully document its proceedings, including the basis for its decisions. Any abuse of discretion in HPC decisions can be appealed to City Council and beyond that, to superior court. These requirements will not change as different persons serve on the HPC.

35. Will property owners need to hire architects, contractors, and attorneys for the COA process?

Whether a property owner hires outside assistance for their project is their own decision. Decisions on hiring architects or contractors are typically based on the type and extent of the changes to be made to a building and whether the property owner has the requisite expertise or capability to plan and make those changes themselves. The HPC does not expect that a property owner would require legal advice to apply for a COA. The COA process is intended to be a collaboration between the HPC and the property owner or their designated representative. HPC decisions on COAs will be based on the results of design reviews consistent with the design criteria and guidelines adopted by the HPC, which are publicly available, as are the Secretary of the Interior's standards and guidelines for historic rehabilitation. See "16. What is the Design Review Process" for additional information.

36. Is it correct that deteriorated historic features on historic buildings absolutely must be repaired and cannot be replaced?

Whether a deteriorated historic feature is repaired or replaced depends on the nature and extent of the deterioration. Repair rather than replacement is always preferred. But there can be situations where the severity of deterioration requires replacement. The Secretary of the Interior Standards for Rehabilitation provides that, "Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and other visual qualities and, where possible, materials." National Park Service Guidance on the use of substitute materials provides flexibility taking into account technical and economic feasibility.

37. Why does replacement of missing historic features require documentary or physical evidence?

The requirement in the Secretary of the Interior’s Standards for Rehabilitation for evidence of missing historic features in order for them to be replaced is intended to avoid the creation of a false sense of history by adding conjectural features, features from other properties, or by combining features that never existed together historically. Documentary or physical evidence can be wide-ranging in a variety of formats. For example, dated photographs, sketches, architectural drawings, and the like which show the building and its features in its original built state can serve as evidence, as well as remnants of the missing features that can be proven to be original to the building.

38. Are ranch houses historic?

Yes, ranch house that retain exterior historical integrity are historic and have been recognized as such by federal and state historic preservation authorities and the professional historic preservation community.

Ranch Houses Are A Recognized Historic Building Type



- House of choice for post-WWII generation
- A new type of residential architecture in its time
- Innovative and precedent-setting
- Distinctive patterns of interior spaces and exterior forms
- “Zoned” interiors were a new concept in floor plans
- New kind of room—the “family room” or den
- Chimney with fireplace often a major architectural element
- Picture windows, sliding glass doors
- Attached garages
- Situated laterally across width of the lot
- Open to back yard, increased family living space





LEGEND

- A Vehicular Parking
- B Bike Racks
- C Little Library
- D Existing Swale to Remain
- E Picnic Tables on Compressed Aggregate (Accessible)
- F Accessible 12' Multi-Use Pathway - Compressed Aggregate Material
- G Pollinator Wildflower Garden / Savannah Bee Company Collaboration Area
- H Natural Earth Berm
- I Marsh Overlook
- J Local Art Installation
- K Bench and Receptacle, TYP.
- L Existing Vegetation to Remain, TYP.
- M Natural Wooded Pathway
- N Boardwalk Over Wetland
- O Small Dog Park
- P Large Dog Park
- Q Disc Golf Course
- R Fenced Lay Down Yard / Project Stockpiling Area
- S Existing Marsh
- T Existing Trees to Remain, TYP.
- Native Wildlife / Habitat Informational Signage
- Site History Signage (Trash Reclamation / Former Railroad Site)

MAYOR
Brian West

MAYOR PRO TEM
Spec Hosti

CITY COUNCIL
Nick Hale
Cam Jackson
Tony Plouge
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 February 12, 2026 | 6:30 PM

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

AMENDED AGENDA

Opening Ceremonies

Call to Order

Invocation

Pledge of Allegiance

Approval of Agenda

Announcements

Consideration of Items for Consent Agenda

Consideration of Approval of Meeting Minutes

1. City Council Regular Meeting Minutes — January 8, 2026

Citizens to be Heard

Sarah Alley, Manomet Conservation Sciences — Shorebird Festival

Beth Palmer, Tybee Island Marine Science Center

Public Comments

If anyone wishes to speak on any item on the agenda other than the Public Hearings, please approach the podium and limit your comments to three minutes.

Consideration of Approval of Consent Agenda

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



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Public Hearings

2. Comprehensive Plan Process — Kick-Off for the 2026-2031 Tybee Island Comprehensive Plan. Coastal Regional Commission. (GA Comp. R. & Regs. R. 110-3-2)
3. Conveyance — Request by the Savannah Pilots Association to Acquire an 8,549 Square Foot Strip of the Parcel Legally Described as The 317.5 X 150 Portion of Abandoned Right of Way GA - 3 Old US Highway 80 - PIN 40024 01006 - Zoned M-D - City of Tybee Island (Owner)
4. Designation of a Local Historic District: Designation by Ordinance of the Fort Screven and North Campbell Neighborhood Local Historic District
 - A. Text Amendment: Update to Article 14 - Historic Preservation and Sec. 4-050. - Zoning districts of the Land Development Code to Create the Fort Screven and North Campbell Subdivision Local Historic District
 - B. Map Amendment: Addition of the Fort Screven and North Campbell Subdivision Local Historic District Overlay to Official Zoning Map
5. Text Amendment: Updates to Article 1 — Introduction of the Land Development Code
Text Amendment: Updates to Article 2 — Definitions of the Land Development Code
Text Amendment: Updates to Article 3 — General Provisions of the Land Development Code
Text Amendment: Updates to Article 4 — Zoning Districts of the Land Development Code
Text Amendment: Updates to Article 5 — Procedures for Administration and Enforcement of the Land Development Code
6. Text Amendment: Updates to Article 6 — Sign Regulations of the Land Development Code
7. Text Amendment: Updates to Article 7 — Tree Removal Regulations of the Land Development Code

Consideration of Agreements

8. Agreement with the Georgia Forestry Commission to Conduct a Prescribed Burn on Accreted Land off Van Horn Avenue
9. Amendment of Professional Services Agreement with Thomas & Hutton

Consideration of Ordinances and Resolutions

10. Approval of Resolution 2026-02, Committing Local Resources and Submittal of the 2026 Certified Local Government Grant Application
11. Approval of Resolution 2026-04, Authorizing the Initiation of Abandonment Proceedings for a 30-Foot-Wide Portion of Right-of-Way of Old Georgia Highway 26
12. Mayor West: Ordinance 2026-01, Updating and Consolidating the Various Provisions in the Code of Ordinances Related to Ethics — Discussion Only



Executive Session

Discuss Litigation, Personnel, and Real Estate

Possible Executive Session Vote

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."



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."