

MAYOR
Shirley Sessions

CITY COUNCIL
Barry Brown, Mayor Pro Tem
Brian West
Jay Burke
Nancy DeVetter
Spec Hosti
Monty Parks



CITY MANAGER
Dr. Shawn Gillen

CLERK OF COUNCIL
Jan LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

AGENDA

REGULAR MEETING OF TYBEE ISLAND CITY COUNCIL

April 13, 2023 at 6:30 PM

Please silence all cell phones during Council Meetings

Opening Ceremonies

Call to Order
Invocation: Jan LeViner, Clerk
Pledge of Allegiance

Announcements

Consideration of Items for Consent Agenda Consideration of the approval of the minutes of the meetings of the Tybee island City Council

1. Minutes, March 23, 2023

Citizens to be Heard: Please limit comments to 3 minutes. Maximum allowable times of 5 minutes.

2. Pat Leiby and Julia Pearce, Tybee MLK's Pilgrimage to Ghana connecting the Door of No Return to Tybee's Lazaretto

If there is anyone wishing to speak to anything on the agenda other than the Public Hearings, please come forward. Please limit your comments to 3-5 minutes.

Consideration of Approval of Consent Agenda

Public Hearings

3. Applicant is requesting special review of proposed retaining wall at landward toe of dune
4. Applicant requests permission to have a second temporary dwelling on the property until home is elevated. Applicant is part of 2nd batch of the HMGP grant.
5. Special Review, Sec 3-100, Beach, dune or vegetation disturbance/crossover maintenance and construction. Jason Bell petitioner
6. First Reading, 2023-05, Sec 5-050 (C): Expanded Notification to Owners or Occupants
7. First Reading 2023-06: Sec 5-050, Single Family to Multifamily Rezoning
8. First Reading 2023-07: Sec 5-060 Appeal of Zoning Decision
9. First Reading 2023-08 Sec 5-060 Required Number of Public Hearings

P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org



- [10.](#) First Reading 2023-09 Sec 3-090 To allow an Elevator to Encroach into the Side or Rear Setback
- [11.](#) First Reading 2023-10 Sec 2-010 Change of Setback Definition to Allow for Elevators
- [12.](#) First Reading 2023-11 Sec _____ To allow for STR Permits in the R-1, R-1B and R-2 Districts for Historic Homes that have been moved or Historic Restorations
- [13.](#) First Reading 2023-12 Sec 3-_____ To allow for an Exception to the STR Abandonment Clause in Cases of Certain Calamities
- [14.](#) Appendices - Staff Reports and Planning Commission votes for Public Hearings

Consideration of Local Requests & Applications – Funding, Special Events, Alcohol License

- [15.](#) Agenda Request: Elisurf's Coffee & Bagel Bar dba The Surfing Goat:
Add liquor by the drink to existing alcohol license: Beer/Wine/Sunday Sales License
15B Tybrisa St

Consideration of Bids, Contracts, Agreements and Expenditures

- [16.](#) Visit Tybee Info Hut Agreement
- [17.](#) Approve contract proposal for Audit Services. Management recommends Clifton Larson Allen LLP to perform FY23 Audit of City Financial Statements
- [18.](#) Sgt Sims, out of state travel to complete his Drug Recognition Expert certification. He will need to travel to Jacksonville, Fl on April 10 and return on April 16. Hotels expenses for travel are covered for this trip through the certification program. Sgt. Sims will need to travel in his TIPD patrol car requiring gas and per diem for meals. He was originally scheduled to attend this class in November 2023, but a spot opened this month.

Consideration of Ordinances, Resolutions

- [19.](#) Second Reading: 2023-20, Sec 46-34, Discrimination and Harassment Prevention

Council, Officials and City Attorney Considerations and Comments

Executive Session

Discuss litigation, personnel and real estate

Possible vote on litigation, personnel and real estate discussed in executive session

Adjournment

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

***PLEASE NOTE:** Citizens 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 scheduled meeting. 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

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

File Attachments for Item:

1. Minutes, March 23, 2023

* Golf Cart Safety Issues

- * Carts driving on us 80 / parking berm & sidewalk
- * Children driving carts
- * Unrestrained children → held on laps, no car seats, etc.

There has been an unprecedented number of issues for this early in the year.

① A couple of new rentals companies

② Off Island companies who ^{now} delivering and dropping off carts with "no contact" with renters. Booking and contracts are done online

③ A large amount of visitors bringing their own. Used to be generally ^{base of people} just campground but now we are seeing more people renting vacation rentals bringing them.

④ Vacation rentals are including a cart with rentals - Many of which are also "no contact"

Public safety issues -

lack of understanding of golf cart rules

* Numerous prospective renters have said they were ^{or} they could go "straight across" less than ¹⁰ blocks

66-8 Motorized cart use

B-2 Lists Hwy 80 Crossings

B-3 City streets

All streets of the City shall be accessible for an appropriately registered and used motorized cart thereon - except as to Hwy 80 as stated above.

LSV OR NEV →

these carts have a Vin# & ~~of~~
State license tag.

They also have additional safety requirements -

Structural differences / DOT approved windshield, etc. These are governed by State laws → No roads over 35 mph. Annual Amber Light sticker, annual tag registrations

The herding effect - Herd behavior!

Golf Cart parking signs on beach side

City Council Minutes, March 23, 2023

Mayor Sessions called the meeting to order at 6:30PM, March 23, 2023. Those in attendance were Brian West, Monty Parks, Nancy DeVetter, Barry Brown, Jay Burke and Spec Hosti. Also attending were Dr. Shawn Gillen, City Manager; Michelle Owens, Assistant City Manager; Bubba Hughes, City Attorney; George Shaw, Planning and Zoning and Jan LeViner, Clerk of Council.

Opening Ceremonies

Call to Order

Invocation: Jan LeViner, Clerk

Pledge of Allegiance

Mayor Sessions added the following to the Consent Agenda:

- Minutes, City Council Meeting, March 9, 2023
- Agenda Request: Frozen Daiquiri LLC dba The Daiquiri Bar: Alcohol and Entertainment
- License-Beer/Wine/Liquor - No Sunday Sales, 1504 Butler Ave, piped in/recorded Music only-no live music
- Agenda Request: Fin's Corner Pizza-Entertainment License, 1605 Inlet Ave
- Approval for travel to Association of State Floodplain Managers Conference, Out of state travel to the ASFPM annual conference in Raleigh, NC. May 7-11, 2023 for George Shaw. Budget 52-3500
- RFP 2023-771 Disaster Debris Removal. **Discussion:** Contract to be signed by the Mayor once legal team approves it.
- Budget Amendment - Legal Fees
- Consider approval to request GMEBS to draft the necessary documents for the recommended changes to the employee pension plan.
- TIMSC Portable Restroom - Agreement with Royal Restrooms
- Public Works and Georgia Power to replace 32 streetlights along Tybrisa and Strand Avenue for \$350,000.

Recognitions and Proclamations

Jaime Spear and **Jen Amerell** approached Mayor and Council to recognize **Danielle Bucher** as Employee **of the Year**. Ms. Amerell commended Ms. Bucher as she continues to go beyond and is the first one to assist other staff members. Ms. Bucher is always professional and respective and is a valuable asset to the City. Mayor Sessions also commended Ms. Bucher for her dedication to the Finance Department and the City.

Nidhi Patel, Miss Tybee Island, approached Mayor and Council. Mayor Sessions introduced Ms. Patel and asked her to explain how she got to the position. Ms. Patel thanked Mayor Sessions for the opportunity to speak and share her platform with the community. She continued, her Social Impact Initiative is "Your Mental Health Matters – You Matter". Ms. Patel asked if anyone would like more information to please reach out, as she would love to collaborate with the City. Mayor Sessions then presented a Certificate of Appreciation and wished her good luck in her journey to the Miss Georgia competition and hopefully, Miss America competition.

Reports of Staff, Boards, Standing Committees and/or Invited Guest. Limit reports to 10 minutes.

Ben McKay, Assistant Director, Center for Business Analytics and Economics Research, Georgia Southern University approached Mayor and Council to give a **Presentation of the Tourism Economic Impact Study**. Mr. McKay introduced **Chelsea Rimmers who** headed the project. Ms. Rimmers then gave an update on the data reported in the 2015 Tybee Island Tourism Study and to estimate the economic and fiscal impact on Tybee Island visitors. She then showed a presentation on the visitors to the Island and their impact and then a comparison of 2015 and 2023 Reports. Mr. McKay approached Mayor and Council to discuss the comparisons between Tybee Island and other cities. Mayor Sessions thanked Mr. McKay and Ms. Rimmers for their presentation.

Julie Livingston approached Mayor and Council to speak to **Golf Cart Safety**. Ms. Livingston went over several Golf Cart Safety Issues (attached). She asked that the City meet with all the golf cart rental companies to discuss uniform safety rules. Mayor Sessions thanked Ms. Livingston for her concerns and comments. She asked Dr. Gillen to set up a Task Force to look into enforcement. Dr. Gillen confirmed.

Monty Parks made a motion to approve the consent agenda. **Barry Brown** seconded. Vote was unanimous to approve, 6-0.

Consideration of Ordinances and Resolutions

First Reading, 2023-20, Sec 46-34, Discrimination and Harassment Prevention. Mr. Hughes stated the proposed ordinance is an improvement on the existing policy. This also clarifies and addresses harassment in the work place with discrimination and procedures. The Human Resources staff developed these rules which are becoming the ordinance and deal with all types of harassments resulting in decimation as to beyond sexual harassment. Mr. Hughes continued there are better definitions of the categories and protection for the employees. Mayor Sessions thanked the Human Resources Department for taking recognizing the need to update the ordinance. Dr. Gillen also thanked Ms. Spear, Human Resources Director. **Monty Parks** made a motion to approve. **Brian West** seconded. Voting in favor were Brian West, Monty Parks, Nancy DeVetter, Jay Burke and Spec Hosti. Voting against was Barry Brown. Motion to approve, 5-1.

Council, Officials and City Attorney Considerations and Comments

Shawn Gillen gave an update on the **Action Item List**.

Monty Parks made a motion to adjourn to executive session to discuss litigation, and real estate. **Brian West** seconded. Vote was unanimous to approve, 6-0.

Monty Parks made a motion to return to regular session. **Spec Hosti** seconded. Vote was unanimous to approve, 6-0.

Spec Hosti made a motion to adjourn. **Monty Parks** seconded. Vote was unanimous to approve, 6-0.

Meeting adjourned at 8:30PM

Janet LeViner, MMC
Clerk of Council

File Attachments for Item:

2. Pat Leiby and Julia Pearce, Tybee MLK's Pilgrimage to Ghana connecting the Door of No Return to Tybee's Lazaretto

MAYOR
Jason Buelterman

CITY COUNCIL
Barry Brown
Wanda Doyle
Bill Garbett
Julie Livingston
John Major
Monty Parks



CITY MANAGER
Diane Schleicher

CLERK OF COUNCIL
Janet LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

City Council Agenda Item Request

Agenda Item Requests and supporting documentation must be submitted to the Clerk of Council by 4:00PM on the Thursday prior to the next scheduled Council meeting. If this form is received after the deadline, the item will be listed on the next scheduled agenda.

Council Meeting Date for Request: 4/13/2023

Item: Pat Leiby & Julia Pearce, Tybee MLK

Explanation: _____

Announce Tybee MLK's pilgrimage to Ghana connecting the Door of No Return to Tybee's hazzaretta.

Budget Line Item Number (if applicable): _____

Paper Work: _____ Attached*
_____ Audio/Video Presentation**

- * Electronic submissions are requested but not required. Please email to jleviner@cityoftybee.org.
- ** Audio/video presentations *must* be submitted to the IT department at City Hall by 4:00PM on the Thursday prior to the scheduled meeting.

NOTE: Request will be postponed if necessary information is not provided.

Submitted by: Pat Leiby

Phone / Email: 301.305.6502 pat@southmountaintitle.com

Comments: 812 Butler Ave.

Date given to Clerk of Council 4/4/2023

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(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org

Item #2.

File Attachments for Item:

3. Applicant is requesting special review of proposed retaining wall at landward toe of dune



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Applicant is requesting special review of proposed retaining wall at landward toe of dune.

Vote on hearing

ATTACHMENTS

[SPECIAL REVIEW-3 - 8TH PLACE.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023
 CITY COUNCIL MEETING: April 13, 2023

LOCATION: 3 8th Place

PIN: 40006 03001

APPLICANT: Jason Ball

OWNER: Micheal Bono

EXISTING USE: Single family dwelling

PROPOSED USE: Single family dwelling

ZONING: R-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Beachfront Neighborhood

APPLICATION: Special Review for Sec. 3-100 Beach, dune, or vegetation disturbance/crossover maintenance and construction.

PROPOSAL: The applicant is requesting approval to build a retaining wall along the toe of the dune to prevent further dune encroachment.

ANALYSIS: Sec. 3-100 states “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 property federal, state, and local permits. Special review shall be required for any alteration, construction or disturbance of beach, dunes or vegetation thereon...” The toe of the dune is just a few feet from the applicant’s home. The encroaching dune may cause future damage to the home due to moisture build up and lateral pressure.

The Comprehensive Plan describes the Beachfront Neighborhood District as follows:

The Beachfront Neighborhood to the east of Butler Avenue is exclusively R-2 zoning, with single family, multifamily, and duplex housing types. Wide streets with on street parking and old growth trees supplemented by side alleys characterize the area. Public and private beach access are available.

<i>Comprehensive Plan – Community Character Area The Beachfront Neighborhood District</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Historic structures should be preserved whenever possible	N/A
2.	Enhance the pedestrian environment where feasible	N/A
3.	Preserve old growth trees	N/A
4.	Preserve and maintain public beach access and enhance when necessary	N/A
5.	Do not allow intrusion of commercial uses	N/A
6.	Preserve the low density character of the area	N/A
7.	Encourage preservation of the large historic beach to Butler Ave. lots	N/A
8.		N/A

STAFF FINDING

Staff believes that a retaining wall along the landward toe of the dune would be beneficial in protecting the structure. Similar structures have been approved on two different properties including the property to the north. Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Special review application
- B. SAGIS map (1 page)
- C. Survey showing existing foundation,
- D. Construction drawing



CITY OF TYBEE ISLAND SPECIAL REVIEW APPLICATION

Fee \$500

Applicant's Name Mr. Jason P. Ball, PE, Ball Maritime Group

Address and location of subject property 3 8th Place, Tybee Island, Georgia 31328

PIN 40006 03001 Applicant's Telephone Number (912) 662.2914

Applicant's Mailing Address 4 Cedar View Court, Savannah, Georgia 31410

Brief description of the land development activity and use of the land thereafter to take place on the property:
New sheet pile bulkhead retaining structure to alleviate the pressure from the dune on the foundation wall.

Property Owner's Name Michael Bono Telephone Number (713) 898.9669

Property Owner's Address Same as subject property

Is Applicant the Property Owner? Yes No

If Applicant is the Property Owner, Proof of Ownership is attached: Yes


If Applicant is other than the Property Owner, a signed affidavit from the Property Owner granting the Applicant permission to conduct such land development is attached hereto. Yes

Current Zoning of Property R-2 Current Use Single Family Residence

Names and addresses of all adjacent property owners are attached: Yes

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

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


Signature of Applicant

02/03/22
Date

NOTE: Other specific data is required for each type of Special Review.

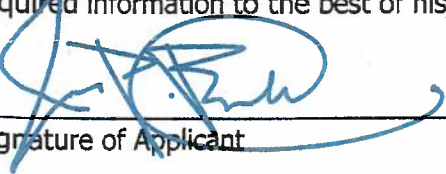
Fee Amount \$ 500.00 Check Number 2062 Date 2/28/23

City Official 

NOTE: This application must be accompanied by following information:

- A detailed description of the proposed activities, hours of operation, or number of units.
- 8 copies, no smaller than 11 x 17, of the proposed site plan and architectural renderings.
- Disclosure of Campaign Contributions form

The Applicant certifies that he/she has read the requirements for Site Plan Approval and has provided the required information to the best of his/her ability in a truthful and honest manner.


Signature of Applicant

02/27/23
Date



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES _____ NO _____

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature 

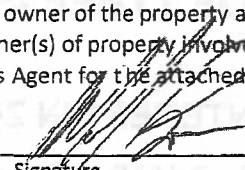
Printed Name Jason P. Ball, PE, Agent

Date 02/27/23

Applicant Information

Owner	
Name	Address
Michael Bono	3 8th Place, Tybee Island, Georgia 31328
Phone	Email
(713) 898.9669	mbono@corporatecare.com
Development Name (if applicable)	

I, the undersigned, do hereby certify that I am the owner of the property affected by the proposed application to the Planning Commission. I/We, the undersigned owner(s) of property involved in this application, do hereby authorize Jason P. Ball, PE to act as Agent for the attached application in my/our behalf.

Michael Bono		02-01-23
Print Name	Signature	Date
Print Name	Signature	Date
Print Name	Signature	Date

Authorized Agent	
Company Name	Contact (Individual Name)
Ball Maritime Group, LLC	Jason P. Ball, PE
Phone	Email
(912) 662.2914	jason@ballmaritime.com

I accept this authorization to act as Agent on behalf of the above owner(s).

Jason P. Ball		02/27/23
Print Name	Signature	Date

PARID: 40006 03001

BONO MICHAEL

3 8TH PL

Most Current Owner

Current Owner	Co-Owner	Care Of	Mailing Address
BONO MICHAEL			6230 WAKEFOREST AVE HOUSTON TX 77005

Digest Owner (January 1)

Owner	Co-Owner	Address 1	Address 2	City	State	Zip
BONO MICHAEL		6230 WAKEFOREST AVE		HOUSTON	TX	77005

Parcel

Status	ACTIVE
Parcel ID	40006 03001
Category Code	RES - Residential
Bill #	2928662
Address	3 8TH PL
Unit # / Suite	
City	TYBEE ISLAND
Zip Code	31328-
Neighborhood	20204.00 - T204 TYBEE BEACHFRON
Total Units	
Zoning	R-2
Class	R3 - Residential Lots
Appeal Status	

Legal Description

Legal Description	E PT 52 TYBEE BEACH FRONTAGE
Deed Book	790
Deed Page	749

Permits

Permit #	Permit Date	Status	Type	Amount
210576	10/01/2021	Complete	RN - RENOVATIONS	\$18,000.00
190528	10/16/2019	Complete	EL - ELECTRIC	\$19,500.00
190665	01/31/2019	Complete	CP - CARPORT	\$15,000.00
150387-3	07/07/2015	Complete	RN - RENOVATIONS	\$13,000.00
150360-2	06/18/2015	Complete	EL - ELECTRIC	\$5,000.00

Inspection

Item #3.	on Date	Reviewer ID
----------	---------	-------------

09/02/2022	RKRYZAK
01/04/2022	RKRYZAK
01/22/2020	RKRYZAK
01/13/2017	MWTHOMAS
02/17/2016	AVMARCAN

Appraised Values

Tax Year	Land	Building	Appraised Total	Reason
2022	1,239,100	197,000	1,436,100	APPEAL DECISION
2021	1,292,490	143,610	1,436,100	APPEAL DECISION
2020	1,292,490	143,610	1,436,100	APPEAL DECISION
2019	1,292,490	143,610	1,436,100	APPEAL DECISION
2018	1,263,500	159,500	1,423,000	
2017	1,263,500	152,300	1,415,800	
2016	1,263,500	152,300	1,415,800	
2015	1,263,500	152,300	1,415,800	
2014	1,263,500	157,300	1,420,800	
2013	1,263,500	158,000	1,421,500	

Sales

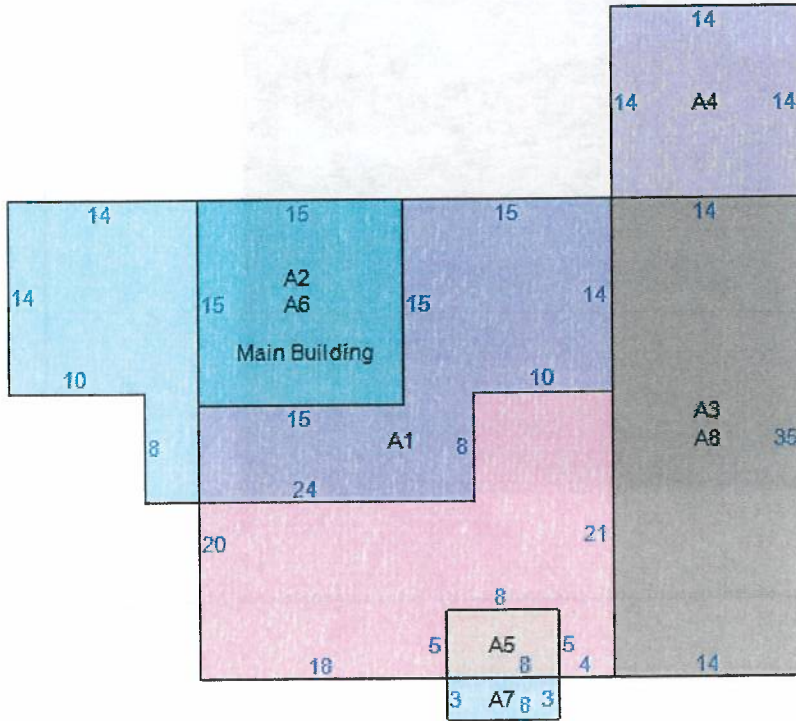
Sale Date	Sale Price	Sale Validity	Instrument	Book - Page	Grantor	Grantee
05/04/2016	650,000	U	QC	790 - 749	BONO MICHAEL & DAVID A	BONO MICHAEL
07/28/2014	0	U	QC	397Z - 784	BONO MURIEL L AS TRUSTEE*	BONO MICHAEL & DAVID A
07/09/1999	0	U	QC	204Y - 277	BONO MURIEL	TRUSTEE OF MURIEL BONO QU

Residential Building

Card #	1
Actual Year Built	1950
Effective Year Built	1985
Type	1 - Single Family Residence
Style/Stories	5 - 1 1/2 STORY FINISHED
Percent Complete	100
Quality	400
Condition	AV - AVERAGE
Living Area	2,308
Basement Area	0
Finished Basement Area	No
Units	3
Item #3. Half Baths	3 / 1

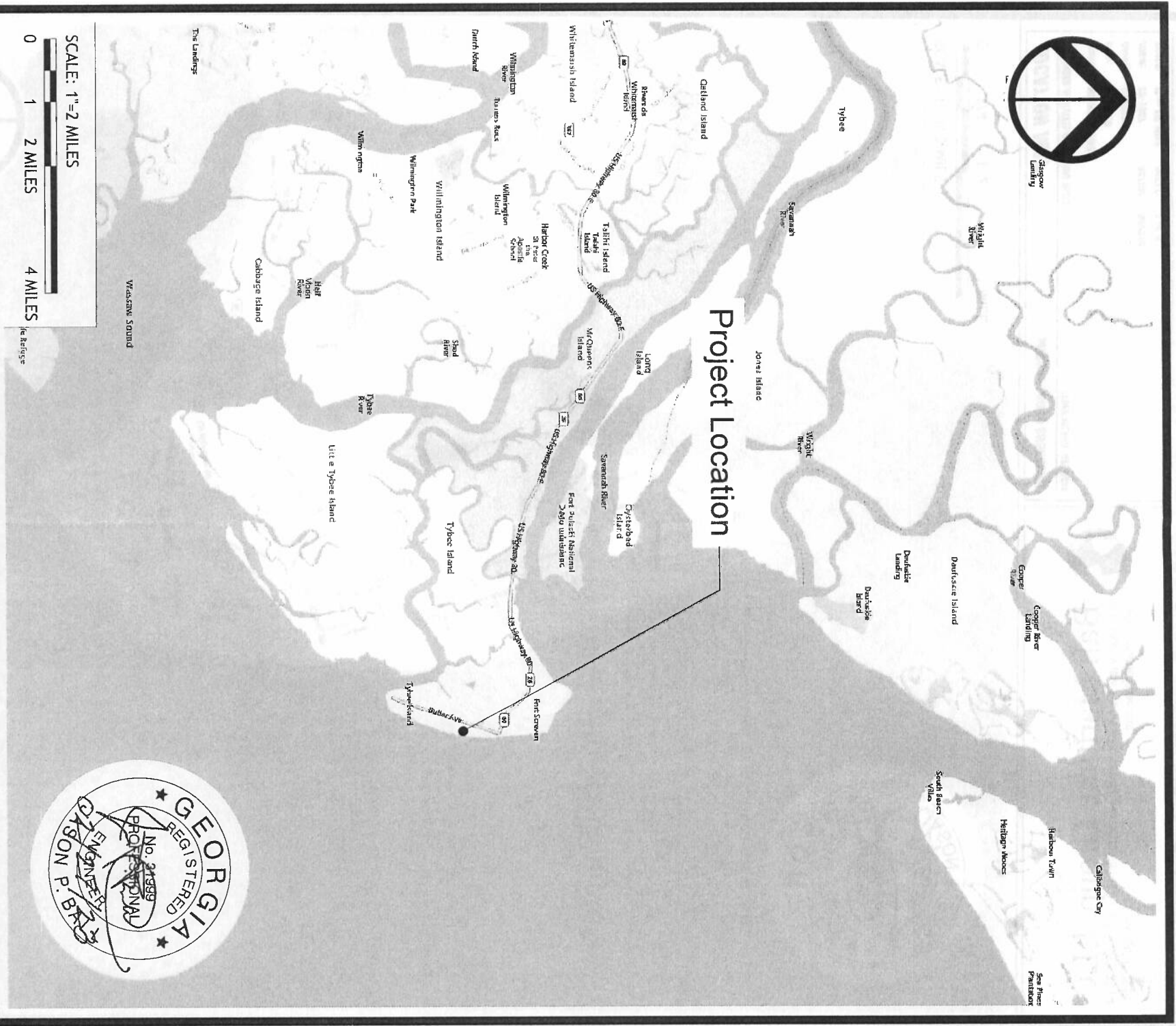
OBY

Card #	Description	Year Built:	Grade:	Units:	Override:	Area:
1	721 : CARPORT, FLAT ROOF	2019	C	1		785



Item	Area
Main Building	808
- 721:CARPORT, FLAT ROOF	785
A1 - 100:100- LIVING SPACE	785
A2 - 100:100- LIVING SPACE	225
A3 - 100:100- LIVING SPACE	490
A4 - 907:907-Enclosed Porch (SF), Scree	196
A5 - 906:906-Wood Deck (SF) with Roof	40
A6 - 909:909-Enclosed Porch (SF), Solid	225
A7 - 903:903-Wood Deck (SF)	24





SCALE: 1"=2 MILES

0 1 2 MILES 4 MILES

VICINITY MAP

PROPOSED ACTIVITY: RETAINING WALL

MICHAEL BONO SHORELINE

TYBEE ISLAND, GEORGIA

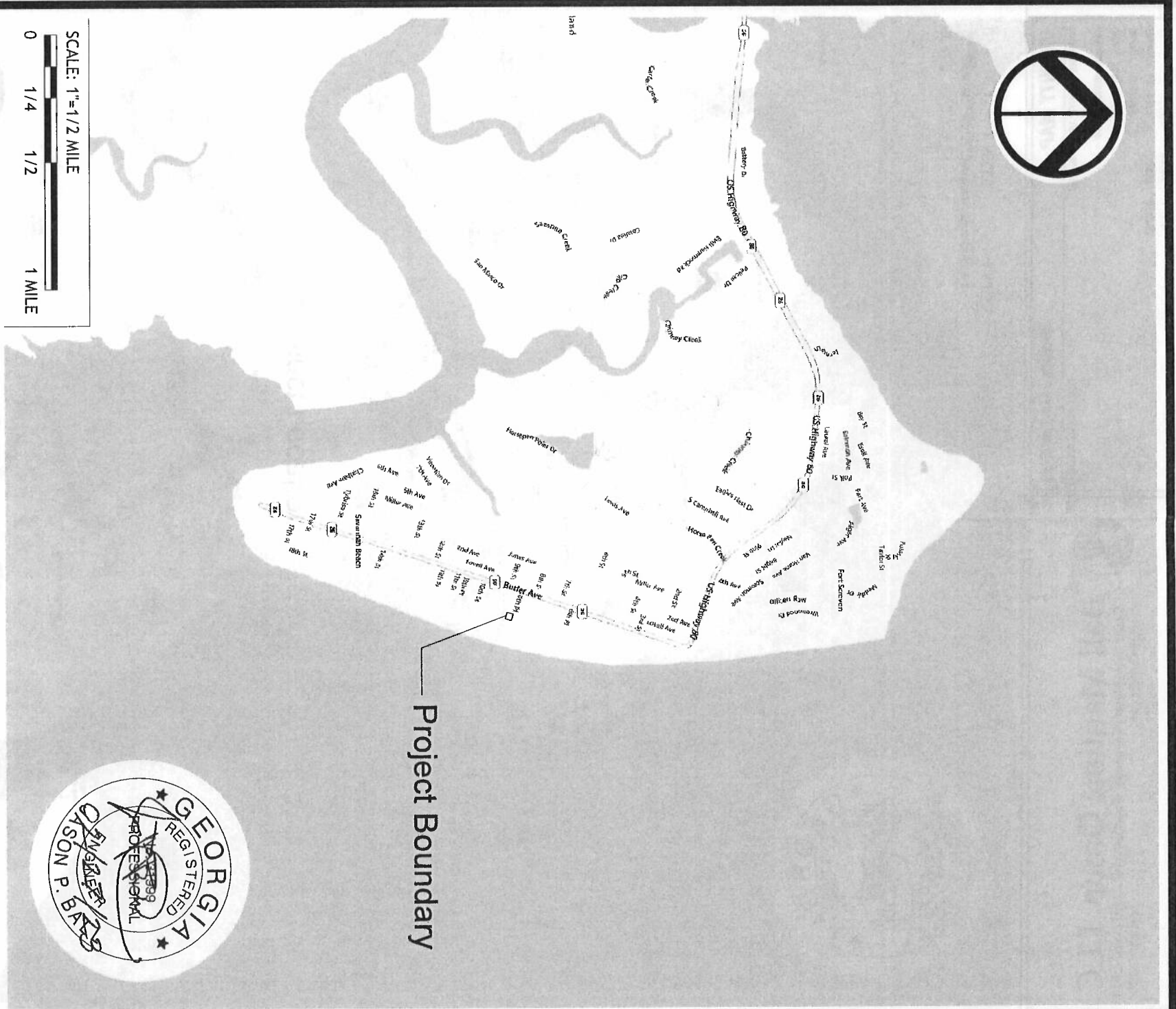
Applicant: MICHAEL BONO
 Date: 02-27-23
 County: CHATHAM
 JOB#: 22-1007
 SCALE: 1" = 2 MILES

DATUM: NAVD83
 SHEET: 1 of 5



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 4 Cedar View Court | Savannah, Georgia
 www.ballmaritime.com
 Georgia | 314101 | (912) 662-2914
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Item #3.



Project Boundary

SCALE: 1"=1/2 MILE
0 1/4 1/2 1 MILE

LOCATION MAP

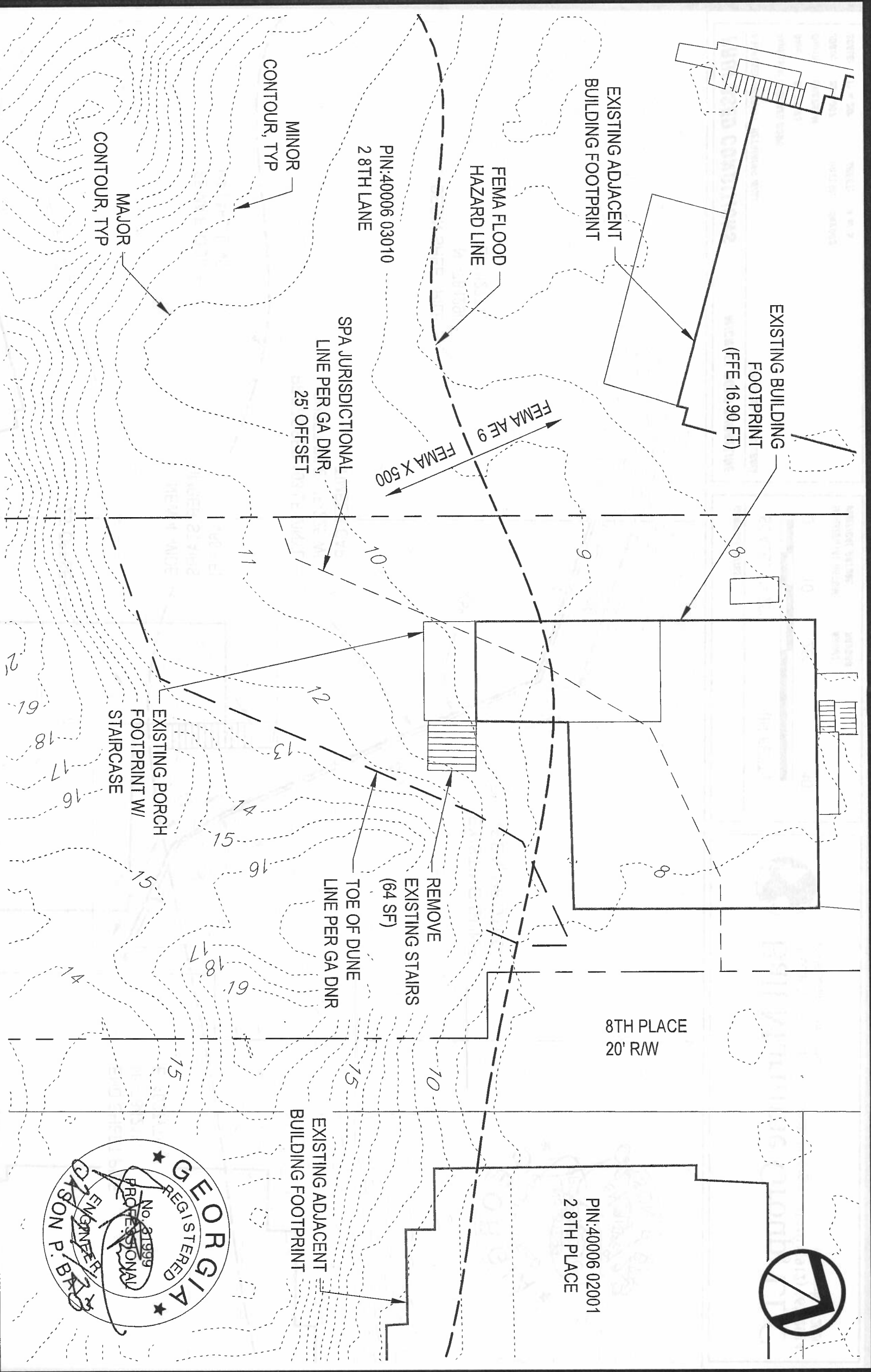
PROPOSED ACTIVITY: RETAINING WALL
MICHAEL BONO SHORELINE
THREE ISLAND, GEORGIA

Applicant: MICHAEL BONO
Date: 02-27-23
County: CHATHAM
JOB#: 22-1007
DATE: NOV08
SCALE: 1" = 1/2 MILE SHEET: 2 of 5



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Item #3



EXISTING CONDITIONS

PROPOSED ACTIVITY: RETAINING WALL

MICHAEL BONO SHORELINE
TREE ISLAND, GEORGIA

Applicant: MICHAEL BONO
Date: 02-27-23
County: CHATHAM
JOB#: 22-1007
SCALE: 1" = 20'

DATUM: NAVD88
SHEET: 3 of 5

GENERAL NOTES:

SCALE: 1"=20' (IN FEET)



HORIZONTAL DATUM: NAD83
VERTICAL DATUM: NAVD88

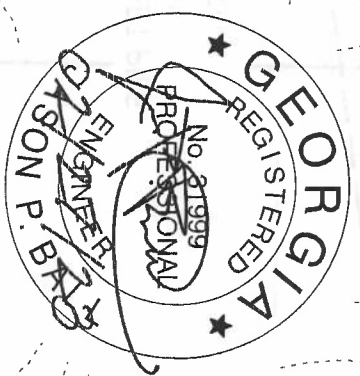


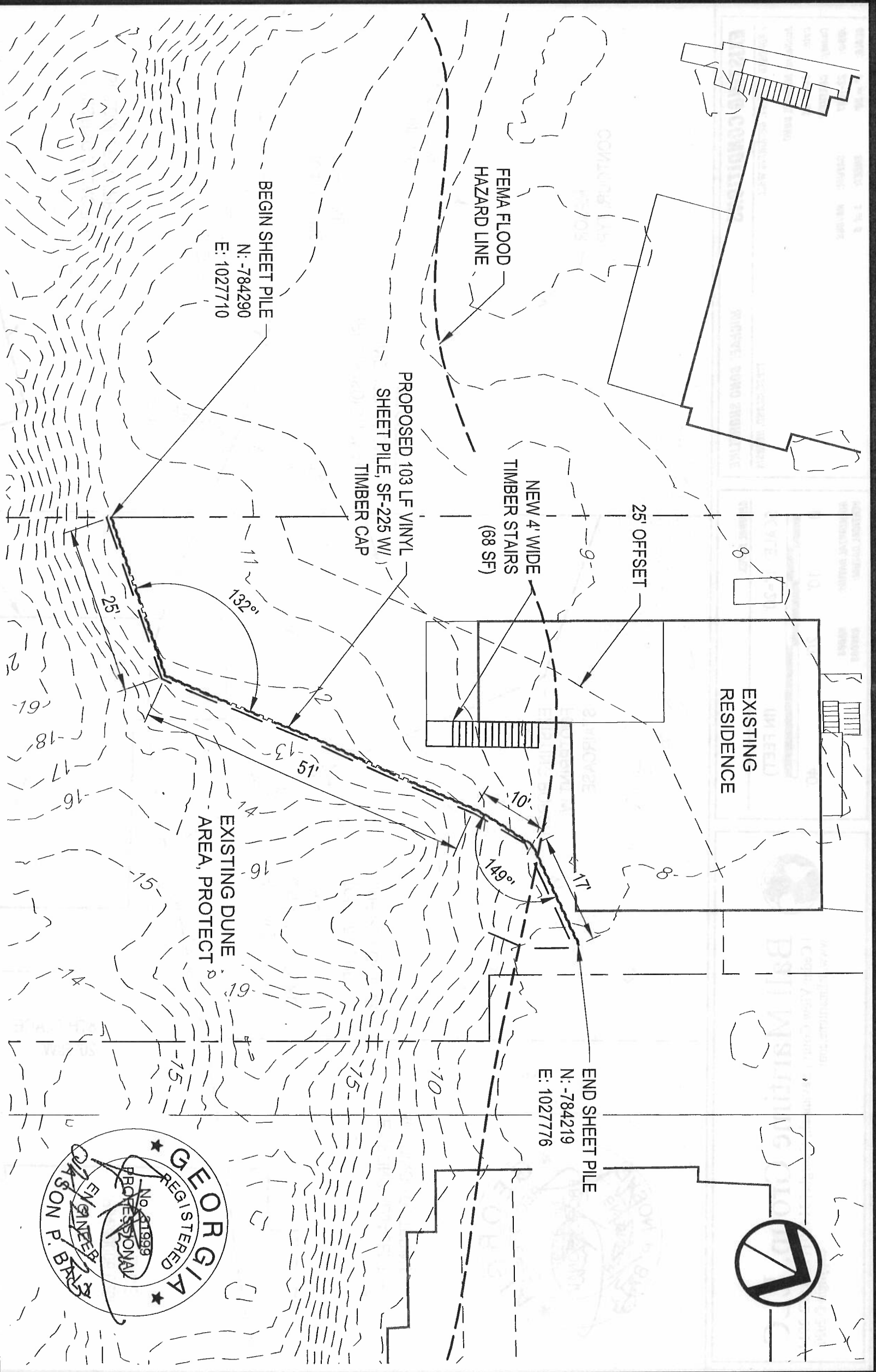
Item #3.

Ball Maritime Group, LLC

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PROPOSED CONDITIONS

PROPOSED ACTIVITY: RETAINING WALL

MICHAEL BONO SHORELINE
TYBEE ISLAND, GEORGIA

Applicant: MICHAEL BONO
Date: 02-27-23
County: CHATHAM

JOB#: 22-1007
DATE: NAVD88
SHEET: 4 of 5

DATE: 02-27-23
COUNTY: CHATHAM
JOB#: 22-1007
DATE: NAVD88
SHEET: 4 of 5

GENERAL NOTES:

SCALE: 1"=20'
(IN FEET)

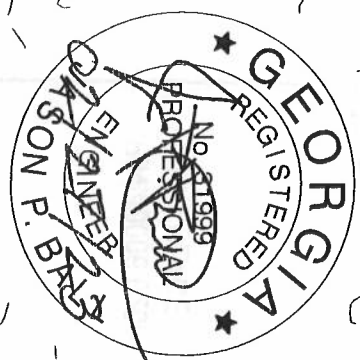


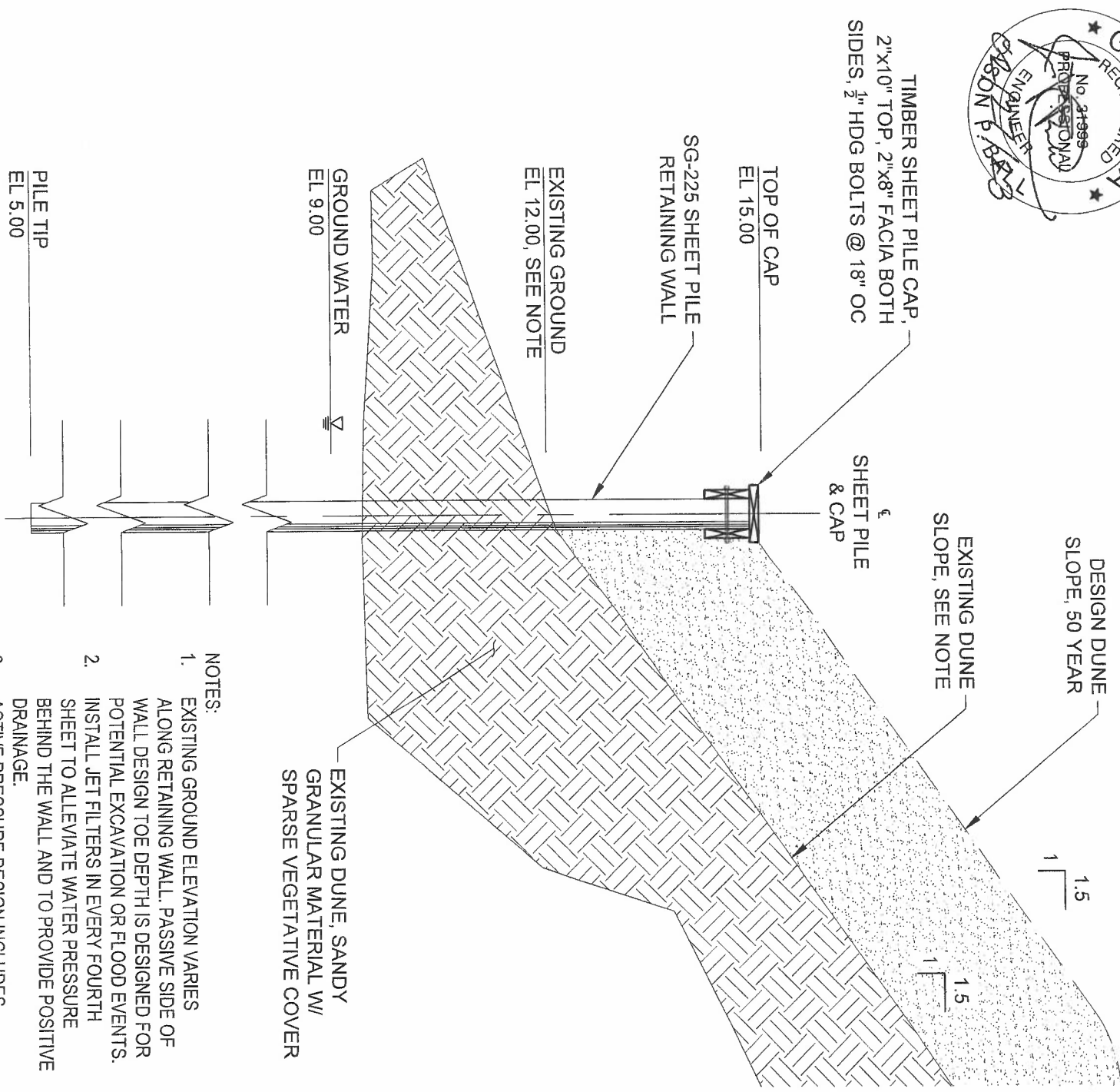
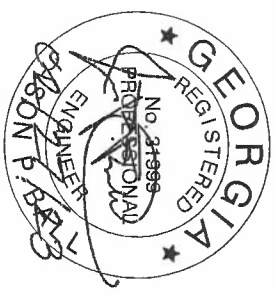
HORIZONTAL DATUM: NAD83
VERTICAL DATUM: NAVD88

Item #3.



Ball Maritime Group, LLC
4 Cedar View Court | Savannah, Georgia | 31410 | (912) 662-2914
www.ballmaritime.com
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- NOTES:
1. EXISTING GROUND ELEVATION VARIES ALONG RETAINING WALL. PASSIVE SIDE OF WALL DESIGN TOE DEPTH IS DESIGNED FOR POTENTIAL EXCAVATION OR FLOOD EVENTS.
 2. INSTALL JET FILTERS IN EVERY FOURTH SHEET TO ALLEVIATE WATER PRESSURE BEHIND THE WALL AND TO PROVIDE POSITIVE DRAINAGE.
 3. ACTIVE PRESSURE DESIGN INCLUDES ACCOMMODATIONS FOR FUTURE BUILD-UP OF DUNE BEHIND BULKHEAD.

SECTION

PROPOSED ACTIVITY: RETAINING WALL

Applicant: MICHAEL BONO

Date: 02-27-23

County: CHATHAM

JOB#: 22-1007

SCALE: 1/2" = 1'-0"

DATE: NAVD83

SHEET: 5 of 5

MICHAEL BONO SHORELINE

THREE ISLAND, GEORGIA



Ball Maritime Group, LLC

4 Cedar View Court | Savannah, Georgia | 31410 | (912) 662-2914

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Item #3.



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **Seeking to install a bulkhead wall in the dune- 3 8th Place - 4000603001-Zone R-2 – Michael Bono.**

Action Requested: **Special Review**

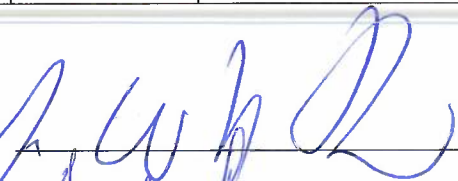

Appeal		Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	X	
Site Plan Approval		
Variance		
Map Amendment		
Text Amendment		

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR -SECOND
Livingston	X		
Matkowski	X		
Nooney	X		
Rodriguez	X		MOTION
Williams	X		

Planning Commission Chair: 
 Planning & Zoning Manager: 

Date: 3/21/23
 Date: 3-21-23

File Attachments for Item:

4. Applicant requests permission to have a second temporary dwelling on the property until home is elevated. Applicant is part of 2nd batch of the HMGP grant.



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Applicant requests permission to have a second temporary dwelling on the property until home is elevated. Applicant is part of 2nd batch of the HMGP grant.

Vote on hearing

ATTACHMENTS

[VARIANCE-1218 US HWY 80.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: 1218 US Hwy. 80

PIN: 40026 1119

APPLICANT: Karen Pye

OWNER: Karen Pye

EXISTING USE: Single family dwelling

PROPOSED USE: Single-family dwelling

ZONING: C-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Commercial Gateway

APPLICATION: Zoning Variance (5-090) from Section 4-050 (F) C-2 Highway business district

PROPOSAL: The applicant is requesting to have a second dwelling on her property while her primary home is being elevated through the Hazard Mitigation Grant Program (HMGP).

ANALYSIS: The grant award does create a unique circumstance in that the applicant will be displaced during the elevation and subsequent renovation. There is room on this large lot for a second temporary dwelling. The lot is developable without this variance so it doesn't meet the second qualification below.

- (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, or considerations related to the environment or the safety, or to historical significance, that is peculiar to the particular property; and,
- (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.

The Comprehensive Plan describes the Commercial Gateway in which it lies as follows:

Serves as the commercial gateway for the City. Zoning classifications are C-1, C-2, R-1, R-1B, R-T, and R-2. The mix of neighborhood commercial uses include shopping, crafts, restaurants and eco-tourism.

<i>Comprehensive Plan – Community Character Area Marshfront Neighborhood</i>		
<i>Recommended Development Strategies</i>		<i>Meets Strategy Y/N or N/A</i>
1.	Encourage commercial and mixed use development and redevelopment along hwy. 80	N/A
2.	Discourage down zoning with the hwy. 80 commercial corridor	N/A
3.	Establish standards for a maximum percentage of residential use on a per parcel basis to encourage mixed use	N/A
4.	Enhance pedestrian movements with streetscape improvements	N/A

5.	Allow for an appropriate mix of retail, residential, and tourism related uses consistent with the Plan vision	N/A
6.	Support the continued development of the Tybee Island bikeway including bike lanes and multi-use trails.	N/A
7.	Establish noise and sight buffers between commercial uses and adjacent residential areas	N/A
8.	Consider use of City's unopened right of ways to provide additional public parking	N/A

STAFF FINDING

The lot is developed. While the home elevation/renovation does create a unique situation, it does not create a hardship that is unique to the grant, as all participating homeowners will be displaced during construction. Should this be approved staff recommends the second dwelling be removed within 90 days of the completion of the primary structure.

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Variance application
- B. Narrative
- C. Site Plan
- D. SAGIS map

Fee
Commercial \$500
Residential \$200



CITY OF TYBEE ISLAND
VARIANCE APPLICATION from the Tybee Island Land Development Code

Applicant: Karen B. Pye
Telephone #: 912-765-7052 Email Address: karenbp8@aatt.net
Mailing Address: 1218 US Highway 80, Tybee Island, GA, 31328

*Note: If the applicant is not the property owner as listed on the property deed, a letter from the listed owner(s), including a telephone number and address along with any other relevant information, authorizing the applicant to act in their behalf must be included in the application.

PROCEDURE

Application Requirements

All applications must be complete, including required supporting documents. **Drawings or surveys will be 11" X 17" or larger.** Incomplete applications will not be accepted and will delay review.

Application Deadline

Applications are due by 4:00 p.m. of the last day of the month before the next scheduled Planning Commission meeting.

Application Submittal

Return one copy of this completed application and all supporting documents to: Tybee Island Planning and Zoning, City Hall, 403 Butler Avenue / P.O. Box 2749 City of Tybee Island, GA 31328

Application Public Hearings

Applications will be heard at a public hearing before the Planning Commission on the third Monday of each month, followed by a final decision by City Council at another public hearing on the second Thursday of the following month. Each hearing will be held at 6:30 p.m. at the Public Safety Building, 78 Van Horn Dr.

Property Address (Or General Location Description if no Address Assigned): _____

1218 HWY 80, Tybee

Tax Map/Parcel ID#: 40026-11019 Current Zoning: C2

Existing use of Property: residential

Proposed use of Property: residential

Has the property been denied a variance in the past 12 months? If so, please provide brief details: NO

Variance Questionnaire:

1. Does the requested variance change the Tybee Island character designation for the property as described in the Master Plan? If so, provide a brief explanation.

no

2. Please explain the purpose of the requested variance and the intended development of the subject property if the variance is granted.

place a temporary second dwelling on the property

3. Please explain the specific provision within the Tybee Island Land Development Code from which the variance is requested.

code section 4-050, F

4. Per the Tybee Island Land Development Code, the Tybee Island Planning Commission shall not make a recommendation on a variance from the terms of the Land Development Code unless it has met the following. Please explain how the requested variance meets each of the following:

A. The need for a variance arises from the condition that is unique and peculiar to the land, structures and buildings involved.

no

B. The variance is necessary because the particular physical surroundings, the size, shape or topographical condition of the property involved would result in unnecessary hardship for the owner, lessee or occupants as distinguished from a mere inconvenience.

need a place to live during reconstruction while awaiting grant

C. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.

no

D. The condition is created by the regulation in the Tybee Island Land Development Code and not by the action of the property owner or applicant.

no

E. The granting of the requested variance will not conflict with Sec. 26-70-Amendments and modifications to the Fire Prevention Code of the Tybee Island Code of Ordinances or endanger the public.

no

F. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structures.

yes temporarily

G. If in marsh buffer has all points of Sec. 3-090.1 been considered.

yes

Adjacent Property Owners

Please list all current owners of properties located immediately adjacent to or directly across the street from the subject property. This information may be obtained from the Chatham County Tax Assessor's office (912) 652-7271 or by using the website at www.boa.chathamcounty.org The accuracy and completeness of this information shall be the responsibility of the applicant.

Property owners name and mailing address:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

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

- | REFERENCE | DESCRIPTION |
|---------------|--|
| 5-040 (D) (1) | Site plan and/or architectural rendering of the proposed development depicting the location of lot restrictions. |
| 5-040 (D) (2) | Narrative describing the hardship and the reason for the variance request. (<i>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, 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.</i>)
Explain the hardship: <u>I am awaiting permission to begin elevation & reconstruction of home (Tybee Mitra + Dan Bark)</u> |
| 5-040 (D) (3) | A survey of the property signed and stamped by a State of Georgia certified land surveyor. |
| 5-090 (A) (1) | That there are unique physical circumstances or conditions beyond that of surrounding properties, including:
<input type="checkbox"/> irregularity;
<input type="checkbox"/> narrowness; or,
<input type="checkbox"/> shallowness of the lot shape; or,
<input type="checkbox"/> exceptional topographical or other physical circumstances, conditions, or considerations related to the environment, or the safety, or to historical significance, that is peculiar to the particular property; and; |
| 5-090 (A) (2) | Because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the Land Development Code, without undue hardship to the property.
<u>NOTE: Provide attachments illustrating conditions on surrounding properties and on the subject property, indicating uniqueness, etc.</u> |
| 5-090 (B) | <i>Height.</i> No part of any structure shall project beyond 35-feet above the average adjacent grade of a property except:
(1) See <u>section 2-010</u> , 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. |

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

Karen B. Papp Signature of Applicant 2-28-2023 Date

CERTIFICATION AND AUTHORIZATION

I hereby certify that, to the best of my knowledge and belief, the above listed information and all attached supporting documents are complete and accurate. I understand that this application will require public hearings by the Tybee Island Planning Commission and City Council. I have been made aware and I hereby acknowledge the scheduled hearing dates/times and location where this application will be considered. I also understand that review of this application will require a site visit, and I hereby authorize City staff and members of the Planning Commission and City Council to inspect the property which is the subject of this application.

Signature of Applicant Karen B. Fry Date 2-28-2023

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

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

Disclosure of campaign contributions form attachment hereto: Yes

Signature of Applicant Karen B. Fry Date 2-28-2023

STAFF USE ONLY

Date received: 2/28/23 Received by _____
Fee Amount \$ 200.00 Check Number 1144 Date 2/28/23

PUBLIC HEARING DATES:

Planning Commission _____ City Council _____

DECISION: (Circle One) Approved Denied

Approved with Conditions: _____



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES _____ NO ✓ _____

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature Karen B. Pye

Printed Name KAREN B. PYE

Date 2-28-2023

2022 PROPERTY TAX STATEMENT

Chatham County Tax Commissioner
tax.chathamcountyga.gov



Bill No.	PT	Due Date	TOTAL DUE
2022-2952329	RE	11/15/2022	\$2,494.23

Map: 40026 11019 Printed: 11/21/2022
Location: 1218 US HIGHWAY 80 31328

MAKE CHECK OR MONEY ORDER PAYABLE TO:
Chatham County Tax Commissioner

Total Amount Enclosed

RETURN THIS PORTION WITH PAYMENT

40026 11019
PYE KAREN BERNSTEIN
1218 HIGHWAY 80
TYBEE ISLAND GA 31328-9772

CHATHAM CO TAX COMM PYMT LOCKBOX
PO BOX 117037
ATLANTA, GA 30368-7037

022022295232900000024787970000024942391

Chatham County Tax Commissioner
tax.chathamcountyga.gov
Location: 222 W. Oglethorpe Ave. Suite 107
Phone: (912) 652-7100 Fax: (912) 652-7101



Tax Payer: PYE KAREN BERNSTEIN
Map Code: 40026 11019 REAL
Description: PT OF LOTS 37 & 38 GARDEN WD TYB
Location: 1218 US HIGHWAY 80 31328
Bill No: 2022-2952329
District: 040 - TYBEE

Building Value	Land Value	Fair Market Value	Stephens / Day	Stephens/ Day CPI	Due Date	Billing Date	Payment Good Through	Exemptions	
183,800	267,600	451,400	165,500	273,826	11/15/2022	11/21/2022	11/21/2022	CB12S M1S S2S	
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax	
COUNTY M&O	451,400	180,560	126,360	54,200	11.8020	639.67		570.08	
COUNTY SALES TAX CREDIT	451,400				-1.2840		69.59		
COUNTY SCHOOL M&O	451,400	180,560	73,030	107,530	17.6310	1,895.86		1,895.86	
TYBEE ISLAND	451,400	180,560	180,560		6.4550	.00		.00	
TOTALS						34.604	2,535.53	69.59	2,465.94

There are three ways to make your payment:

- To Pay by Mail - Send the top portion of this statement with the payment to the lockbox above.
- To Pay in Person - Bring the top portion of this statement with you to any of our four convenient locations.
- To Pay Online - Go to tax.chathamcountyga.gov using your checking account, MasterCard, Visa, American Express or Discover. Available 24 hours a day. Applicable Convenience Fees apply.

Our website provides the same real time information that is used in our office. You may also print copies of your tax bill or verify that your payment has been posted.

The "Payment Good Through" date is for the tax year indicated above only. If an amount appears in the "Back Taxes" column, a different due date is applicable.

All taxes, including Appeal bills become delinquent if not paid in full by the Due Date. Delinquent taxes are charged interest and penalty as applicable in accordance with O.C.G.A. 48-2-40 and 48-2-44.

Current Due	\$2,465.94
Penalty	\$0.00
Interest	\$12.85
Other Fees	\$0.00
Previous Payments	\$0.00
Back Taxes	\$15.44
TOTAL DUE	\$2,494.23

Item #4.

Printed:

- Page 41 -

KAREN PYE
1218 HWY 80

HOUSE

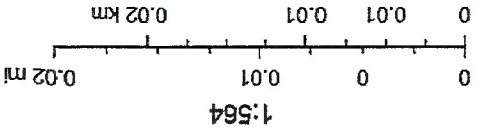
SEPTIC
TANK

GARAGE

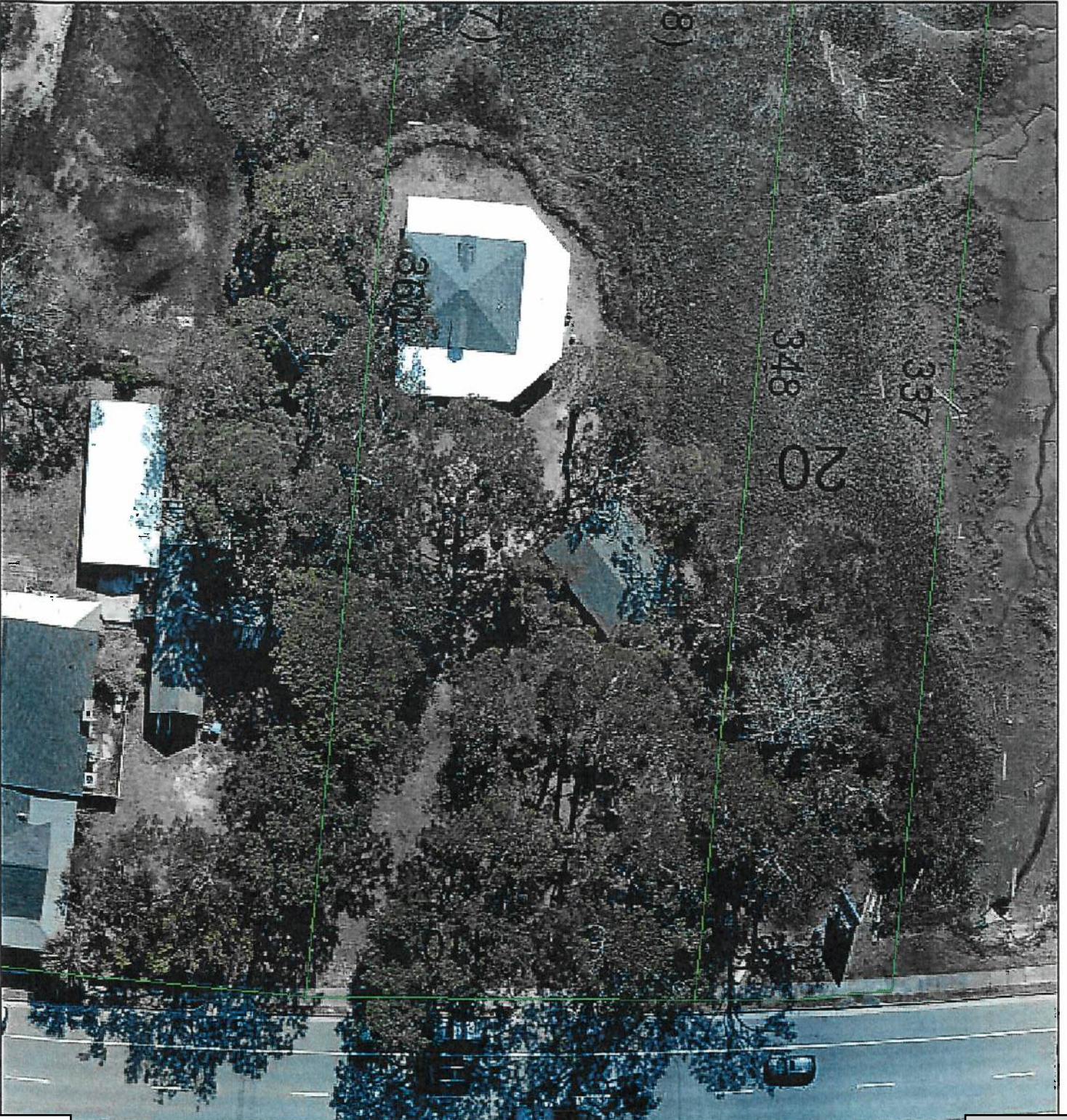
TRAILER
28 x 48

Property Boundaries (Parcels)

3/10/2023, 11:57:55 AM



1:564



PARID: 40026 11019
PYE KAREN BERNSTEIN

1218 US HIGHWAY 80

Most Current Owner

Current Owner	Co-Owner	Care Of	Mailing Address
PYE KAREN BERNSTEIN			1218 HIGHWAY 80 TYBEE ISLAND GA 31328-9772

Digest Owner (January 1)

Owner	Co-Owner	Address 1	Address 2	City	State	Zip
PYE KAREN BERNSTEIN		1218 HIGHWAY 80		TYBEE ISLAND	GA	31328

Parcel

Status	ACTIVE
Parcel ID	40026 11019
Category Code	RES - Residential
Bill #	2952329
Address	1218 US HIGHWAY 80
Unit # / Suite	
City	TYBEE ISLAND
Zip Code	31328-
Neighborhood	20222.00 - T222 TYBEE HORSE PEN
Total Units	
Zoning	E-C
Class	R3 - Residential Lots
Appeal Status	

Legal Description

Legal Description	PT OF LOTS 37 & 38 GARDEN WD TYB EE
Deed Book	174W
Deed Page	0168

Permits

Permit #	Permit Date	Status	Type	Amount
DUMMY-1		Complete	-	\$0.00
180300-2	04/18/2018	Complete	RN - RENOVATIONS	\$21,500.00

Inspection

Inspection Date	Reviewer ID
04/05/2022	RKRYZAK
03/29/2019	KMMORENO
Item #4. 018	JEADY

01/15/2014

MWTHOMAS

04/07/2004

STAFF

Appraised Values

Tax Year	Land	Building	Appraised Total	Reason
2022	267,600	183,800	451,400	
2021	267,300	142,100	409,400	
2020	267,300	141,200	408,500	
2019	267,700	95,100	362,800	
2018	267,700	37,400	305,100	
2017	207,500	88,700	296,200	
2016	207,500	70,400	277,900	
2015	207,500	71,800	279,300	
2014	207,500	74,000	281,500	
2013	279,000	74,400	353,400	

Sales

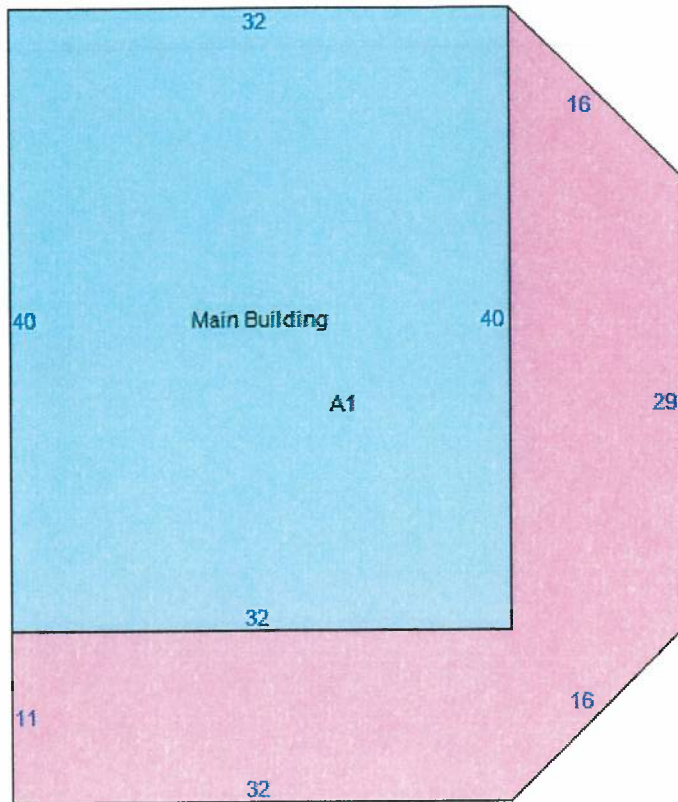
Sale Date	Sale Price	Sale Validity	Instrument	Book - Page	Grantor	Grantee
09/26/1995	0	U	NA	174W - 0168	PYE BILLY	PYE KAREN B

Residential Building

Card #	1
Actual Year Built	1925
Effective Year Built	1990
Type	1 - Single Family Residence
Style/Stories	1 - ONE STORY
Percent Complete	100
Quality	300
Condition	AV - AVERAGE
Living Area	1,280
Basement Area	0
Finished Basement Area	No
Bedrooms	3
Full / Half Baths	2 / 0

OBY

Card #	Description	Year Built:	Grade:	Units:	Override:	Area:
1	706 : DETACHED GARAGE	1985	D	1		640

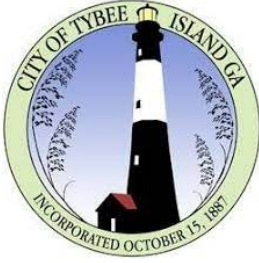


Item	Area
Main Building	1280
- 706:DETACHED GARAGE	640
A1 - 907:907-Enclosed Porch (SF), Scree	792



File Attachments for Item:

5. Special Review, Sec 3-100, Beach, dune or vegetation disturbance/crossover maintenance and construction. Jason Bell petitioner



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Applicant is requesting special review of proposed retaining wall at landward toe of dune.

Vote on hearing

ATTACHMENTS

[SPECIAL REVIEW-3 - 8TH PLACE.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023
 CITY COUNCIL MEETING: April 13, 2023

LOCATION: 3 8th Place

PIN: 40006 03001

APPLICANT: Jason Ball

OWNER: Micheal Bono

EXISTING USE: Single family dwelling

PROPOSED USE: Single family dwelling

ZONING: R-2

USE PERMITTED BY RIGHT: Yes

COMMUNITY CHARACTER MAP: Beachfront Neighborhood

APPLICATION: Special Review for Sec. 3-100 Beach, dune, or vegetation disturbance/crossover maintenance and construction.

PROPOSAL: The applicant is requesting approval to build a retaining wall along the toe of the dune to prevent further dune encroachment.

ANALYSIS: Sec. 3-100 states “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 property federal, state, and local permits. Special review shall be required for any alteration, construction or disturbance of beach, dunes or vegetation thereon...” The toe of the dune is just a few feet from the applicant’s home. The encroaching dune may cause future damage to the home due to moisture build up and lateral pressure.

The Comprehensive Plan describes the Beachfront Neighborhood District as follows:

The Beachfront Neighborhood to the east of Butler Avenue is exclusively R-2 zoning, with single family, multifamily, and duplex housing types. Wide streets with on street parking and old growth trees supplemented by side alleys characterize the area. Public and private beach access are available.

<i>Comprehensive Plan – Community Character Area The Beachfront Neighborhood District</i>		<i>Meets Strategy Y/N or N/A</i>
<i>Recommended Development Strategies</i>		
1.	Historic structures should be preserved whenever possible	N/A
2.	Enhance the pedestrian environment where feasible	N/A
3.	Preserve old growth trees	N/A
4.	Preserve and maintain public beach access and enhance when necessary	N/A
5.	Do not allow intrusion of commercial uses	N/A
6.	Preserve the low density character of the area	N/A
7.	Encourage preservation of the large historic beach to Butler Ave. lots	N/A
8.		N/A

STAFF FINDING

Staff believes that a retaining wall along the landward toe of the dune would be beneficial in protecting the structure. Similar structures have been approved on two different properties including the property to the north. Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Special review application
- B. SAGIS map (1 page)
- C. Survey showing existing foundation,
- D. Construction drawing



**CITY OF TYBEE ISLAND
SPECIAL REVIEW APPLICATION**

Fee \$500

Applicant's Name Mr. Jason P. Ball, PE, Ball Maritime Group

Address and location of subject property 3 8th Place, Tybee Island, Georgia 31328

PIN 40006 03001 Applicant's Telephone Number (912) 662.2914

Applicant's Mailing Address 4 Cedar View Court, Savannah, Georgia 31410

Brief description of the land development activity and use of the land thereafter to take place on the property:
New sheet pile bulkhead retaining structure to alleviate the pressure from the dune on the foundation wall.

Property Owner's Name Michael Bono Telephone Number (713) 898.9669

Property Owner's Address Same as subject property

Is Applicant the Property Owner? Yes X No

If Applicant is the Property Owner, Proof of Ownership is attached: X Yes


If Applicant is other than the Property Owner, a signed affidavit from the Property Owner granting the Applicant permission to conduct such land development is attached hereto. X Yes

Current Zoning of Property R-2 Current Use Single Family Residence

Names and addresses of all adjacent property owners are attached: X Yes

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

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


Signature of Applicant

02/03/22
Date

NOTE: Other specific data is required for each type of Special Review.

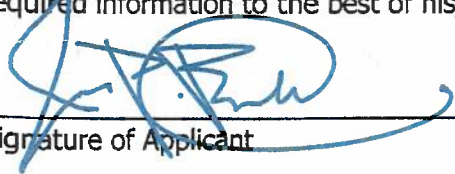
Fee Amount \$ 500.00 Check Number 2062 Date 2/28/23

City Official 

NOTE: This application must be accompanied by following information:

- A detailed description of the proposed activities, hours of operation, or number of units.
- 8 copies, no smaller than 11 x 17, of the proposed site plan and architectural renderings.
- Disclosure of Campaign Contributions form

The Applicant certifies that he/she has read the requirements for Site Plan Approval and has provided the required information to the best of his/her ability in a truthful and honest manner.


Signature of Applicant

02/27/23
Date



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES _____ NO _____

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature 

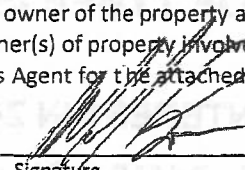
Printed Name Jason P. Ball, PE, Agent

Date 02/27/23

Applicant Information

Owner	
Name	Address
Michael Bono	3 8th Place, Tybee Island, Georgia 31328
Phone	Email
(713) 898.9669	mbono@corporatecare.com
Development Name (if applicable)	

I, the undersigned, do hereby certify that I am the owner of the property affected by the proposed application to the Planning Commission. I/We, the undersigned owner(s) of property involved in this application, do hereby authorize Jason P. Ball, PE to act as Agent for the attached application in my/our behalf.

Michael Bono		02-01-23
Print Name	Signature	Date
Print Name	Signature	Date
Print Name	Signature	Date

Authorized Agent	
Company Name	Contact (Individual Name)
Ball Maritime Group, LLC	Jason P. Ball, PE
Phone	Email
(912) 662.2914	jason@ballmaritime.com

I accept this authorization to act as Agent on behalf of the above owner(s).

Jason P. Ball		02/27/23
Print Name	Signature	Date

PARID: 40006 03001

BONO MICHAEL

3 8TH PL

Most Current Owner

Current Owner	Co-Owner	Care Of	Mailing Address
BONO MICHAEL			6230 WAKEFOREST AVE HOUSTON TX 77005

Digest Owner (January 1)

Owner	Co-Owner	Address 1	Address 2	City	State	Zip
BONO MICHAEL		6230 WAKEFOREST AVE		HOUSTON	TX	77005

Parcel

Status	ACTIVE
Parcel ID	40006 03001
Category Code	RES - Residential
Bill #	2928662
Address	3 8TH PL
Unit # / Suite	
City	TYBEE ISLAND
Zip Code	31328-
Neighborhood	20204.00 - T204 TYBEE BEACHFRON
Total Units	
Zoning	R-2
Class	R3 - Residential Lots
Appeal Status	

Legal Description

Legal Description	E PT 52 TYBEE BEACH FRONTAGE
Deed Book	790
Deed Page	749

Permits

Permit #	Permit Date	Status	Type	Amount
210576	10/01/2021	Complete	RN - RENOVATIONS	\$18,000.00
190528	10/16/2019	Complete	EL - ELECTRIC	\$19,500.00
190665	01/31/2019	Complete	CP - CARPORT	\$15,000.00
150387-3	07/07/2015	Complete	RN - RENOVATIONS	\$13,000.00
150360-2	06/18/2015	Complete	EL - ELECTRIC	\$5,000.00

Inspection

Item #5.	on Date	Reviewer ID
----------	---------	-------------

09/02/2022	RKRYZAK
01/04/2022	RKRYZAK
01/22/2020	RKRYZAK
01/13/2017	MWTHOMAS
02/17/2016	AVMARCAN

Appraised Values

Tax Year	Land	Building	Appraised Total	Reason
2022	1,239,100	197,000	1,436,100	APPEAL DECISION
2021	1,292,490	143,610	1,436,100	APPEAL DECISION
2020	1,292,490	143,610	1,436,100	APPEAL DECISION
2019	1,292,490	143,610	1,436,100	APPEAL DECISION
2018	1,263,500	159,500	1,423,000	
2017	1,263,500	152,300	1,415,800	
2016	1,263,500	152,300	1,415,800	
2015	1,263,500	152,300	1,415,800	
2014	1,263,500	157,300	1,420,800	
2013	1,263,500	158,000	1,421,500	

Sales

Sale Date	Sale Price	Sale Validity	Instrument	Book - Page	Grantor	Grantee
05/04/2016	650,000	U	QC	790 - 749	BONO MICHAEL & DAVID A	BONO MICHAEL
07/28/2014	0	U	QC	397Z - 784	BONO MURIEL L AS TRUSTEE*	BONO MICHAEL & DAVID A
07/09/1999	0	U	QC	204Y - 277	BONO MURIEL	TRUSTEE OF MURIEL BONO QU

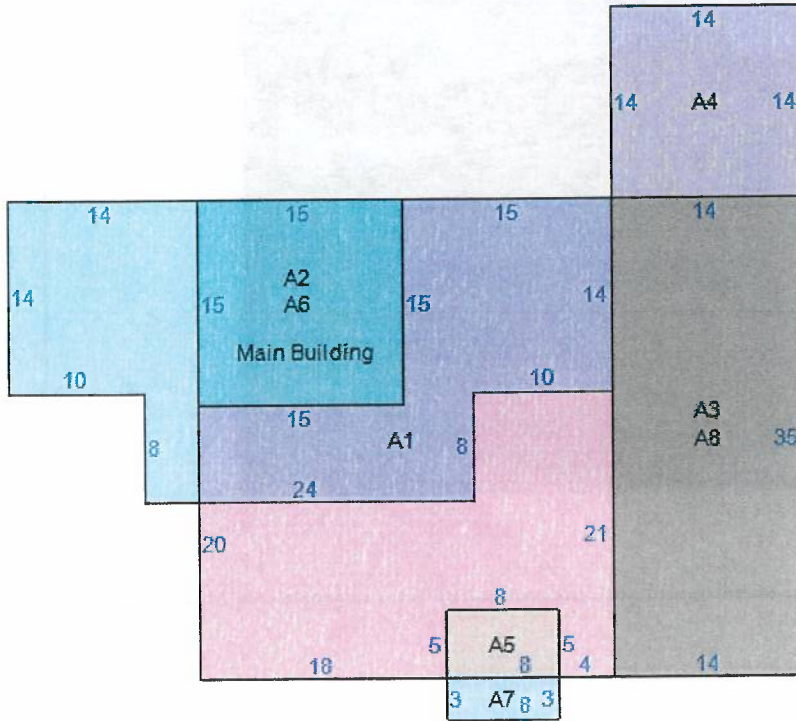
Residential Building

Card #	1
Actual Year Built	1950
Effective Year Built	1985
Type	1 - Single Family Residence
Style/Stories	5 - 1 1/2 STORY FINISHED
Percent Complete	100
Quality	400
Condition	AV - AVERAGE
Living Area	2,308
Basement Area	0
Finished Basement Area	No
Number of Units	3
Number of Baths	3 / 1

Item #5.

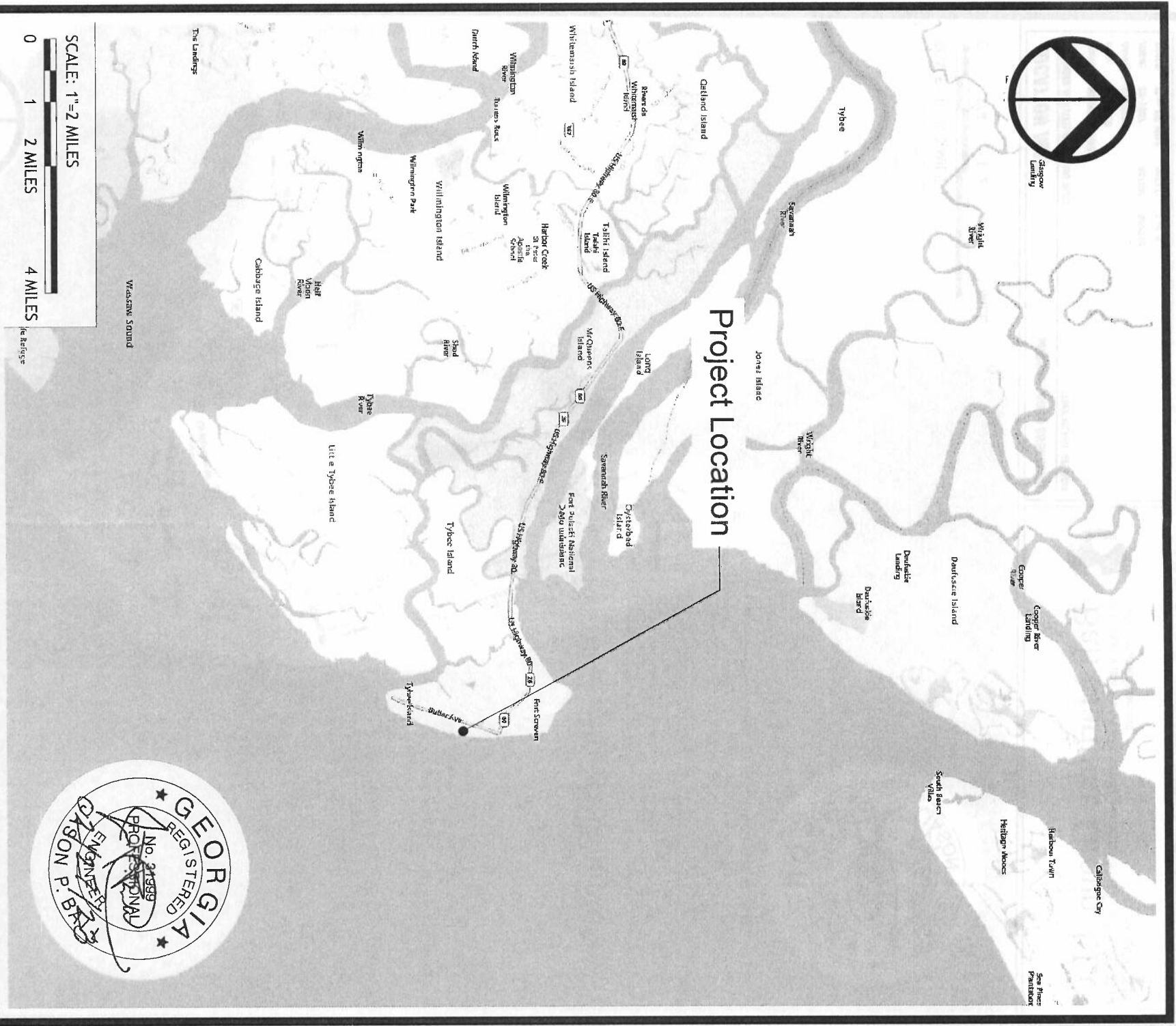
OBY

Card #	Description	Year Built:	Grade:	Units:	Override:	Area:
1	721 : CARPORT, FLAT ROOF	2019	C	1		785



Item	Area
Main Building	808
- 721:CARPORT, FLAT ROOF	785
A1 - 100:100- LIVING SPACE	785
A2 - 100:100- LIVING SPACE	225
A3 - 100:100- LIVING SPACE	490
A4 - 907:907-Enclosed Porch (SF), Scree	196
A5 - 906:906-Wood Deck (SF) with Roof	40
A6 - 909:909-Enclosed Porch (SF), Solid	225
A7 - 903:903-Wood Deck (SF)	24





SCALE: 1"=2 MILES
 0 1 2 MILES 4 MILES

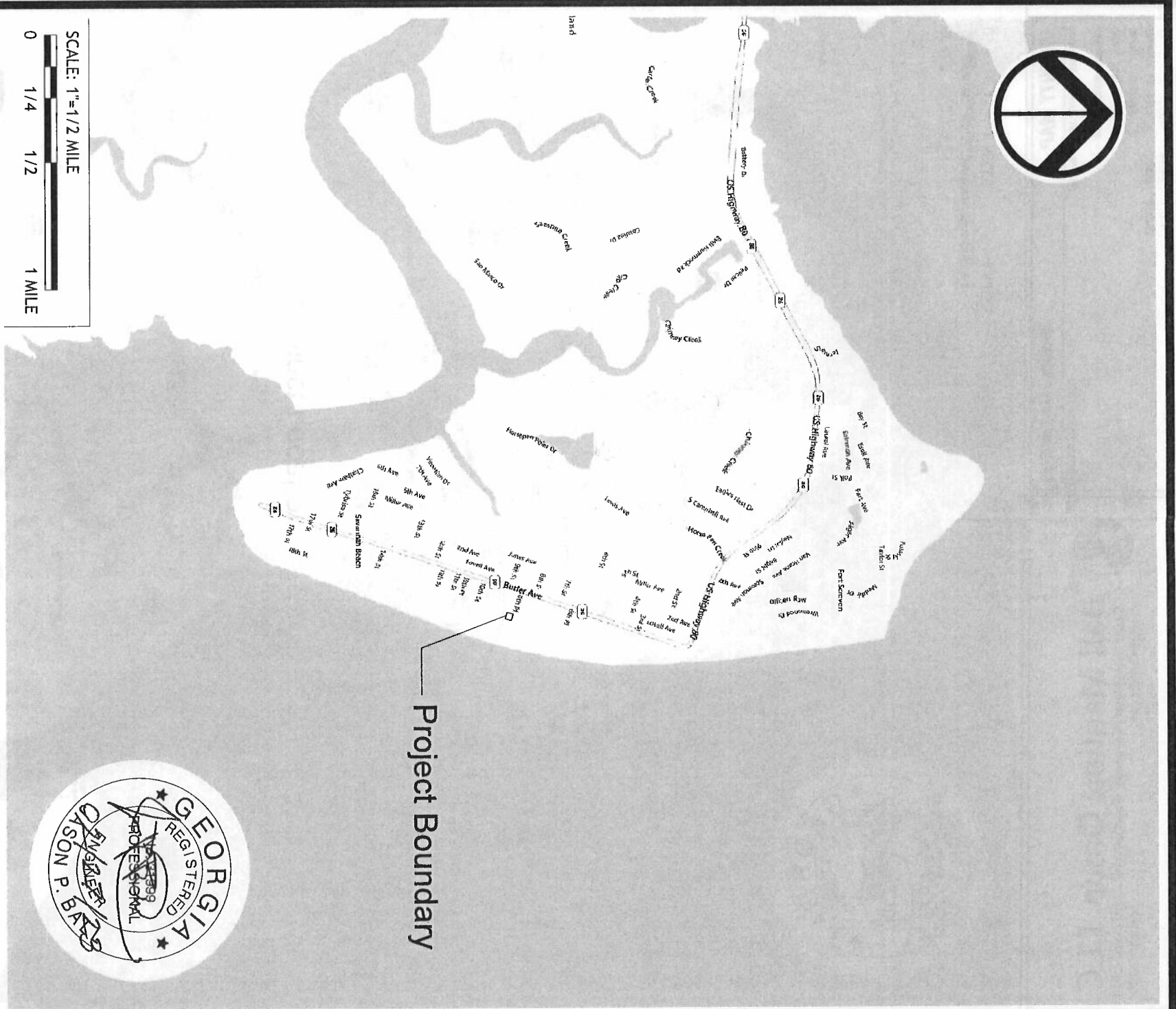
VICINITY MAP
 PROPOSED ACTIVITY: RETAINING WALL
MICHAEL BONO SHORELINE
 THREE ISLAND, GEORGIA

Applicant: MICHAEL BONO
 Date: 02-27-23
 County: CHATHAM
 JOB#: 22-1007
 DATUM: NAVD83
 SCALE: 1" = 2 MILES SHEET: 1 of 5



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Item #5.



Project Boundary

SCALE: 1"=1/2 MILE
0 1/4 1/2 1 MILE

LOCATION MAP

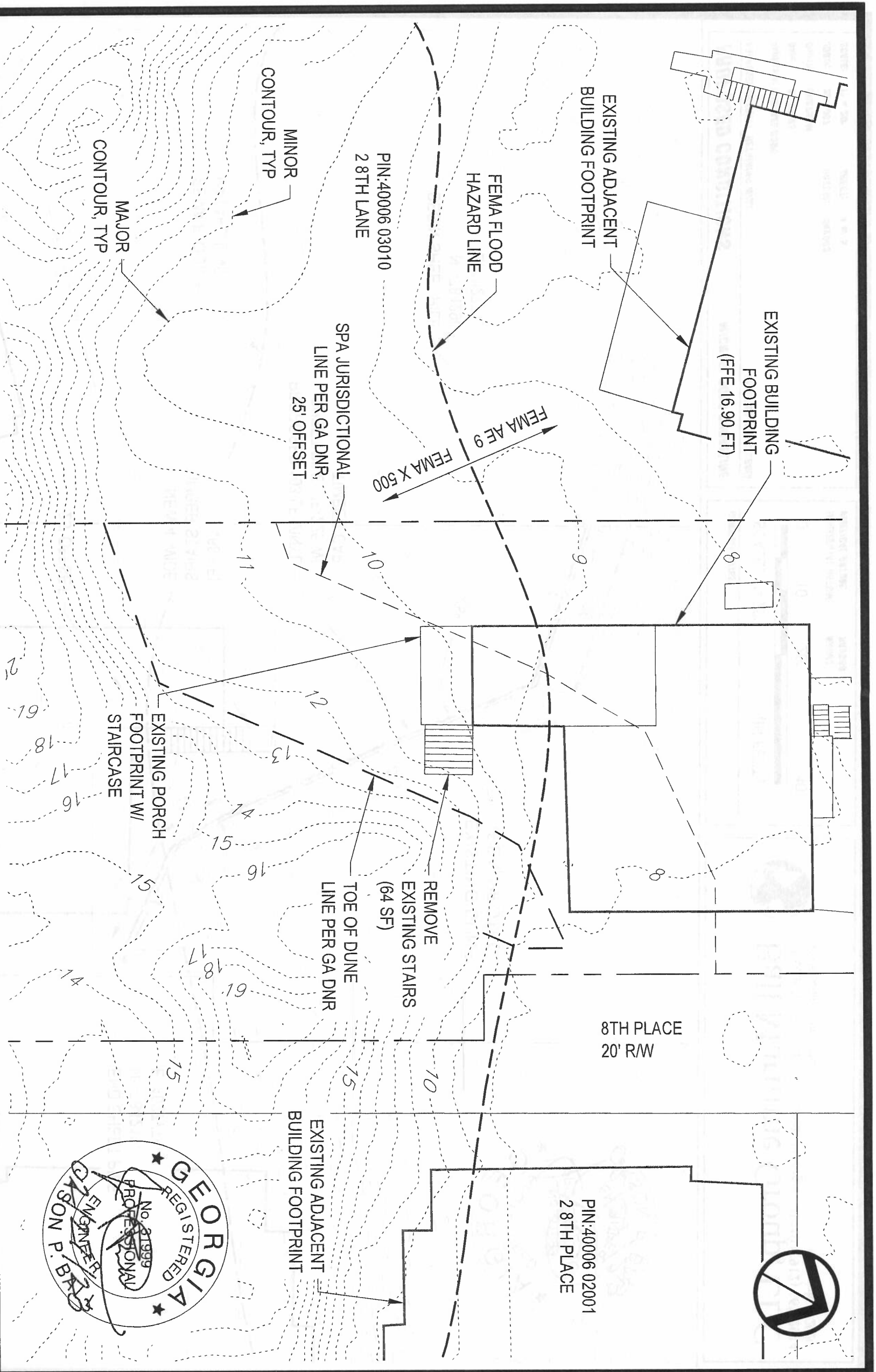
PROPOSED ACTIVITY: RETAINING WALL
MICHAEL BONO SHORELINE
TREE ISLAND, GEORGIA

Applicant: MICHAEL BONO
Date: 02-27-23
County: CHATHAM
JOB#: 22-1007
DATE: NAVD88
SCALE: 1" = 1/2 MILE SHEET: 2 of 5



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EXISTING CONDITIONS

PROPOSED ACTIVITY: RETAINING WALL

MICHAEL BONO SHORELINE
TREE ISLAND, GEORGIA

Applicant: MICHAEL BONO
Date: 02-27-23
County: CHATHAM

JOB#: 22-1007
DATE: NAVD88
SHEET: 3 of 5

GENERAL NOTES:

SCALE: 1"=20' (IN FEET)



HORIZONTAL DATUM: NAD83
VERTICAL DATUM: NAVD88

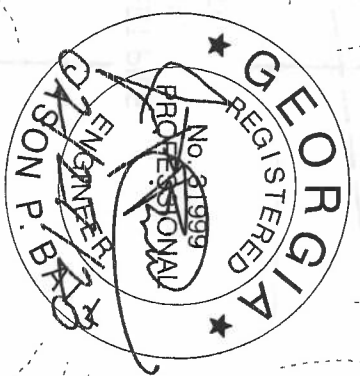
Item #5.

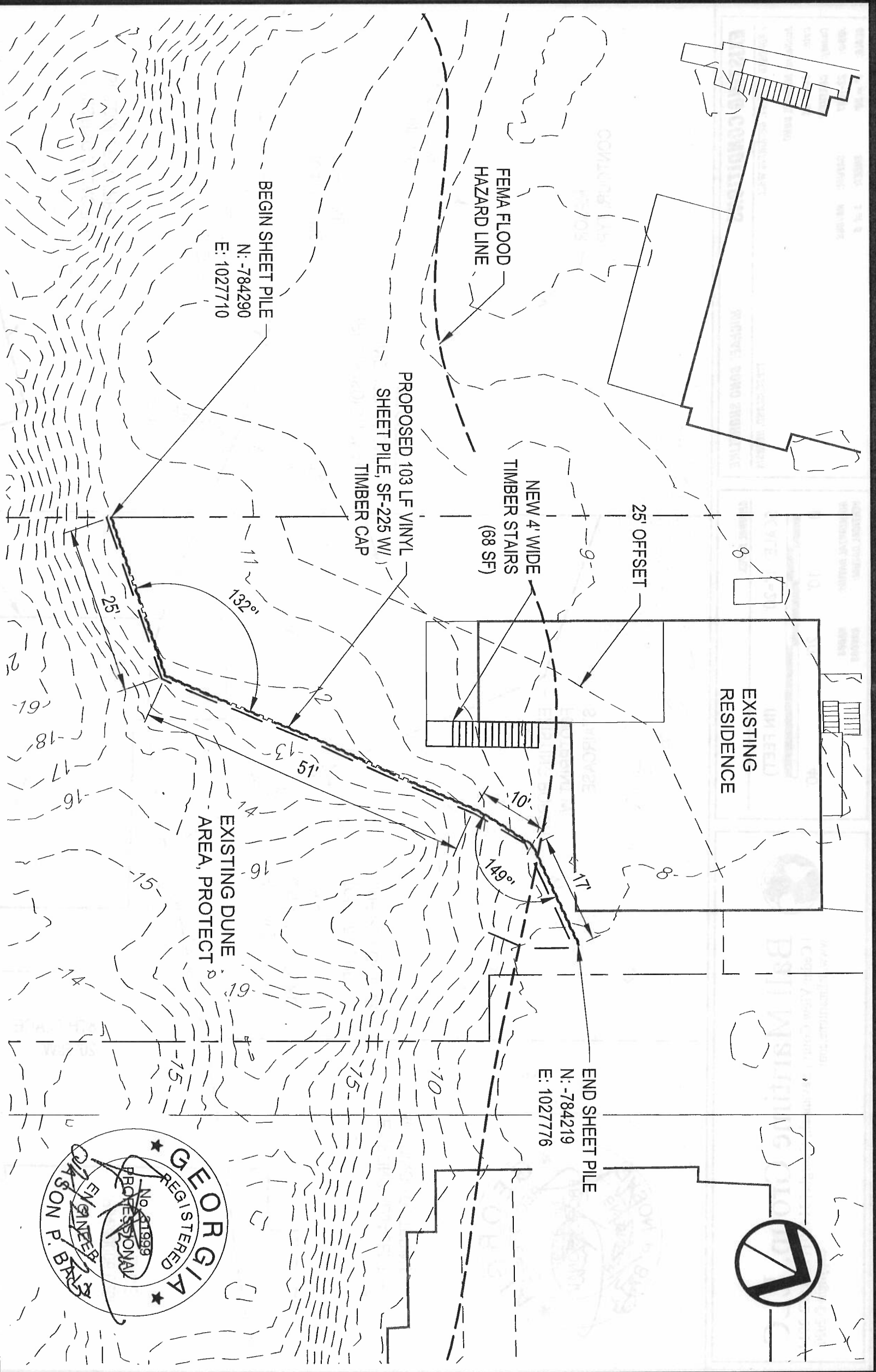


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PROPOSED CONDITIONS

PROPOSED ACTIVITY: RETAINING WALL
 MICHAEL BONO SHORELINE
 TYBEE ISLAND, GEORGIA

Applicant: MICHAEL BONO
 Date: 02-27-23
 County: CHATHAM

JOB#: 22-1007
 SCALE: 1" = 20'

DATUM: NAVD88
 SHEET: 4 of 5

GENERAL NOTES:

SCALE: 1"=20' (IN FEET)

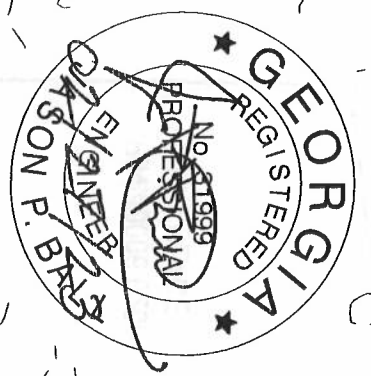


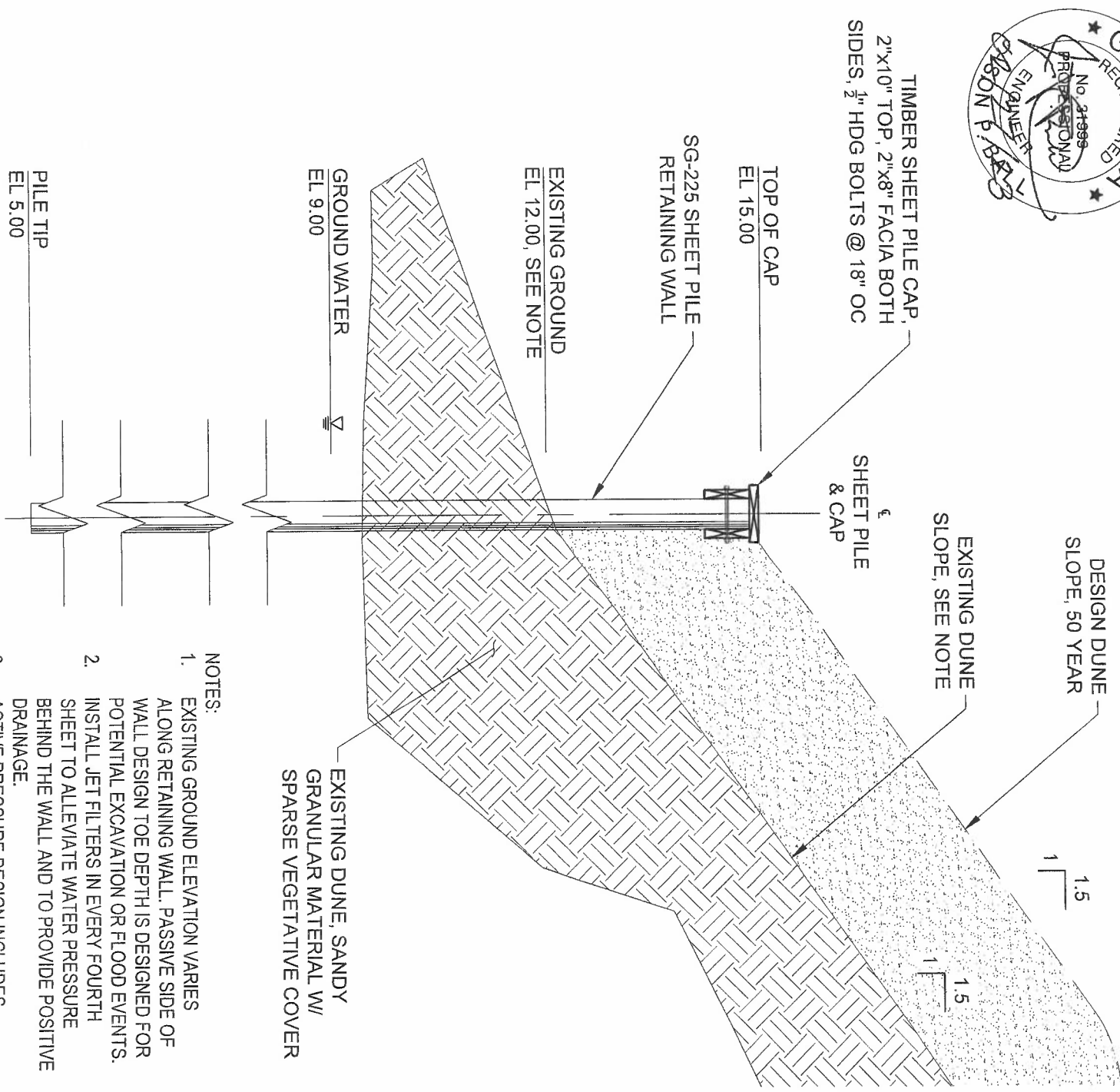
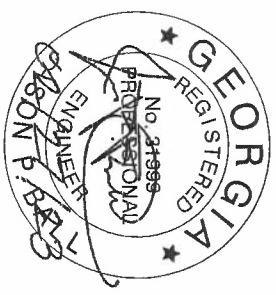
HORIZONTAL DATUM: NAD83
 VERTICAL DATUM: NAVD88

Item #5.



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- NOTES:
1. EXISTING GROUND ELEVATION VARIES ALONG RETAINING WALL. PASSIVE SIDE OF WALL DESIGN TOE DEPTH IS DESIGNED FOR POTENTIAL EXCAVATION OR FLOOD EVENTS.
 2. INSTALL JET FILTERS IN EVERY FOURTH SHEET TO ALLEVIATE WATER PRESSURE BEHIND THE WALL AND TO PROVIDE POSITIVE DRAINAGE.
 3. ACTIVE PRESSURE DESIGN INCLUDES ACCOMMODATIONS FOR FUTURE BUILD-UP OF DUNE BEHIND BULKHEAD.

SECTION

PROPOSED ACTIVITY: RETAINING WALL

Applicant: MICHAEL BONO

Date: 02-27-23

County: CHATHAM

JOB#: 22-1007

SCALE: 1/2" = 1'-0"

DATE: NAVD83

SHEET: 5 of 5

MICHAEL BONO SHORELINE
TREE ISLAND, GEORGIA

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Item #5.



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **Seeking to install a bulkhead wall in the dune- 3 8th Place - 4000603001-Zone R-2 – Michael Bono.**

Action Requested: **Special Review**

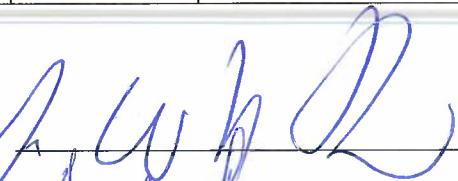

Appeal		Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	X	
Site Plan Approval		
Variance		
Map Amendment		
Text Amendment		

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR -SECOND
Livingston	X		
Matkowski	X		
Nooney	X		
Rodriguez	X		MOTION
Williams	X		

Planning Commission Chair: 
 Planning & Zoning Manager: 

Date: 3/21/23
 Date: 3-21-23

File Attachments for Item:

6. First Reading, 2023-05, Sec 5-050 (C): Expanded Notification to Owners or Occupants

ORDINANCE NO. 2023-05
ENTITLED:
EXPANDED NOTIFICATION OF CERTAIN PROPERTY PETITIONS AND
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO AMEND THE LAND DEVELOPMENT
CODE SECTION 5-050(C) TO EXPAND THE NOTICE APPLICABLE TO
APPLICATIONS FOR RELIEF UNDER VARIOUS ACTIONS REQUESTED
REQUIRING PUBLIC HEARING

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

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

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

WHEREAS, the City wishes to expand the notice applicable to applications for relief under various provisions requested which require public hearing so as to provide for notice to owners beyond just “adjacent” property owners; and

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

SECTION 1

Land Development Code, Section 5-050(C) shall hereinafter read as follows:

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.

SECTION 2

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance. It is hereby declared as the intent of the City of

Tybee Island Mayor and Council that this ordinance would have been adopted had such invalid or unconstitutional portion not been included herein.

SECTION 3

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

SECTION 4

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

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ___ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____
SECOND READING: _____
ENACTED: _____

File Attachments for Item:

7. First Reading 2023-06: Sec 5-050, Single Family to Multifamily Rezoning

ORDINANCE NO. 2023-06

ENTITLED:

**ZPL – MULTI-FAMILY TO SINGLE FAMILY CLASSIFICATION AND
AN ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE FOR THE CITY
OF TYBEE ISLAND GEORGIA SO AS TO ADD A SUBSECTION OUTLINING THE
REQUIREMENTS TO REZONE LAND DESIGNATED SINGLE-FAMILY TO MULTI-
FAMILY AND FOR OTHER PURPOSES**

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

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

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

WHEREAS, the City has determined that the Land Development Code is in need of revision and updating so as to establish appeal standards uniform with the changes established by House Bill 1405 which amended the Zoning Procedures Law;

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

SECTION I

Section 5-050 of the Land Development Code is hereby amended to add a subsection that shall read as follows:

- (E) 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.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____
SECOND READING: _____
ENACTED: _____

File Attachments for Item:

8. First Reading 2023-07: Sec 5-060 Appeal of Zoning Decision

ORDINANCE NO. 2023-07
ENTITLED:
APPEAL OF ZONING DECISION AND
AN ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE FOR THE CITY
OF TYBEE ISLAND GEORGIA SO AS TO ADD A SUBSECTION OUTLINING THE
APPEAL PROCESS FOR ZONING ACTIONS OR SUBDIVISION PROCEDURES AND
FOR OTHER PURPOSES

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

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

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

WHEREAS, the City has determined that the Land Development Code is in need of revision and updating so as to establish appeal standards uniform with the changes established by House Bill 1405 which amended the Zoning Procedures Law;

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

SECTION I

Section 5-060 of the Land Development Code is hereby amended to add a subsection that shall read as follows:

- (e) 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.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

9. First Reading 2023-08 Sec 5-060 Required Number of Public Hearings

ORDINANCE NO. 2023-08
ENTITLED:
ZPL – PUBLIC HEARING PROCEDURES AND
AN ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE FOR THE CITY
OF TYBEE ISLAND GEORGIA SECTION 5-060, SO AS TO REVISE THE REQUIRED
NUMBER OF HEARINGS IN ORDER TO OBTAIN A PERMIT IN ACCORDANCE
WITH THE ZONING PROCEDURES LAW AND FOR OTHER PURPOSES

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

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

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

WHEREAS, the City has determined that the Land Development Code is in need of revision and updating so as to establish standards uniform with the changes established by House Bill 1405 which amended the Zoning Procedures Law;

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

SECTION I

The introductory paragraph of Section 5-060 of the Land Development Code is hereby amended so that hereafter such paragraph shall read as follows:

Whenever a zoning action or subdivision procedures take 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:

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

10. First Reading 2023-09 Sec 3-090 To allow an Elevator to Encroach into the Side or Rear Setback

ORDINANCE NO. 2023-09
ENTITLED:
SETBACK DEFINITION
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO AMEND THE DEFINITION
OF “SETBACK” IN ORDER TO EXEMPT FROM SETBACK
REQUIREMENTS THE INSTALLATION AND MAINTENANCE OF
ELEVATORS FOR ACCESS TO PORTIONS OF A RESIDENTIAL
PROPERTY

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

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

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

WHEREAS, the hardship requirement is not well-suited to the circumstances for a variance in instances where hardships may exist to occupants of a residence where access is needed but difficult to obtain to higher floors; and

WHEREAS, in the Land Development Code, Article 2, Definitions, Section 2-010, the section concerning the definition of “Setback” should be revised to correct a typographical error, which has apparently developed over various printings; and

WHEREAS, an exemption is appropriate to remove elevator and shafts from the setback requirements in residential construction upon approval of the building official to the extent necessary to accommodate standard elevator construction; and

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

SECTION 1

Land Development Code, Article 2, Definitions, Section 2-010:

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 rear setback requirements upon approval of the building official to the extent necessary in order to accommodate the installation and maintenance of an elevator.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

This Ordinance shall become effective on _____ day of _____,
2023.

ADOPTED THIS ___ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

11. First Reading 2023-10 Sec 2-010 Change of Setback Definition to Allow for Elevators

ORDINANCE NO. 2023-10
ENTITLED:
SETBACK DEFINITION
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO AMEND THE DEFINITION
OF “SETBACK” IN ORDER TO EXEMPT FROM SETBACK
REQUIREMENTS THE INSTALLATION AND MAINTENANCE OF
ELEVATORS FOR ACCESS TO PORTIONS OF A RESIDENTIAL
PROPERTY

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

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

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

WHEREAS, the hardship requirement is not well-suited to the circumstances for a variance in instances where hardships may exist to occupants of a residence where access is needed but difficult to obtain to higher floors; and

WHEREAS, in the Land Development Code, Article 2, Definitions, Section 2-010, the section concerning the definition of “Setback” should be revised to correct a typographical error, which has apparently developed over various printings; and

WHEREAS, an exemption is appropriate to remove elevator and shafts from the setback requirements in residential construction upon approval of the building official to the extent necessary to accommodate standard elevator construction; and

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

SECTION 1

Land Development Code, Article 2, Definitions, Section 2-010:

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 rear setback requirements upon approval of the building official to the extent necessary in order to accommodate the installation and maintenance of an elevator.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

This Ordinance shall become effective on _____ day of _____,
2023.

ADOPTED THIS ___ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

12. First Reading 2023-11 Sec _____ To allow for STR Permits in the R-1, R-1B and R-2 Districts for Historic Homes that have been moved or Historic Restorations

ORDINANCE NO. 2022-04

ENTITLED:

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF TYBEE ISLAND GEORGIA, SO AS TO REVISE PERMISSIBLE USES IN RESIDENTIAL ZONING DISTRICTS SPECIFICALLY R-1, R-1-B AND R-2 SO AS TO CLARIFY THE SAME AND TO RECOGNIZE EXISTING AND ONGOING PROPERLY PERMITTED SHORT-TERM RENTALS OF PROPERTIES IN SUCH ZONES BUT TO RECOGNIZE OR ADDRESS ANY PROPERTY CURRENTLY OPERATED AS A SHORT-TERM RENTAL PROPERTY IN SUCH ZONES, AND CONSIDER WHETHER SUCH USES SHALL BE AUTHORIZED TO CONTINUE SUBJECT TO THE TERMS CONTAINED HEREIN AND TO FURTHER AMEND THE CODE SO AS TO CLARIFY THE TERMS THEREOF BY WAY OF APPROPRIATE DEFINITIONS, TO PROVIDE FOR STANDARDS BY WHICH PREVIOUSLY OPERATED LOCATIONS AND NOW TO BE POTENTIALLY NON-CONFORMING USES THAT MAY BE DISCONTINUED, ABANDONED AND NO LONGER BECOME SHORT-TERM RENTAL PROPERTIES, AS DEFINED HEREIN AND TO CREATE REVIEW PROCEDURES RELATED TO ANY DISPUTES AS TO THE DISCONTINUANCE OF SUCH USES AND TO REPEAL CONFLICTING PROVISIONS, TO ESTABLISH AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

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

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

WHEREAS, the City of Tybee Island has conducted numerous public hearings, surveys, focus group sessions, stakeholder conference calls and other means of gauging public opinion over a period of years, all on the subject of rentals for under 30 days. While these activities have been held covering all zoning areas on Tybee, this ordinance addresses rental activity within the R-1, R-1-B and R-2 areas only; and

WHEREAS, the community has a limited number of housing units contained within these three residential zones and is seeking to protect and maintain the quantity and diversity of housing options for the general public in accordance with the Tybee Island master plan. The character of the island's residential community is an important feature for residents and for any visitor on the

island. The existing tourist trade is very dependent upon this diversity and on the unique character currently found in these zones; and

WHEREAS, the City of Tybee Island has demonstrated that the usage of this limited residential housing stock has become increasingly dominated by rentals for less than thirty days, and in many cases, high turnover rentals with stays of less than five days. These units are also increasingly operated by absent owners, agents, investment firms and other real estate operations with no connection to the Tybee Island community, as demonstrated during the many sessions for public input. This increase has been verified by third party software purchased by the City with the intent to identify and monitor these Short-Term Rentals. The methods and results of this software have been made extensively public and have been thoroughly examined; and

WHEREAS, additionally, while anecdotal evidence demonstrates that behavior by this transient, rental population has improved significantly over the last few years, this has not been achieved without significant dedication of resources by the City of Tybee Island well as significant cooperation from local owner/operators, including, but not limited to, the creation of strict residential noise ordinances, sign ordinances, a dedicated complaint hotline, occupancy restrictions, and an entire dedicated enforcement department enforcing ordinances through citations. These efforts demonstrate the need for continued regulation of this expanding short term rental industry within the residential zones; and

WHEREAS, cities must from time to time update existing zoning definitions to keep pace with changes in technology, population trends and land usages. The City of Tybee Island has determined that the increase in online reservation systems and other peer to peer technology breakthroughs has substantially altered the face of the tourism industry and this plays a significant role in changing the character of neighborhoods within these residential zones; and

WHEREAS, the City has conducted a carrying capacity study that addresses the impact of density and consequences upon the City's infrastructure and which calls for restrictions beyond those previously imposed upon certain uses, including Short-Term Rentals; and

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

SECTION 1 – PURPOSE AND INTENT

The purpose of this ordinance is to clarify the definitions and uses for certain residential zoning districts. Section 4-050(A)(B) and (C) of Article 4 of the Land Development Code shall be amended so as to include the following sections for all buildings and structures located within zoning districts R-1, R-1-B and R-2. Except as set forth herein, no residence, structure or building within zones R-1, R-1-B and R-2, shall be operated as a Short-Term Rental or leased or rented or held available for rental for less than thirty days. Existing and ongoing properly permitted Short-Term Rentals which have been operated within the City in zones R-1, R-1-B and R-2 prior to the effective date hereof shall not be a use as of right, but rather, such use will be a nonconforming use hereafter, except for owner occupied locations as authorized below or in other sections of the Code of Ordinances.

SECTION 2 – DEFINITIONS

The following words and phrases, as used in this article, shall have the following meanings:

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

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

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

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

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

SECTION 3 – NOTICE OF AND ABANDONMENT OF NONCONFORMING USE

If a property holding a Short-Term Rental permit in zoning districts R-1, R-1-B and R-2 fails to conduct short term rentals (rentals of less than 30 days each), at least 90 days of rental at full market value within the preceding 12-month period, it shall be presumed that such short-term rental use has been abandoned and therefore such use shall be unauthorized. It is the owner or rental operator’s burden to establish the rentals. The existence of rentals shall be proven by the applicable tax returns filed by the owner for that location. In the event tax returns or other verifiable tax documentation are not available due to the rental occurring, or allegedly occurring, through a marketplace innkeeper or an online booking service, (such as Airbnb or similar providers), the owner may establish rentals through other documentation including rental records to the City’s satisfaction. No new permit or renewal of a permit shall be granted if an owner or rental operator fails to make this showing of rentals. Any new owner seeking a permit is responsible to demonstrate the prior property owner’s rental history.

Any previously operated Short-Term Rental within the R-1, R-1-B and R-2 zoning districts which is determined abandoned will no longer be allowed to operate as a Short-Term Rental.

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

SECTION 4 – ALLOWANCES

In locations other than properties zoned R-1, R-1B or R-2, notwithstanding any other provisions in the Code of Ordinances, a Short-Term Rental use is allowable in any zoning districts as long as the Short-Term Rental location and the owners, agents or representatives for such location are in full compliance with all provisions of the City's then current Short-Term Rental Ordinance currently codified at 34-260, et seq. including but not limited to all requirements regarding the payment of taxes, compliance with the Good Neighbor Policy, enforcement of the occupancy limits, compliance with noise and other regulations and such property has avoided citations for violating the Disorderly House Ordinance.

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

SECTION 5 – CAPS IN CERTAIN ZONING DISTRICTS

For purposes of this section, a restricted zoning designation category or cap shall be any zoning district in which an ordinance exists limiting the number of authorized Short-Term Rental units in that particular district. In the event a cap on Short-Term Rental units exists for a certain zoning district and a permitted unit in that district is thereafter disqualified for a rental permit, that unit's permit shall be void. No new location or unit will be issued a Short-Term Rental permit to operate as an STR in any restricted zoning designation district which has already issued permits equaling the cap. Exceptions to this prohibition of issuing new permits over any cap may be allowed as set forth by ordinance. The City may establish a waiting list or other means of determining eligibility for a permit for locations in a restricted zoning designation district as necessary.

SECTION 6 – NEW PERMITS PROHIBITED

No new permits are allowable in R-1, R-1-B, and R-2 zones except as otherwise provided herein.

SECTION 7

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

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

This Ordinance shall become effective on _____ day of _____, 2022.

ADOPTED THIS _____ DAY OF _____, 2022.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

Original Z-2 in Word – Main – Revised 9-28-2022
Original Z-2 in Word – Main – Revised 8-15-1022
Original Z-2 in Word – Main – Revised 8-11-2022
Amended STVR Ordinance W-O Hardship – 5-31-2022 – By Section

File Attachments for Item:

13. First Reading 2023-12 Sec 3-_____ To allow for an Exception to the STR Abandonment Clause in Cases of Certain Calamities

ORDINANCE NO. 2023-_____

ENTITLED:

EXCEPTION TO RENTAL REQUIREMENTS FOR CERTAIN CALAMATIES AND AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF TYBEE ISLAND GEORGIA, SO AS TO AMEND NOTICE OF AN ABANDONMENT AND NONCONFORMING USE, PREVIOUSLY SECTION 3 TO ORDINANCE NO. 2022-04 (Z-2) SO AS PROVIDE FOR RELIEF IN CERTAIN INSTANCES OF OR FROM THE REQUIREMENTS OF THE 90 DAY PROVISION DUE TO CERTAIN CALAMATIES OR FORCES OF NATURE, INCLUDING BUT NOT LIMITED TO PANDEMICS AND/OR PHYSICAL DAMAGES TO A STRUCTURE AND, TO PROVIDE FOR PROCEDURES FOR ADDRESSING REQUESTS FOR SUCH RELIEF AND TO CONFIRM THE EFFECT DATE AND ADOPTION OF SECTION 3, NOTICE OF ABANDONMENT AND NONCONFORMING USE, TO REPEAL CONFLICTING ORDINANCES OR PROVISIONS AND TO INSURE CONFORMITY AND FOR OTHER PURPOSES.

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

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

WHEREAS, the governing authority desires to revise a zoning ordinance under its police and home rule powers; and

WHEREAS, following numerous public hearings, meetings, and update shops, conference calls, and focus group sessions, conducted in order to address Short-Term Rentals in R-1, R-1-B and R-2 areas; and

WHEREAS, the City previously addressed and adopted ordinances revising the Short-Term Rental code; and

WHEREAS, the City adopted certain zoning ordinances addressing Short-Term Rentals and finds a need to revise Section 3 of Ordinance No. 2022-04; and

WHEREAS, the provisions of Section 3 of Ordinance No. 2022-04, as previously adopted, has among other things, a requirement of at least 90 days of rental at full market value within the preceding 12-month period and a presumption that the use has been abandoned and becomes unauthorized if such rentals are not established; and

WHEREAS, the City wishes to revise the same so as to provide a procedure for relief from the 90-day requirement in the event the inability to rent is shown to be a result of damages to the property resulting from fire, hurricane or storm damage, and/or due to situations such as spread of disease, such as the pandemic experienced in recent years; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances be amended so as to revise Section 3 of Ordinance No. 2022-4 as follows:

SECTION 1, AMENDMENT TO SECTION 3 OF ORDINANCE 2022-4, SECTION 3:

SECTION 3 – NOTICE OF AND ABANDONMENT OF NONCONFORMING USE

If a property holding a Short-Term Rental permit in zoning districts R-1, R-1-B and R-2 fails to conduct short term rentals (rentals of less than 30 days each), at least 90 days of rental at full market value within the preceding 12-month period, it shall be presumed that such short-term rental use has been abandoned and therefore such use shall be unauthorized. It is the owner or rental operator's burden to establish the rentals. The existence of rentals shall be proven by the applicable tax returns filed by the owner for that location. In the event tax returns or other verifiable tax documentation are not available due to the rental occurring, or allegedly occurring, through a marketplace innkeeper or an online booking service, (such as Airbnb or similar providers), the owner may establish rentals through other documentation including rental records to the City's satisfaction. No new permit or renewal of a permit shall be granted if an owner or rental operator fails to make this showing of rentals. Any new owner seeking a permit is responsible to demonstrate the prior property owner's rental history.

Any previously operated Short-Term Rental within the R-1, R-1-B and R-2 zoning districts which is determined abandoned will no longer be allowed to operate as a Short-Term Rental.

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

Further, and notwithstanding the provisions above, property owners, managers or agents thereof may petition the Mayor and Council for relief from the 90-day requirement by demonstrating that due to damage to the property from fire, hurricane or other storm, and/or due to the unexpected spread of disease, such as the recent pandemic, the property was not available or appropriate for rent or there was no ability to rent during a period making compliance unachievable as a practical matter, relief may be granted if the Mayor and Council determines that the circumstances shown to exist were of such an extent, duration and/or nature that rentals would be substantially impaired for a period of time not less than 45 days.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

This ordinance has previously been determined to be effective as of May 1, 2023. That determination was prior to this amendment.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

File Attachments for Item:

14. Appendices - Staff Reports and Planning Commission votes for Public Hearings



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Amendment outlining the process to appeal a zoning action or subdivision or other purposes

Vote on hearing

ATTACHMENTS

[#6-TEXT AMENDMENT.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 5, Procedures for Administration and Enforcement.

PROPOSAL: Amend Sec. 5—060 to give instruction for appealing a zoning decision

ANALYSIS: This amendment is required to meet a change in State law regarding procedures for appealing a zoning decision.

STAFF FINDING:
Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE FOR THE CITY OF TYBEE ISLAND GEORGIA SO AS TO ADD A SUBSECTION OUTLINING THE APPEAL PROCESS FOR ZONING ACTIONS OR SUBDIVISION PROCEDURES AND FOR OTHER PURPOSES

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

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

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

WHEREAS, the City has determined that the Land Development Code is in need of revision and updating so as to establish appeal standards uniform with the changes established by House Bill 1405 which amended the Zoning Procedures Law;

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

SECTION I

Section 5-060 of the Land Development Code is hereby amended to add a subsection that shall read as follows:

- (e) 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.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: #6-Sec. 5-060 – Appeal of zoning decision.

Action Requested: **Text Amendment**

Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR
Livingston	X		
Matkowski	X		SECOND
Nooney	X		
Rodriguez	X		MOTION
Williams	X		

Planning Commission Chair:

Date: 3/21/22

Planning & Zoning Manager:

Date: 3-21-23



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Amendment revising the required number of public hearings in order to obtain a permit in accordance with the zoning procedures law.

Vote on hearing

ATTACHMENTS

[#7-TEXT AMENDMENT.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 5, Procedures for Administration and Enforcement.

PROPOSAL: Amend Sec. 5-060 regarding the required number of public hearings to meet change in State law.

ANALYSIS: This is a minor change in wording to match a change in the State Zoning Procedures Law. It shouldn't affect Tybee procedures.

STAFF FINDING:

Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE FOR THE CITY OF TYBEE ISLAND GEORGIA SECTION 5-060, SO AS TO REVISE THE REQUIRED NUMBER OF HEARINGS IN ORDER TO OBTAIN A PERMIT IN ACCORDANCE WITH THE ZONING PROCEDURES LAW AND FOR OTHER PURPOSES

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

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

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

WHEREAS, the City has determined that the Land Development Code is in need of revision and updating so as to establish standards uniform with the changes established by House Bill 1405 which amended the Zoning Procedures Law;

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

SECTION I

The introductory paragraph of Section 5-060 of the Land Development Code is hereby amended so that hereafter such paragraph shall read as follows:

Whenever a zoning action or subdivision procedures take 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:

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **#7 -Sec. 5-060 – Required number of public hearings.**

Action Requested: **Text Amendment**

Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR -SECOND
Livingston	X		
Matkowski	X		
Nooney	X		
Rodriguez	X		MOTION
Williams	X		

Planning Commission Chair:

Date:

3/21/23

Planning & Zoning Manager:

Date:

3-21-23



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Amendment to create exception to STR abandonment clause in cases of certain calamities.

Vote on hearing

ATTACHMENTS

[#12-TEXT AMENDMENT.pdf](#)



12

STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment Land Development Code (LDC) Article 3

PROPOSAL: To allow for STR permit holders to get an exception from the 90 rental requirement if the home is unrentable for a variety of reasons.

ANALYSIS: This amendment would provide relief to STR permit holders from the 90 day rental requirement if their home is damaged or affected by other calamities.

STAFF FINDING:

Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

**Z-2 – Section 3 Amended
Abandoned-Nonconforming Use**

ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF TYBEE ISLAND GEORGIA, SO AS TO AMEND NOTICE OF AN ABANDONMENT AND NONCONFORMING USE, PREVIOUSLY SECTION 3 TO ORDINANCE NO. 2022-04 (Z-2) SO AS PROVIDE FOR RELIEF IN CERTAIN INSTANCES OF OR FROM THE REQUIREMENTS OF THE 90 DAY PROVISION DUE TO CERTAIN CALAMATIES OR FORCES OF NATURE, INCLUDING BUT NOT LIMITED TO PANDEMICS AND/OR PHYSICAL DAMAGES TO A STRUCTURE AND, TO PROVIDE FOR PROCEDURES FOR ADDRESSING REQUESTS FOR SUCH RELIEF AND TO CONFIRM THE EFFECT DATE AND ADOPTION OF SECTION 3, NOTICE OF ABANDONMENT AND NONCONFORMING USE, TO REPEAL CONFLICTING ORDINANCES OR PROVISIONS AND TO INSURE CONFORMITY AND FOR OTHER PURPOSES.

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

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

WHEREAS, the governing authority desires to revise a zoning ordinance under its police and home rule powers; and

WHEREAS, following numerous public hearings, meetings, and update shops, conference calls, and focus group sessions, conducted in order to address Short-Term Rentals in R-1, R-1-B and R-2 areas; and

WHEREAS, the City previously addressed and adopted ordinances revising the Short-Term Rental code; and

WHEREAS, the City adopted certain zoning ordinances addressing Short-Term Rentals and finds a need to revise Section 3 of Ordinance No. 2022-04; and

WHEREAS, the provisions of Section 3 of Ordinance No. 2022-04, as previously adopted, has among other things, a requirement of at least 90 days of rental at full market value within the preceding 12-month period and a presumption that the use has been abandoned and becomes unauthorized if such rentals are not established; and

WHEREAS, the City wishes to revise the same so as to provide a procedure for relief from the 90-day requirement in the event the inability to rent is shown to be a result of damages to the

property resulting from fire, hurricane or storm damage, and/or due to situations such as spread of disease, such as the pandemic experienced in recent years; and

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances be amended so as to revise Section 3 of Ordinance No. 2022-4 as follows:

SECTION 1, AMENDMENT TO SECTION 3 OF ORDINANCE 2022-4, SECTION 3:

SECTION 3 – NOTICE OF AND ABANDONMENT OF NONCONFORMING USE

If a property holding a Short-Term Rental permit in zoning districts R-1, R-1-B and R-2 fails to conduct short term rentals (rentals of less than 30 days each), at least 90 days of rental at full market value within the preceding 12-month period, it shall be presumed that such short-term rental use has been abandoned and therefore such use shall be unauthorized. It is the owner or rental operator's burden to establish the rentals. The existence of rentals shall be proven by the applicable tax returns filed by the owner for that location. In the event tax returns or other verifiable tax documentation are not available due to the rental occurring, or allegedly occurring, through a marketplace innkeeper or an online booking service, (such as Airbnb or similar providers), the owner may establish rentals through other documentation including rental records to the City's satisfaction. No new permit or renewal of a permit shall be granted if an owner or rental operator fails to make this showing of rentals. Any new owner seeking a permit is responsible to demonstrate the prior property owner's rental history.

Any previously operated Short-Term Rental within the R-1, R-1-B and R-2 zoning districts which is determined abandoned will no longer be allowed to operate as a Short-Term Rental.

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

Further, and notwithstanding the provisions above, property owners, managers or agents thereof may petition the Mayor and Council for relief from the 90-day requirement by demonstrating that due to damage to the property from fire, hurricane or other storm, and/or due to the unexpected spread of disease, such as the recent pandemic, the property was not available or appropriate for rent or there was no ability to rent during a period making compliance unachievable as a practical matter, relief may be granted if the Mayor and Council determines that the circumstances shown to exist were of such an extent, duration and/or nature that rentals would be substantially impaired for a period of time not less than 45 days.

SECTION 2

If any section, subsection, clause, or provision of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance which is not invalid or

unconstitutional. Where the provisions of this ordinance are in conflict with other ordinances, the most restrictive provision shall be enforced.

SECTION 3

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

SECTION 4

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

SECTION 5

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

This ordinance has previously been determined to be effective as of May 1, 2023. That determination was prior to this amendment.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **#12 – Sec. 3-? – To allow for an exception to the STR abandonment clause in cases of certain calamities.**

Action Requested: **Text Amendment**

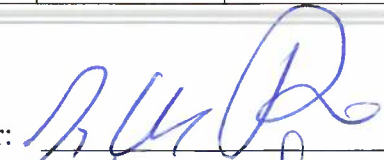
Appeal	Subdivision: Sketch Plan Approval ____ Conceptual ____ Preliminary Plan Approval ____ Final Plat Approval ____ Minor Subdivision ____ Major Subdivision ____
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

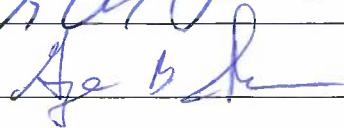
Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR -MOTION
Livingston	X		
Matkowski	X		
Nooney	X		SECOND
Rodriguez	X		
Williams	X		

Planning Commission Chair: 

Planning & Zoning Manager: 

Date: 3/21/23

Date: 3-21-23



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Amendment outlining the requirements to rezone land from single family to multi family.

Vote on hearing

ATTACHMENTS

[#5-TEXT AMENDMENT.pdf](#)

5



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023
CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 5 Procedures for Administration and Enforcement.

PROPOSAL: Amend Sec. 5-050 to meet new State law regarding procedures for the City of Tybee Island should the City choose to rezone single family property to multi family.

ANALYSIS: Due to a change in State Law we must adopt this ordinance.

STAFF FINDING:
Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS
A. Amendment

ZPL – Multi-Family to Single Family Classification

ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT CODE FOR THE CITY OF TYBEE ISLAND GEORGIA SO AS TO ADD A SUBSECTION OUTLINING THE REQUIREMENTS TO REZONE LAND DESIGNATED SINGLE-FAMILY TO MULTI-FAMILY AND FOR OTHER PURPOSES

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

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

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

WHEREAS, the City has determined that the Land Development Code is in need of revision and updating so as to establish appeal standards uniform with the changes established by House Bill 1405 which amended the Zoning Procedures Law;

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

SECTION I

Section 5-050 of the Land Development Code is hereby amended to add a subsection that shall read as follows:

- (E) 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.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ____ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **#5 - Sec. 5-050 – Single family to multifamily rezoning.**

Action Requested: **Text Amendment**

Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR -MOTION
Livingston	X		SECOND
Matkowski	X		
Nooney	X		
Rodriguez	X		
Williams	X		

Planning Commission Chair: 

Date: 3/21/23

Planning & Zoning Manager: 

Date: 3-21-23



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Amendment to allow elevators in the setback of existing elevated homes.

Vote on hearing

ATTACHMENTS

[#8-TEXT AMENDMENT.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 3 – General Provisions.

PROPOSAL: Amend Article 3 to allow for one elevator in the setback for an existing elevated home

ANALYSIS: This amendment allows for the construction of one elevator in the setback for an existing elevated home so as to avoid the variance procedure for folks who have need of an elevator to access their home.

STAFF FINDING:

Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO AMEND SECTION 3-090 TO ADD
A SUBSECTION 3 ON THE SCHEDULE OF DEVELOPMENT
REGULATIONS

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

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

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

WHEREAS, the hardship requirement is not well-suited to the circumstances for a variance in instances where hardships may exist to occupants of a residence where access is needed but difficult to obtain to higher floors; and

WHEREAS, an exemption is appropriate to remove elevator shafts from the setback requirements in residential construction to the extent necessary to accommodate standard elevator properties; and

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

SECTION 1

Section 3-090, Section 3:

An encroachment to permit one elevator is permissible on an existing elevated home to accommodate an elevator into a side or rear setback to the extent necessary to accommodate the elevator and the appropriate shaft upon approval of the building official.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ___ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **#8 -Sec. 3-090 – To allow an elevator to encroach into the side or rear setback.**

Action Requested: **Text Amendment**


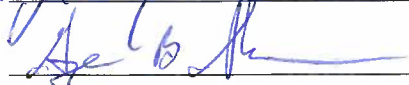
Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR -MOTION
Livingston	X		SECOND
Matkowski	X		
Nooney	X		
Rodriguez	X		
Williams	X		

Planning Commission Chair: 
 Planning & Zoning Manager: 

Date: 3/20/23
 Date: 3-21-23



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Expansion of notification from neighboring properties to properties within a 200 foot radius

Vote on hearing

ATTACHMENTS

[#4-TEXT AMENDMENT.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 5, Procedures for Administration and Enforcement.

PROPOSAL: Amend Sec. 5-050(C) to create a greater notification radius for actions before the Planning Commission and City Council.

ANALYSIS: This amendment increases the area for notification to a 200' radius from the subject parcel for actions before the Planning Commission and City Council. There will be an increase in staff time and expense associated with this amendment.

STAFF FINDING:

Staff makes no recommendation

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF TYBEE ISLAND, GEORGIA, TO AMEND THE LAND DEVELOPMENT CODE
SECTION 5-050(C) TO EXPAND THE NOTICE APPLICABLE TO APPLICATIONS FOR
RELIEF UNDER VARIOUS ACTIONS REQUESTED REQUIRING PUBLIC HEARING

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

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

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

WHEREAS, the City wishes to expand the notice applicable to applications for relief under various provisions requested which require public hearing so as to provide for notice to owners beyond just “adjacent” property owners; and

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

SECTION 1

Land Development Code, Section 5-050(C) shall hereinafter read as follows:

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.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ___ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **#4 -Sec. 5-050(C)-Expanded notification to owners or occupants**

Action Requested: **Text Amendment**

Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

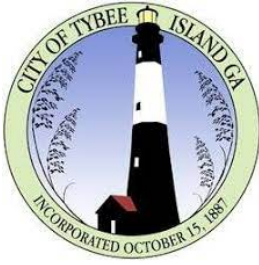
COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR -MOTION
Livingston	X		
Matkowski	X		
Nooney	X		
Rodriguez	X		SECOND
Williams	X		

Planning Commission Chair:

Planning & Zoning Manager:

Date: 3/21/23

Date: 3-21-23



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Amendment to change setback definition to include elevators

Vote on hearing

ATTACHMENTS

[#9-TEXT AMENDMENT.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment to Article 2 - Definitions.

PROPOSAL: Amend Sec. 2-010(B) –Definitions to allow for an elevator in the setback and clear up language regarding eaves.

ANALYSIS: This amendment changes the definition of setback to allow for one elevator in the setback of an existing elevated structure. This also changes the eave exception to make it easier to understand.

STAFF FINDING:
Staff recommends approval

This Staff Report was prepared by George Shaw.

- ATTACHMENTS
- A. Amendment

ORDINANCE NO. 2023-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF TYBEE ISLAND, GEORGIA, TO AMEND THE DEFINITION OF “SETBACK” IN ORDER TO EXEMPT FROM SETBACK REQUIREMENTS THE INSTALLATION AND MAINTENANCE OF ELEVATORS FOR ACCESS TO PORTIONS OF A RESIDENTIAL PROPERTY

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

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

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

WHEREAS, the hardship requirement is not well-suited to the circumstances for a variance in instances where hardships may exist to occupants of a residence where access is needed but difficult to obtain to higher floors; and

WHEREAS, in the Land Development Code, Article 2, Definitions, Section 2-010, the section concerning the definition of “Setback” should be revised to correct a typographical error, which has apparently developed over various printings; and

WHEREAS, an exemption is appropriate to remove elevator and shafts from the setback requirements in residential construction upon approval of the building official to the extent necessary to accommodate standard elevator construction; and

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

SECTION 1

Land Development Code, Article 2, Definitions, Section 2-010:

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 rear setback requirements upon approval of the building official to the extent necessary in order to accommodate the installation and maintenance of an elevator.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2023.

ADOPTED THIS ___ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: **#9 -Sec. 2-010 – Change of setback definition to allow for elevators.**

Action Requested: **Text Amendment**

Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR
Livingston	X		MOTION
Matkowski	X		
Nooney	X		
Rodriguez	X		SECOND
Williams	X		

Planning Commission Chair: _____

Date: _____

Planning & Zoning Manager: _____

Date: _____



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Amendment to add effective date to previously approved ordinance regarding STR.

Vote on hearing

ATTACHMENTS

[#11-TEXT AMENDMENT.pdf](#)



STAFF REPORT

PLANNING COMMISSION MEETING: March 20, 2023

CITY COUNCIL MEETING: April 13, 2023

LOCATION: N/A

APPLICANT: City of Tybee Island

OWNER: N/A

EXISTING USE: N/A

PROPOSED USE: N/A

ZONING: N/A

USE PERMITTED BY RIGHT: N/A

COMMUNITY CHARACTER MAP: N/A

APPLICATION: Amendment Land Development Code (LDC) Article to be determined.

PROPOSAL: To add effective date to an ordinance that was passed in October 2022.

ANALYSIS: This amendment would add the effective date of May 1, 2023 to Sec. 3 and 4 of this ordinance.

STAFF FINDING:

Staff recommends approval

This Staff Report was prepared by George Shaw.

ATTACHMENTS

- A. Amendment

ORDINANCE NO. 2022-04

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF TYBEE ISLAND GEORGIA, SO AS TO REVISE PERMISSIBLE USES IN RESIDENTIAL ZONING DISTRICTS SPECIFICALLY R-1, R-1-B AND R-2 SO AS TO CLARIFY THE SAME AND TO RECOGNIZE EXISTING AND ONGOING PROPERLY PERMITTED SHORT-TERM RENTALS OF PROPERTIES IN SUCH ZONES BUT TO RECOGNIZE OR ADDRESS ANY PROPERTY CURRENTLY OPERATED AS A SHORT-TERM RENTAL PROPERTY IN SUCH ZONES, AND CONSIDER WHETHER SUCH USES SHALL BE AUTHORIZED TO CONTINUE SUBJECT TO THE TERMS CONTAINED HEREIN AND TO FURTHER AMEND THE CODE SO AS TO CLARIFY THE TERMS THEREOF BY WAY OF APPROPRIATE DEFINITIONS, TO PROVIDE FOR STANDARDS BY WHICH PREVIOUSLY OPERATED LOCATIONS AND NOW TO BE POTENTIALLY NON-CONFORMING USES THAT MAY BE DISCONTINUED, ABANDONED AND NO LONGER BECOME SHORT-TERM RENTAL PROPERTIES, AS DEFINED HEREIN AND TO CREATE REVIEW PROCEDURES RELATED TO ANY DISPUTES AS TO THE DISCONTINUANCE OF SUCH USES AND TO REPEAL CONFLICTING PROVISIONS, TO ESTABLISH AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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

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

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

WHEREAS, the City of Tybee Island has conducted numerous public hearings, surveys, focus group sessions, stakeholder conference calls and other means of gauging public opinion over a period of years, all on the subject of rentals for under 30 days. While these activities have been held covering all zoning areas on Tybee, this ordinance addresses rental activity within the R-1, R-1-B and R-2 areas only; and

WHEREAS, the community has a limited number of housing units contained within these three residential zones and is seeking to protect and maintain the quantity and diversity of housing options for the general public in accordance with the Tybee Island master plan. The character of the island's residential community is an important feature for residents and for any visitor on the island. The existing tourist trade is very dependent upon this diversity and on the unique character currently found in these zones; and

WHEREAS, the City of Tybee Island has demonstrated that the usage of this limited residential housing stock has become increasingly dominated by rentals for less than thirty days, and in many cases, high turnover rentals with stays of less than five days. These units are also increasingly operated by absent owners, agents, investment firms and other real estate operations with no connection to the Tybee Island community, as demonstrated during the many sessions for public input. This increase has been verified by third party software purchased by the City with the intent to identify and monitor these Short-Term Rentals. The methods and results of this software have been made extensively public and have been thoroughly examined; and

WHEREAS, additionally, while anecdotal evidence demonstrates that behavior by this transient, rental population has improved significantly over the last few years, this has not been achieved without significant dedication of resources by the City of Tybee Island well as significant cooperation from local owner/operators, including, but not limited to, the creation of strict residential noise ordinances, sign ordinances, a dedicated complaint hotline, occupancy restrictions, and an entire dedicated enforcement department enforcing ordinances through citations. These efforts demonstrate the need for continued regulation of this expanding short term rental industry within the residential zones; and

WHEREAS, cities must from time to time update existing zoning definitions to keep pace with changes in technology, population trends and land usages. The City of Tybee Island has determined that the increase in online reservation systems and other peer to peer technology breakthroughs has substantially altered the face of the tourism industry and this plays a significant role in changing the character of neighborhoods within these residential zones; and

WHEREAS, the City has conducted a carrying capacity study that addresses the impact of density and consequences upon the City's infrastructure and which calls for restrictions beyond those previously imposed upon certain uses, including Short-Term Rentals; and

NOW THEREFORE, it is hereby ordained by the Mayor and Council duly assembled the Code of Ordinances will be amended so as to provide as follows:

SECTION 1 – PURPOSE AND INTENT

The purpose of this ordinance is to clarify the definitions and uses for certain residential zoning districts. Section 4-050(A)(B) and (C) of Article 4 of the Land Development Code shall be amended so as to include the following sections for all buildings and structures located within zoning districts R-1, R-1-B and R-2. Except as set forth herein, no residence, structure or building within zones R-1, R-1-B and R-2, shall be operated as a Short-Term Rental or leased or rented or held available for rental for less than thirty days. Existing and ongoing properly permitted Short-Term Rentals which have been operated within the City in zones R-1, R-1-B and R-2 prior to the effective date hereof shall not be a use as of right, but rather, such use will be a nonconforming use hereafter, except for owner occupied locations as authorized below or in other sections of the Code of Ordinances.

SECTION 2 – DEFINITIONS

The following words and phrases, as used in this article, shall have the following meanings:

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

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

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

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

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

SECTION 3 – NOTICE OF AND ABANDONMENT OF NONCONFORMING USE

If a property holding a Short-Term Rental permit in zoning districts R-1, R-1-B and R-2 fails to conduct short term rentals (rentals of less than 30 days each), at least 90 days of rental at full market value within the preceding 12-month period, it shall be presumed that such short-term rental use has been abandoned and therefore such use shall be unauthorized. It is the owner or rental operator's burden to establish the rentals. The existence of rentals shall be proven by the applicable tax returns filed by the owner for that location. In the event tax returns or other verifiable tax documentation are not available due to the rental occurring, or allegedly occurring, through a marketplace innkeeper or an online booking service, (such as Airbnb or similar providers), the owner may establish rentals through other documentation including rental records to the City's satisfaction. No new permit or renewal of a permit shall be granted if an owner or rental operator fails to make this showing of rentals. Any new owner seeking a permit is responsible to demonstrate the prior property owner's rental history.

Any previously operated Short-Term Rental within the R-1, R-1-B and R-2 zoning districts which is determined abandoned will no longer be allowed to operate as a Short-Term Rental.

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

SECTION 4 – ALLOWANCES

In locations other than properties zoned R-1, R-1B or R-2, notwithstanding any other provisions in the Code of Ordinances, a Short-Term Rental use is allowable in any zoning districts as long as the Short-Term Rental location and the owners, agents or representatives for such location are in full compliance with all provisions of the City's then current Short-Term Rental Ordinance currently codified at 34-260, et seq. including but not limited to all requirements regarding the payment of taxes, compliance with the Good Neighbor Policy, enforcement of the occupancy limits, compliance with noise and other regulations and such property has avoided citations for violating the Disorderly House Ordinance.

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

SECTION 5 – CAPS IN CERTAIN ZONING DISTRICTS

For purposes of this section, a restricted zoning designation category or cap shall be any zoning district in which an ordinance exists limiting the number of authorized Short-Term Rental units in that particular district. In the event a cap on Short-Term Rental units exists for a certain zoning district and a permitted unit in that district is thereafter disqualified for a rental permit, that unit's permit shall be void. No new location or unit will be issued a Short-Term Rental permit to operate as an STR in any restricted zoning designation district which has already issued permits equaling the cap. Exceptions to this prohibition of issuing new permits over any cap may be allowed as set forth by ordinance. The City may establish a waiting list or other means of determining eligibility for a permit for locations in a restricted zoning designation district as necessary.

SECTION 6 – NEW PERMITS PROHIBITED

No new permits are allowable in R-1, R-1-B, and R-2 zones except as otherwise provided herein.

SECTION 7

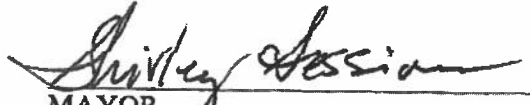
All ordinances and parts of ordinances in conflict herewith are expressly repealed.

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

This Ordinance shall become effective on 13 day of October 2022.

Except Sections 3 and 4 which are effective on May 1, 2023

ADOPTED THIS 13 DAY OF October 2022.


MAYOR

ATTEST:


CLERK OF COUNCIL

FIRST READING: 9/20/2022

SECOND READING: 10/13/2022

Original Z-2 in Word – Main – Revised 9-28-2022
Original Z-2 in Word – Main – Revised 8-15-2022
Original Z-2 in Word – Main – Revised 8-11-2022
Amended STVR Ordinance W-O Hardship – 5-31-2022 – By Section

4892-9814-4027.1



**PLANNING COMMISSION
NOTICE OF DETERMINATION**

Meeting date: March 20, 2023

Project Name/Description: #11 -Sec. 3-?-To restrict STR in R-1, R-1-B, and R-2 districts.

Action Requested: **Text Amendment**



Appeal	Subdivision: Sketch Plan Approval ___ Conceptual ___ Preliminary Plan Approval ___ Final Plat Approval ___ Minor Subdivision ___ Major Subdivision ___
Special Review	
Site Plan Approval	
Variance	
Map Amendment	
Text Amendment X	

Petitioner has met all documentation requirements, all external approval requirements, and all code requirements, except for the following:

The Planning Commission Motion on Petition: Approval Denial Continued

Action on Motion:

COMMISSIONER	FOR	AGAINST	COMMENTS
Reynolds			CHAIR
McGruder	X		VICE CHAIR-SECOND
Livingston	X		
Matkowski	X		
Nooney	X		
Rodriguez	X		
Williams	X		MOTION

Planning Commission Chair: 
 Planning & Zoning Manager: 

Date: 3/21/23
 Date: 3-21-23

File Attachments for Item:

15. Agenda Request: Elisurf's Coffee & Bagel Bar dba The Surfing Goat:

Add liquor by the drink to existing alcohol license: Beer/Wine/Sunday Sales License

15B Tybrisa St

MAYOR
Shirley Sessions

CITY COUNCIL
Barry Brown, Mayor Pro Tem
Jay Burke
Nancy DeVetter
Michael "Spec" Hosti
Monty Parks
Brian West



CITY MANAGER
Shawn Gillen

CLERK OF COUNCIL
Janet LeViner

CITY ATTORNEY
Edward M. Hughes

CITY OF TYBEE ISLAND

Council Meeting Date for Request: April 13, 2023

Item: Elisurfs Coffee & Bagel Bar LLC dba The Surfing Goat Coffee and Bagel Bar

Alcohol License Request: Add Liquor by Drink for Consumption on Premises Only to existing

Beer/Wine/Sunday Sales License: Consumption on Premises

Explanation: Elisurfs Coffee & Bagel Bar LLC dba The Surfing Goat Coffee and Bagel Bar
15 B Tybrisa St

Add Liquor to existing Beer/Wine License: Consumption on Premises /Sunday Sales license

Budget Line Item Number (if applicable): _____

Paper Work: X Attached*
 Audio/Video Presentation**

- * **Electronic submissions are requested but not required. Please email to jleviner@cityoftybee.org.**
- ** **Audio/video presentations *must* be submitted to the IT department at City Hall by 4:00PM on the Thursday prior to the scheduled meeting.**

Submitted by: Sharon S. Shaver

Phone / Email: 472-5072 / sshaver@cityoftybee.org

Comments: _____

Date given to Clerk of Council March 28, 2023

P.O. Box 2749 – 403 Butler Avenue, Tybee Island, Georgia 31328-2749
(866) 786-4573 – FAX (866) 786-5737
www.cityoftybee.org



CITY OF TYBEE ISLAND BUSINESS AND ALCOHOL LICENSE APPLICATION



Application is hereby made for a license to do business within the City of Tybee Island as a dealer in alcoholic beverages as indicated below:

LICENSE CLASSIFICATION	FEE	CHECK	Notice: The applicant for a license shall be a citizen of the United States, a resident of Chatham County, and owner of the business or if a corporation, partnership or other legal entity is the owner, a substantial and major stockholder or the applicant may be the manager of the business charged with the regular operation of said business on the premises for which the license is issued.
Retail Beer/Wine - Package Sales Only, Consumption on Premises Prohibited	1110.		
Retail Beer/Wine - Sale by Drink for Consumption on Premises Only	945.		
Retail Liquor - Sale by Package Only, Consumption on Premises Prohibited	1410.		
Retail Liquor - Sale by Drink for Consumption on Premises Only	1950.	✓	
Retail Liquor - Sale by Package & Drink both in One Building under One Ownership	2,000		
Sunday Sales - Sale by Drink for Consumption on Premises Only	150		
Sunday Sales - Package Sales Only	50		
Wholesale Beer	765		
Wholesale Liquor	1,500		
Wholesale Wine	150		
Distiller, Brewer, or Manufacturer of Alcoholic Beverages	300		
Special Event - Public or Private Property - Beer, Wine (no current license) per event	50		
Special Event - Public or Private Property - Beer, Wine (no current license) 3 days	100		
Special Event - Public or Private Property - Beer, Wine (holding current license) per event	10		

ELISURFS COFFEE & BAGEL BAR

Business Name: THE SURFING GROUP				
Business Location: 15 B TYBEE ISLAND ST TYBEE ISLAND GA 31778				
Mailing Address: 619 WHISTLER WALK RD SAVANNAH GA 31410				
Phone: 912-308-8320	Email: michaelhall@bamrecycling.com			
Federal ID# 83-3548512	Sales Tax ID: 309-044151	NAICS Code:		
Business Type (Circle One): Sole Proprietor Partnership Corporation (State) _____ Date: _____ LLC Non-Profit Other: _____				
Names and Home Addresses of Owners, Partners or Corporate Officers with Ten Percent (10%) Interest in Business				
Names (attach additional pages if necessary)	Date of Birth	Home Addresses	City, State, Zip	Social Security #
Michael Hall	01	619 Whistler Walk	Savannah GA 31410	

Security Assistance Plan

What measures are taken to mitigate/control underage drinking? **ID CHECKS, BAR TENDER, MGMT STAFF**

Please state whether you will be using Security Guards: N If so, how many? _____ How often / Seasonal dates? _____

Do you use off-duty police officers to provide security? N Number: _____ Frequency? _____

Per City Ordinance (6-2021) All licensees are required to have proof of their employees, those serving or pouring alcohol, current certificates of completion from an alcohol server training program on file with licensee.

Is the building capacity notice clearly posted? Where? **YES - FRONT DOOR AREA**

How is occupancy load enforced? **EMPLOYEE MGMT**

International Fire Code 2018 ed: [BE] 1004.9 Posting of occupant load. Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space, for the intended configurations. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or the owner's authorized agent.

If special event, date(s) of event _____ Name of event: _____
 Names of landlord of the business location: **Rich Hammons** Address: **P O Box 99** Phone: **912-661-5225**
 What other business is conducted at this location? **BAGEL SHOP**

Has applicant, any person connected with, or any person having an interest in this business:

- ever been convicted of any violation of law other than for a traffic violation? No
- ever served time in prison or other correctional institution? No
- ever had an alcohol beverage license suspended or revoked at any time in any location? No

(if answer is yes, give details) _____

If this application is for RENEWAL of an existing license, enter License Number of existing license _____

If business is an eating establishment, are SUNDAY sales of alcoholic beverages contemplated? Yes

- Proof of liquor liability insurance: Please attach the current declaration page or certificate of insurance showing the required liquor liability insurance coverage.

ALL OF THE FOREGOING INFORMATION IS HEREBY GIVEN AND ALL OF THE FOREGOING STATEMENTS ARE HEREBY MADE ON OATH WILLFULLY, KNOWINGLY, AND ABSOLUTELY, AND THE SAME IS AND ARE HEREBY SWORN TO ME TO BE TRUE UNDER PENALTY OF LAW.

Applicant Signature [Signature] Date 3/29/23

Approval	Signature	Date
City Manager		
Zoning		

Sworn to and subscribed before me this 28 day of MARCH 2023

[Signature] Notary Public

Sharon S. Shaver
Notary Public, Chatham County, GA
My Commission Expires December 4, 2023



BACKGROUND CHECK REQUIREMENTS FOR ALCOHOL LICENSE

PRIOR TO OR AT THE TIME OF SUBMITTING AN APPLICATION, THE APPLICANT FOR A LICENSE OR PERMIT ISSUED UNDER THE TERMS OF THIS ARTICLE AND THE OWNER OF THE PROPOSED BUSINESS OR A PRINCIPAL OFFICER OR MEMBER, THEREOF, AND /OR A MANAGER OF SUCH BUSINESS DESIGNATED BY SUCH OFFICER OR MEMBER, SHALL SUBMIT THEMSELVES FOR FINGERPRINTING AS PROVIDED BY LAW AND IN ACCORDANCE WITH CITY PROCEDURES AS DIRECTED BY THE CITY MANAGER.

ORDINANCE NO. 6-2019, Sec. 6-5. - Reporting to City/Police - Licensee.

BE IT FURTHER UNDERSTOOD THAT THE PURPOSE OF OBTAINING THIS INFORMATION IS TO SATISFY THE REQUIREMENTS SET FORTH BY THE MAYOR AND COUNCIL OF THE CITY OF TYBEE ISLAND, REGARDING AN ALCOHOL LICENSE APPLICATION.

Applicant: Michael Hall

Business/Event Name: Elisurfs Coffee & Bagel Bar LLC dba The Surfing Goat
Coffee and Bagel Bar

Approved XXX Denied _____

Tiffany Hayes
Chief of Police

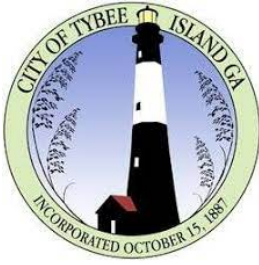
March 3, 2023 Date

Return approved/denied form:

Sharon S. Shaver
City Licensing Coordinator

File Attachments for Item:

16. Visit Tybee Info Hut Agreement



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Visit Tybee provides staff for the Information Hut on Tybrisa and Strand Avenue. This contract authorizes Visit Tybee to open for the season beginning May 18, 2023.

Approval of the 2023 Information Hut Agreement between the City of Tybee Island and Visit Tybee.

ATTACHMENTS

[2023 Info Hut Use Agreement COTI_DA-MS and VT.pdf](#)



PARTIES: City of Tybee Island;
Visit Tybee, a division of the Savannah Area Chamber of Commerce

SERVICE: Tybee Island Information (Info) Hut Partnership

TERM: May 18, 2023 to October 8, 2023

MEMORANDUM OF AGREEMENT

This Agreement, entered into this _____ day of _____, 2023 serves to be representative of a partnership between the City of Tybee Island (City) and Visit Tybee (DMO), a division of the Savannah Area Chamber of Commerce, for services at the Info Hut.

WITNESSETH

In consideration of the mutual understanding contained herein, the Parties hereby agree to the following for the 2023 spring and summer season:

1. The DMO will be responsible for:
 - a. Providing staffing (hiring, training and managing) during the 2023 spring and summer season.
 - i. Staff coverage (if sufficiently secured) will be approximately 11am – 5pm Thursday thru Sunday (this includes Wednesday July 5th and Monday September 4th.
 - ii. Staff will consist of part-time staff operating on a shift-work schedule.
 - iii. If sufficient staffing is not secured, Visit Tybee will notify the City prior to May 18.
 - iv. If there is absence of Visit Tybee Info Hut Staff during agreed season of use, Visit Tybee will notify the City that the Info Hut will be closed.
 - b. Providing general liability insurance for Info Hut staff.
 - c. Providing visitor information to the public specific to Tybee Island, local businesses and events, during hours of operation.
 - d. Providing a monthly e-report to the city’s Development Authority/Main Street staff person regarding estimated number of people served, a breakdown of which states people were from, and top five asked questions (as time permits).
2. The City will be responsible for:
 - a. Ensuring the exterior and interior (including air conditioning unit and refrigerator) of the Info Hut is appropriately maintained.
 - b. Providing information for posting at the Info Hut via the Development Authority/Main Street Program.
 - i. information will include answers to frequently asked questions.
 - c. Providing electricity to the Info Hut as available.
 - d. Posting contact information at the Info Hut for the Visit Tybee staff and public.
 - e. Providing space for the informational map (provided in 2016) of Tybee Island to be posted at the Info Hut.
 - f. Providing seasonal complementary parking passes for Info Hut staff.
 - i. tag registration information will be required to be provided prior to May 27.
 - g. Providing one parking space near the Info Hut, which will be designated by a sign, during times of Info Hut staff coverage (availability not guaranteed).

Signatures provided below by involved Parties constitutes mutual acceptance of this Agreement*.

Shirley Sessions, Mayor
City of Tybee Island

Date

Joseph Marinelli, President
Visit Tybee

Date

File Attachments for Item:

17. Approve contract proposal for Audit Services. Management recommends Clifton Larson Allen LLP to perform FY23 Audit of City Financial Statements



AGENDA ITEM

CITY COUNCIL MEETING: April 13

The City is required to have an annual audit. Management recommends CliftonLarsonAllenLLP to perform FY23 audit of City financial statements.

Approve contract proposal for audit services

ATTACHMENTS

[Audit Proposal.pdf](#)



City of Tybee Island

Memorandum

To: Mayor Sessions & Members of City Council
From: Jen Amerell, Finance Director JRA
Date: March 31, 2023
Re: City Audit Services RFP & Contract Approval

Background

The City is required to have an annual audit of the City's financial statements including the governmental activities, business-type activities, each major fund and any aggregate remaining fund(s). The City is also required to have a Single Audit of federal and/or state grant awards if related expenditures exceed a certain threshold. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The auditor expresses opinions on the financial statements in accordance with auditing standards generally accepted in the US. Those standards require they plan and perform the audit to obtain reasonable assurance that the financial statements are free from material misstatement. The City has been with their current audit firm since 2013, and before that from 2004 to 2009.

Summary

The annual audit is very time consuming for the Finance Dept., and changing auditor's results is a lot of additional work the first year. However, it is good practice to change auditors occasionally to ensure the review of the City's financial statements stay current and objective. The City sent an RFP to eligible audit firms in February 2023 and received three responses. One response did not complete all applicable terms of the RFP, the 2nd response was from the current audit firm, and the 3rd response was from CliftonLarsonAllenLLP (CLA). CLA is one of the largest governmental audit practices in the country and is the national leader in number of single audits performed. With the increase in federal and state awards the City is eligible for, it is extremely important for the City to have qualified auditors who have significant experience with federal grants. CLA is a well-known and creditable firm within the Government Finance Officers Association. Audit expenses are annual operating costs of the general fund, water/sewer fund and campground fund. Audit costs are included in the FY24 budget. Enclosed is a copy of the master service agreement and statement of work agreement.

Recommendation

Management recommends approval of RFP and contract with Clifton Larson Allen, LLP for FY23 audit services not to exceed \$61,000, with an annual option to renew.



Master Services Agreement

City of Tybee Island, GA
403 Butler Ave
Unit A
Tybee Island, GA 31328
MSA Date: March 13, 2023

This master service agreement ("MSA" or the "Contract") documents the terms, objectives, and the nature and limitations of the services CliftonLarsonAllen LLP ("CLA," "we," "us," and "our") will provide for City of Tybee Island, GA ("you," "your", and the "City"). The terms of this MSA will apply to the initial and each subsequent statement of work ("SOW"), unless the MSA is changed in a communication that you and CLA both sign or is terminated as permitted herein.

1. **Scope of Professional Services**

CLA will provide services as described in one or more SOW that will reference this MSA. The SOW will describe the scope of professional services; the nature, limitations, and responsibilities related to the specific services CLA will provide; and the fees for such services.

If modifications or changes are required during CLA's performance of requested services, or if you request that we perform any additional services, we will provide you with a separate SOW for your signature. Such SOW will advise you of the additional fee and time required for such services to facilitate a clear understanding of the services.

Our services cannot be relied upon to disclose all errors, fraud, or noncompliance with laws and regulations. Except as described in the scope of professional services section of this MSA or any applicable SOW, we have no responsibility to identify and communicate deficiencies in your internal controls as part of any services.

2. **Management responsibilities**

You acknowledge and understand that our role is to provide the services identified in an SOW and that management, and any other parties engaging CLA, have responsibilities that are fundamental to our undertaking to perform the identified services.

3. **Fees and terms**

See the applicable SOW for the fees for the services.

Work may be suspended if your account becomes 90 days or more overdue and will not be resumed

until your account is paid in full. If we elect to terminate our services for nonpayment, our engagements will be deemed to have been completed even if we have not completed the services. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

Payments may be made utilizing checks, Bill.com, your online banking platform, CLA's electronic payment platform, or any other client initiated payment method approved by CLA. CLA's electronic online bill pay platform claconnect.com/billpay accepts credit card and Automated Clearing House (ACH) payments. Instructions for you to make direct bank to bank wire transfers or ACH payments will be provided upon request.

4. Other Fees

You agree to compensate us for reasonable time and expenses, including time and expenses of outside legal counsel, we may incur in responding to a subpoena, a formal third-party request for records or information, or participating in a deposition or any other legal, regulatory, or other proceeding relating to services we provide pursuant to a SOW.

5. Finance charges and collection expenses

You agree that if any statement is not paid within 30 days from its billing date, the unpaid balance shall accrue interest at the monthly rate of one and one-quarter percent (1.25%), which is an annual percentage rate of 15%. In the event that any collection action is required to collect unpaid balances due us, reasonable attorney fees and expenses shall be recoverable.

6. Dispute Resolution

Any disagreement, controversy, or claim ("Dispute") that may arise out of any aspect of our services or relationship with you shall be submitted to non-binding mediation by written notice ("Mediation Notice") to the other party. In mediation, we will work with you to resolve any differences voluntarily with the aid of an impartial mediator.

The mediation will be conducted as specified by the mediator and agreed upon by the parties (i.e., you and CLA). The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the Dispute.

Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties.

The City of Tybee Island does not waive the right to trial by jury on any dispute.

7. Limitation of remedies

These limitation of remedies provisions are not applicable for any audit or examination services provided to you.

Our role is strictly limited to the services described in an SOW, and we offer no assurance as to the results or ultimate outcomes of any services or of any decisions that you may make based on our communications with you. You agree that it is appropriate to limit the liability of CLA, its partners,

principals, directors, officers, employees, and agents (each a "CLA party").

You further agree that you will not hold CLA or any other CLA party liable for any claim, cost, or damage, whether based on warranty, tort, contract, or other law, arising from or related to this MSA, the services provided under an SOW, the work product, or for any plans, actions, or results of an SOW, except to the extent authorized by this MSA. In no event shall any CLA party be liable to you for any indirect, special, incidental, consequential, punitive, or exemplary damages, or for loss of profits or loss of goodwill, costs, or attorney fees.

The exclusive remedy available to you shall be the right to pursue claims for actual damages that are directly caused by acts or omissions that are breaches by a CLA party of our duties owed under this MSA and the specific SOW thereunder, but any recovery on any such claims shall not exceed the fees actually paid by you to CLA pursuant to the SOW that gives rise to the claim.

8. Governing Laws, Jurisdiction, and Venue

The MSA is made under and shall be governed by the laws of the state of Georgia and any applicable Federal Law, without giving effect to choice of law principles. This includes dispute resolution and limitation of remedies. Any and all disputes which might arise under the terms of this MSA, or the transaction between the parties shall be resolved in the states and federal courts located within Chatham County in the State of Georgia, including, but not limited to, the US District Court for the Southern District of Georgia, Savannah Division.

9. Time limitations

The nature of our services makes it difficult, with the passage of time, to gather and present evidence that fully and fairly establishes the facts underlying any dispute that may arise between you and any CLA party. The parties (you and CLA) agree that, notwithstanding any statute or law of limitations that might otherwise apply to a dispute, including one arising out of this MSA or the services performed under an SOW, for breach of contract or fiduciary duty, tort, fraud, misrepresentation or any other cause of action or remedy, any action or legal proceeding by you against any CLA party must be commenced as provided below, or you shall be forever barred from commencing a lawsuit or obtaining any legal or equitable relief or recovery. An action to recover on a dispute shall be commenced within these periods ("Limitation Period"), which vary based on the services provided, and may be modified as described in the following paragraph:

Service	Time after the date we deliver the services or work product*
Tax Consulting Services	36 months
Tax Return Preparation	36 months

Examination, compilation, and preparation services related to prospective financial statements 12 months

Audit, review, examination, agreed-upon procedures, compilation, and preparation services other than those related to prospective financial information 24 months

All Other Services 12 months

* pursuant to the SOW on which the dispute is based

If the MSA is terminated or your ongoing relationship with CLA is terminated, then the applicable Limitation Period is the lesser of the above periods or 12 months after termination of MSA or your ongoing relationship with CLA. The applicable Limitation Period applies and begins to run even if you have not suffered any damage or loss, or have not become aware of the existence or possible existence of a dispute.

10. Confidentiality

Except as permitted by the "Consent" section of this MSA, CLA will not disclose any of your confidential, proprietary, or privileged information to any person or party, unless you authorize us to do so, it is published or released by you, it becomes publicly known or available other than through disclosure by us, or disclosure is required by law, regulation or professional standard. This confidentiality provision does not prohibit us from disclosing your information to one or more of our affiliated companies in order to provide services that you have requested from us or from any such affiliated company. Any such affiliated company shall be subject to the same restrictions on the use and disclosure of your information as apply to us. You also consent to our disclosure of information regarding the nature of services we provide to you to another independent network member of CLA Global, for the limited purpose of complying with professional obligations regarding independence and conflicts of interest.

The workpapers and files supporting the services we perform are the sole and exclusive property of CLA and constitute confidential and proprietary information. We do not provide access to our workpapers and files to you or anyone else in the normal course of business. Unless required by law or regulation to the contrary, we retain our workpapers and files in accordance with our record retention policy that typically provides for a retention period of seven years. After this period expires, our workpapers and files will be destroyed. Furthermore, physical deterioration or catastrophic events may shorten the time our records are available. The workpapers and files of our firm are not a substitute for your records.

Pursuant to authority given by law, regulation or professional standards we may be requested to make certain workpapers and files available to a regulator for its regulatory oversight purposes. We will notify you of any such request, if permitted by law. Access to the requested workpapers and files will be provided to the regulator under the supervision of CLA personnel and at a location designated by our firm. Furthermore, upon request, we may provide copies of selected workpapers and files to such regulator. The regulator may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

11. Other provisions

You agree that CLA will not be assuming any fiduciary responsibility on your behalf during the course of this MSA, except as may be assumed in an SOW.

CLA may, at times, utilize external web applications to receive and process information from our clients; however, any sensitive data, including protected health information and personally identifiable information, must be redacted by you to the maximum extent possible prior to uploading the document or file. In the event that you are unable to remove or obscure all sensitive data, please contact us to discuss other potential options for transmitting the document or file.

CLA and certain owners of CLA are licensed by the California State Board of Accountancy. However, CLA has owners not licensed by the California State Board of Accountancy who may provide services under this MSA. If you have any questions regarding licensure of the personnel performing services under this MSA, please do not hesitate to contact us.

During the course of the engagement, there may be communication via fax or email. You are responsible to ensure that communications received by you or your personnel are secured and not shared with unauthorized individuals.

For any insurance requirement imposed upon the City of Tybee Island (City), the City may satisfy its obligations by having coverage with the Georgia Interlocal Risk Management Program.

12. Consent to use financial information or name or logo

We regularly aggregate anonymized client data and perform a variety of analyses using that aggregated data. Some of these analyses are published to clients or released publicly. However, we are always careful to preserve the confidentiality of the separate information that we obtain from each client, as required by the AICPA Code of Professional Conduct and various laws. Your acceptance of this MSA will serve as your consent to our use of City of Tybee Island, GA anonymized data in performing and reporting on these cost comparison, performance indicator and/or benchmarking analyses.

Unless authorized by law or the client consents, we cannot use a client's tax return information for purposes other than the preparation and filing of the client's tax return. By signing and dating this MSA, you authorize CLA to use any and all information furnished to CLA for or in connection with the preparation of the tax returns under this MSA, for a period of up to six (6) years from the date of this MSA, in connection with CLA's preparation of the types of reports described in the foregoing paragraph.

The City of Tybee Island does not authorize the use of its name or logo in any contracting party's marketing or promotional activities in the absence of a specific authorization following the contracting party's making such promotional or marketing activities known and available to the City. The City shall have 10 days following the receipt of such information or material within which to approve or disapprove the use of its name or logo and the failure to the City to respond that such promotional or marketing is permissible, it shall be deemed a rejection and the use shall not be permitted

13. Consent to send you publications and other materials

For your convenience, CLA produces a variety of publications, hard copy and electronic, to keep you informed about pertinent business and personal financial issues. This includes published articles, invitations to upcoming seminars, webinars and webcasts, newsletters, surveys, and press releases. To determine whether these materials may be of interest to you, CLA will need to use your tax return information. Such tax information includes your name and address as well as the business and financial information you provided to us.

By signing and dating this MSA, you authorize CLA to use the information that you provide to CLA during the preparation of your tax returns to determine whether to offer you relevant materials. Your consent is valid until further notice.

14. Subcontractors

CLA may, at times, use subcontractors to perform services under this MSA, and they may have access to your information and records. Any such subcontractors will be subject to the same restrictions on the use of such information and records as apply to CLA under this MSA.

15. Technology

CLA may, at times, use third-party software applications to perform services under this MSA. You acknowledge the software vendor may have access to your data.

16. Termination of MSA

In all instances the provisions of O.C.G.A. 36-60-13 shall control such that any obligation on the part of the City shall cease without condition in the absence of renewal at the end of the fiscal year or calendar year as applicable. The Contract is limited to a twelve-month term subject to automatic renewals

Either party may terminate this MSA at any time by giving 30 days written notice to the other party.

Upon termination of the MSA, the provisions of this MSA shall continue to apply to all services rendered prior to termination.

17. Agreement

We appreciate the opportunity to be of service to you and believe this MSA accurately summarizes the significant terms of our relationship. This MSA, along with the applicable addendum(s) and SOW(s), constitute the entire agreement regarding services to be performed and supersedes all prior agreements (whether oral or written), understandings, negotiations, and discussions between you and CLA. If you have any questions, please let us know. If you agree with the terms of our relationship as described in this MSA, please sign, date, and return.

CliftonLarsonAllen LLP

Jake Lenell

Principal

414-721-7572

jake.lenell@claconnect.com

Response:

This MSA correctly sets forth the understanding of City of Tybee Island, GA.

CLA
CliftonLarsonAllen LLP

Client
City of Tybee Island, GA

SIGN: _____

Jake Lenell, Principal

SIGN: _____

Shirley Sessions, Mayor

DATE: _____

DATE: _____



Statement of Work - Audit Services

March 13, 2023

This document constitutes a statement of work ("SOW") under the master service agreement ("MSA") dated March 13, 2023, or superseding MSA, made by and between CliftonLarsonAllen LLP ("CLA," "we," "us," and "our") and City of Tybee Island, GA ("you," "your," or "the entity"). We are pleased to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the services CLA will provide for the entity as of and for the year ended June 30, 2023.

Jake Lenell is responsible for the performance of the audit engagement.

Scope of audit services

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements of City of Tybee Island, GA, and the related notes to the financial statements.

The Governmental Accounting Standards Board (GASB) provides for certain required supplementary information (RSI) to accompany the entity's basic financial statements.

The RSI will be subjected to certain limited procedures, but will not be audited.

We will also evaluate and report on the presentation of the supplementary information other than RSI accompanying the financial statements in relation to the financial statements as a whole.

Nonaudit services

We will also provide the following nonaudit services:

- Preparation of your financial statements and the related notes.
- Preparation of the required supplementary information (RSI).
- Preparation of the supplementary information.
- Preparation of schedule of federal awards.

Audit objectives

The objectives of our audit of the financial statements are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to

issue an auditors' report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America (U.S. GAAP). Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

Our audit will be conducted in accordance with U.S. GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Those standards require us to be independent of the entity and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. Our audit will include tests of your accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express opinions and render the required reports.

We will apply certain limited procedures to the RSI in accordance with U.S. GAAS. However, we will not express an opinion or provide any assurance on the RSI because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. We will also perform procedures to enable us to express an opinion on whether the supplementary information (as identified above) other than RSI accompanying the financial statements is fairly stated, in all material respects, in relation to the financial statements as a whole.

The objectives of our audit also include:

- Reporting on internal control over financial reporting and on compliance with the provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Reporting on internal control over compliance related to major programs and expressing an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Uniform Guidance.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Both reports will state that the report is

not suitable for any other purpose.

We will issue written reports upon completion of our audit of your financial statements and compliance with requirements applicable to major programs.

Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph to our auditors' report, or if necessary, withdraw from the engagement. If our opinions on the financial statements or compliance are other than unmodified, we will discuss the reasons with you in advance. If circumstances occur related to the condition of your records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements or material noncompliance caused by error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements or an opinion on compliance, we retain the right to take any course of action permitted by professional standards, including declining to express opinions or issue reports, or withdrawing from the engagement.

Auditor responsibilities, procedures, and limitations

We will conduct our audit in accordance with U.S. GAAS, the standards for financial audits contained in *Government Auditing Standards*, and the Uniform Guidance.

Those standards require that we exercise professional judgment and maintain professional skepticism throughout the planning and performance of the audit. As part of our audit, we will:

- Identify and assess the risks of material misstatement of the financial statements and material noncompliance, whether due to fraud or error, design and perform audit procedures responsive to those risks, and evaluate whether audit evidence obtained is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement or a material noncompliance resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the amounts and disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Conclude, based on our evaluation of audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the entity's ability to continue as a going

concern for a reasonable period of time.

Although our audit planning has not been concluded and modifications may be made, we have identified the following significant risk(s) of material misstatement as part of our audit planning:

- Management override of controls
- Revenue recognition

There is an unavoidable risk, because of the inherent limitations of an audit, together with the inherent limitations of internal control, that some material misstatements or noncompliance may not be detected, even though the audit is properly planned and performed in accordance with U.S. GAAS, Government Auditing Standards, and the Uniform Guidance. Because we will not perform a detailed examination of all transactions, material misstatements, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity, may not be detected. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not require auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management and those charged with governance of any material errors, fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management and those charged with governance of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a single audit.

Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting fraud or errors that are material to the financial statements and to preventing and detecting misstatements resulting from noncompliance with provisions of laws, regulations, contracts, and grant agreements that have a material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify deficiencies, significant deficiencies, or material weaknesses in internal control. However, we will communicate to you in writing significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we identify during the audit that are required to be communicated under AICPA

professional standards, Government Auditing Standards, and the Uniform Guidance.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the entity's compliance with the provisions of laws, regulations, contracts, and grant agreements that have a material effect on the financial statements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to Government Auditing Standards.

We will include in our report on internal control over financial reporting and on compliance relevant information about any identified or suspected instances of fraud and any identified or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements that may have occurred that are required to be communicated under Government Auditing Standards.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards that may have a direct and material effect on each of the entity's major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the "OMB Compliance Supplement" for the types of compliance requirements that could have a direct and material effect on each of the entity's major programs. The purpose of these procedures will be to express an opinion on the entity's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

We will evaluate the presentation of the schedule of expenditures of federal awards accompanying the financial statements in relation to the financial statements as a whole. We will make certain inquiries of management and evaluate the form, content, and methods of preparing the schedule to determine whether the information complies with U.S. GAAP and the Uniform Guidance, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We will compare and reconcile the schedule to the underlying accounting records and other records used to prepare the financial statements or to the financial statements themselves.

Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Management responsibilities

Our audit will be conducted on the basis that you (management and, when appropriate, those charged with governance) acknowledge and understand that you have certain responsibilities that are fundamental to the conduct of an audit.

You are responsible for the preparation and fair presentation of the financial statements, RSI, and the schedule of expenditures of federal awards in accordance with U.S. GAAP. Management is also responsible for identifying all federal awards received, understanding and complying with the compliance requirements, and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in accordance with the requirements of the Uniform Guidance.

Management's responsibilities include the selection and application of accounting principles; recording and reflecting all transactions in the financial statements; determining the reasonableness of significant accounting estimates included in the financial statements; adjusting the financial statements to correct material misstatements; and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the entity's ability to continue as a going concern for 12 months beyond the financial statement date.

Management is responsible for compliance with applicable laws and regulations and the provisions of contracts and grant agreements, including compliance with federal statutes, regulations, and the terms and conditions of federal awards applicable to the entity's federal programs. Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are responsible for the design, implementation, and maintenance of effective internal control, including internal control over compliance, relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including evaluating and monitoring ongoing activities and safeguarding assets to help ensure that appropriate goals and objectives are met; and that there is reasonable assurance that government programs are administered in compliance with compliance requirements.

You are responsible for the design, implementation, and maintenance of internal controls to prevent and detect fraud; assessing the risk that the financial statements may be materially misstated as a result of fraud; and for informing us about all known or suspected fraud affecting the entity involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for implementing systems designed to achieve compliance with applicable laws and regulations and the provisions of contracts and grant agreements, including compliance with federal statutes, regulations, and the terms and conditions of federal awards applicable to the entity's federal programs; identifying and ensuring that the entity complies with applicable laws, regulations, contracts, and grant agreements, including compliance with federal statutes, regulations, and the terms and conditions of federal awards applicable to the entity's federal programs; and informing us of all instances of identified or suspected noncompliance whose effects on the financial statements should be considered.

You are responsible for taking timely and appropriate steps to remedy any fraud; noncompliance with provisions of laws, regulations, contracts, or grant agreements; or abuse that we may report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards; take prompt action when instances of noncompliance are identified, including noncompliance identified in audit findings; and to follow up and take prompt corrective action on reported audit findings and to prepare a

summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review.

You are responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including amounts and disclosures, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters, and for the accuracy and completeness of that information (including information from within and outside of the general and subsidiary ledgers), and for ensuring management information and financial information is reliable and properly reported; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

You agree to inform us of events occurring or facts discovered subsequent to the date of the financial statements that may affect the financial statements.

You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

Management is responsible for the preparation and fair presentation of other supplementary information in accordance with U.S. GAAP. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. You agree to provide us written representations related to the presentation of the supplementary information.

Management is responsible for providing us with a written confirmation concerning representations made by you and your staff to us in connection with the audit and the presentation of the basic financial statements and RSI. During our engagement, we will request information and explanations from you regarding, among other matters, the entity's activities, internal control, future plans, specific transactions, and accounting systems and procedures. The procedures we will perform during our engagement and the

conclusions we reach as a basis for our report will be heavily influenced by the representations that we receive in the representation letter and otherwise from you. Accordingly, inaccurate, incomplete, or false representations could cause us to expend unnecessary effort or could cause a material fraud or error to go undetected by our procedures. In view of the foregoing, you agree that we shall not be responsible for any misstatements in the entity's financial statements that we may fail to detect as a result of misrepresentations made to us by you.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies to us of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the "Audit objectives" section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other engagements or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

Responsibilities and limitations related to nonaudit services

For all nonaudit services we may provide to you, management agrees to assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, and/or experience to understand and oversee the services; evaluate the adequacy and results of the services; and accept responsibility for the results of the services. Management is also responsible for ensuring that your data and records are complete and that you have received sufficient information to oversee the services.

Use of financial statements

Should you decide to include or incorporate by reference these financial statements and our auditors' report(s) thereon in a future private placement or other offering of equity or debt securities, you agree that we are under no obligation to re-issue our report or provide consent for the use of our report in such a registration or offering document. We will determine, at our sole discretion, whether we will re-issue our report or provide consent for the use of our report only after we have performed the procedures we consider necessary in the circumstances. If we decide to re-issue our report or consent to the use of our report, we will be required to perform certain procedures including, but not limited to, (a) reading other information incorporated by reference in the registration statement or other offering document and (b) subsequent event procedures. These procedures will be considered an engagement separate and distinct from our audit engagement, and we will bill you separately. If we decide to re-issue our report or consent to the use of our report, you agree that we will be included on each distribution of draft offering materials and we will receive a complete set of final documents. If we decide not to re-issue our report or decide to withhold our consent to the use of our report, you may be required to engage another firm to audit periods covered by our audit reports, and that firm will likely bill you for its services. While the successor auditor may request access to our workpapers for those periods, we are under no obligation to permit such access.

If the parties (i.e., you and CLA) agree that CLA will not be involved with your official statements related to municipal securities filings or other offering documents, we will require that any official statements or other

offering documents issued by you with which we are not involved clearly indicate that CLA is not involved with the contents of such documents. Such disclosure should read as follows:

CliftonLarsonAllen LLP, our independent auditor, has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. CliftonLarsonAllen LLP also has not performed any procedures relating to this offering document.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website or submitted on a regulator website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in those sites or to consider the consistency of other information in the electronic site with the original document.

We may issue preliminary draft financial statements to you for your review. Any preliminary draft financial statements should not be relied on or distributed.

Engagement administration and other matters

We understand that your employees will prepare all confirmations, account analyses, and audit schedules we request and will locate any documents or invoices selected by us for testing. A list of information we expect to need for our audit and the dates required will be provided in a separate communication.

At the conclusion of the engagement, we will complete the auditor sections of the electronic Data Collection Form SF-SAC and perform the steps to certify the Form SF-SAC and single audit reporting package. It is management's responsibility to complete the auditee sections of the Data Collection Form. We will create the single audit reporting package PDF file for submission; however, it is management's responsibility to review for completeness and accuracy and electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be electronically submitted within the earlier of 30 calendar days after receipt of the auditors' reports or nine months after the end of the audit period.

We will provide copies of our reports to the entity; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing confidential or sensitive information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the sole and exclusive property of CLA and constitutes confidential and proprietary information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to regulators, or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of CLA personnel. Furthermore, upon request, we

may provide copies or electronic versions of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of seven years after the report release date or for any additional period requested by the regulators. If we are aware that a federal or state awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Professional standards require us to be independent with respect to you in the performance of these services. Any discussion that you have with our personnel regarding potential employment with you could impair our independence with respect to this engagement. Therefore, we request that you inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence and objectivity. Further, any employment offers to any staff members working on this engagement without our prior knowledge may require substantial additional procedures to ensure our independence. You will be responsible for any additional costs incurred to perform these procedures.

Our audit engagement ends on delivery of our signed report. Any additional services that might be requested will be a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific SOW for that service.

Government Auditing Standards require that we make our most recent external peer review report publicly available. The report is posted on our website at www.CLAconnect.com/Aboutus/.

Fees

Our professional fees will be billed based on the time involved and the degree of responsibility and skills required. We will also bill for expenses (including travel, internal and administrative charges) plus a technology and client support fee of five percent (5%) of all professional fees billed. Based on our preliminary estimates, the total fees and expenses for the engagement should approximate \$60,333. This estimate is based on anticipated cooperation from your personnel and their assistance with locating requested documents and preparing requested schedules. If the requested items are not available on the dates required or are not accurate, the fees and expenses will likely be higher. Our invoices, including applicable state and local taxes, will be rendered each month as work progresses and are payable on presentation.

Unexpected circumstances

We will advise you if unexpected circumstances require significant additional procedures resulting in a substantial increase in the fee estimate.

Changes in accounting and audit standards

Standard setters and regulators continue to evaluate and modify standards. Such changes may result in new or revised financial reporting and disclosure requirements or expand the nature, timing, and scope of the activities we are required to perform. To the extent that the amount of time required to provide the services described in the SOW increases due to such changes, our fee may need to be adjusted. We will discuss such circumstances with you prior to performing the additional work.

Agreement

We appreciate the opportunity to provide to you the services described in this SOW under the MSA and believe this SOW accurately summarizes the significant terms of our audit engagement. This SOW and the MSA constitute the entire agreement regarding these services and supersedes all prior agreements (whether oral or written), understandings, negotiations, and discussions between you and CLA related to audit services. If you have any questions, please let us know. Please sign, date, and return this SOW to us to indicate your acknowledgment and understanding of, and agreement with, the arrangements for our audit of your financial statements including the terms of our engagement and the parties' respective responsibilities.

Sincerely,

CliftonLarsonAllen LLP

Response:

This letter correctly sets forth the understanding of City of Tybee Island, GA.

CLA
CliftonLarsonAllen LLP

Client
City of Tybee Island, GA

SIGN: _____
Jake Lenell, Principal

SIGN: _____
Shirley Sessions, Mayor

DATE: _____

DATE: _____

File Attachments for Item:

18. Sgt Sims, out of state travel to complete his Drug Recognition Expert certification. He will need to travel to Jacksonville, Fl on April 10 and return on April 16. Hotels expenses for travel are covered for this trip through the certification program. Sgt. Sims will need to travel in his TIPD patrol car requiring gas and per diem for meals. He was originally scheduled to attend this class in November 2023, but a spot opened this month.



AGENDA ITEM

CITY COUNCIL MEETING: April 13

Sgt Sims, out of state travel to complete his Drug Recognition Expert certification. He will need to travel to Jacksonville, Fl on April 10 and return on April 16. Hotels expenses for travel are covered for this trip through the certification program. Sgt. Sims will need to travel in his TIPD patrol car requiring gas and per diem for meals. He was originally scheduled to attend this class in November 2023, but a spot opened this month.

Consider the approval of out of state travel

File Attachments for Item:

19. Second Reading: 2023-20, Sec 46-34, Discrimination and Harassment Prevention

ORDINANCE NO. 2023-20

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF TYBEE ISLAND, GEORGIA, SO AS TO ESTABLISH NEW POLICY AND PROCEDURES RELATING TO DISCRIMINATION AND HARASSMENT PREVENTION AND TO REPEAL CONFLICTING ORDINANCES AND TO REPLACE SECTION 46-34 IN THE CURRENT CODE, TO ESTABLISH AN EFFECTIVE DATE AND FOR OTHER PURPOSES

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

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

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

WHEREAS, the City has conducted sexual harassment training pursuant to agreements relating thereto; and

WHEREAS, the City wishes to update and improve its policies relating to harassment and discrimination;

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Tybee Island that the Code of Ordinances will be amended to replace Section 46-34 so as to provide as follows:

SECTION 1

The HR Rules, Regulations, Policies & Procedures Discrimination & Harassment Prevention attached hereto are hereby incorporated herein and into the Code as Section 46-34.

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

This Ordinance shall become effective on _____ day of _____, 2022.

ADOPTED THIS ___ DAY OF _____, 2023.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

Category:	Standard of Conduct	Policy Number:	HR – 3.04
Page:	1 of 6	Draft as of :	12/2022
Revisions:			

I. **POLICY**

The City of Tybee Island prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of the City. Verbal taunting (including racial and ethnic slurs) that, in the employee’s opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person’s nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

Sexual Harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under the City of Tybee’s anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when . . . submission to or rejection of such conduct is used as the basis for employment decisions . . . or such conduct has the purpose or effect of . . . creating an intimidating, hostile or offensive working environment.”

There are two types of sexual harassment:

- “Quid pro quo” harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances. Therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
- “Hostile work environment,” where the harassment creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

Category:	Standard of Conduct	Policy Number:	HR – 3.04
Page:	2 of 6	Draft as of:	12/2022
Revisions:			

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

II. PURPOSE

To comply with Title VII of the Civil Rights Act of 1964 and its amendments.

III. SCOPE

This policy applies to all City employees, volunteers, customers, citizens, vendors, and business associates.

IV. DEFINITION(S)

N/A

V. PROCEDURE(S)

1. COMPLAINT PROCEDURE

- 1.1 The City has established the following procedure for lodging a complaint of harassment or discrimination:

Category:	Standard of Conduct	Policy Number:	HR – 3.04
Page:	3 of 6	Approved & Adopted:	2/7/2018
Revisions:			

- 1.1.1 If an employee believes that he/she has been subject to harassment, or discrimination, he/she should address the situation directly to the person(s) who is harassing them or discriminating against them.
- 1.1.2 If the inappropriate conduct does not stop, or if the employee is unable to or uncomfortable with addressing the person(s) directly, he/she should report the incident to his/her own supervisor or Department Director.
- 1.1.3 If the employee is not satisfied with the action taken by the supervisor/manager or department director, or if the employee is unable to or uncomfortable to talk with the supervisor or Department Director, he/she should report the incident to the Director of Human Resources.
- 1.1.4 If the employee is not comfortable with the above reporting procedures, he/she can contact the City of Tybee’s Confidential Hotline through Lighthouse. This can be done by calling the hotline number at 1-833-203-6447, or my visiting the reporting website at www.lighthouse-services.com/cityoftybee.

2. RESPONSIBILITIES

2.1 Employees

- 2.1.1 It is important to report any and all concerns as soon as possible.
- 2.1.2 The City must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

2.2 Supervisors/Managers/Department Directors

- 2.2.1 Supervisor or Department Director must deal expeditiously and fairly with allegations of harassment within their departments whether or not there has been a written or formal complaint.
- 2.2.2 They must:
 - 2.2.2.1 Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved.
 - 2.2.2.2 Ensure that harassment or discrimination is immediately reported to HR so that a prompt investigation can occur.
 - 2.2.2.3 Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.
 - 2.2.2.4 Supervisor or Department Director who knowingly allow or tolerate harassment or retaliation, including the failure to immediately report such misconduct to HR, are in violation of this policy and subject to discipline.

2.3 Human Resources

- 2.3.1 The Director of Human Resources is responsible for:

Category:	Standard of Conduct	Policy Number:	HR – 3.04
Page:	4 of 6	Draft as of:	12/2022
Revisions:			

- 2.3.1.1 Ensuring that both the individual filing the complaint (hereafter referred to as the "complainant") and the accused individual (hereafter referred to as the "respondent") are aware of the seriousness of the complaint.
- 2.3.1.2 Explaining the City's no harassment policy and investigation procedures to the complainant and the respondent.
- 2.3.1.3 Exploring informal means of resolving the complaints.
- 2.3.1.4 Notifying the police if criminal activities are alleged.
- 2.3.1.5 Arranging for an investigation of the alleged harassment and the preparation of a written report.
- 2.3.1.6 Submitting a written report summarizing the results of the investigation and making recommendations to the City Manager.
- 2.3.1.7 Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

3. COMPLAINT RESOLUTION PROCESS

- 3.1 Individuals should report complaints of conduct believed to violate the City's harassment policy according to the policy's complaint procedures.
- 3.2 To initiate a formal investigation into an alleged violation of this policy, employees may be asked to provide a written statement about the alleged misconduct to the Director of Human Resources.
- 3.3 Complaints should be submitted as soon as possible after an incident has occurred.
- 3.4 The Director of Human Resources may assist the complainant in completing the statement.
- 3.5 To ensure the prompt and thorough investigation, the complainant should provide as much of the following information as is possible:
 - 3.5.1 The name, department and position of the person or persons allegedly causing the harassment.
 - 3.5.2 A description of the incident(s), including the date(s), location(s) and the presence of any witnesses.
 - 3.5.3 The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
 - 3.5.4 The names of other individuals who might have been subject to the same or similar harassment.
 - 3.5.5 What, if any, steps the complainant has taken to try to stop the harassment.

Category:	Standard of Conduct	Policy Number:	HR – 3.04
Page:	5 of 6	Draft as of:	12/2022
Revisions:			

3.5.6 Any other information the complainant believes to be relevant to the harassment complaint.

4. DISCIPLINE

- 4.1 Employees who violate this policy are subject to appropriate discipline.
- 4.2 If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand.
- 4.3 The discipline for very serious or repeat violations is termination of employment.
- 4.4 Persons who violate this policy may also be subject to civil damages or criminal penalties.

5. CONFIDENTIALITY

- 5.1 All inquiries, complaints and investigations are treated confidentially.
- 5.2 Information is revealed strictly on a need-to-know basis.
- 5.3 Information contained in a formal complaint is kept as confidential as possible.
- 5.4 However, the identity of the complainant is usually revealed to the respondent and witnesses.
- 5.5 The Director of Human Resources takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation.
- 5.6 All information pertaining to a harassment complaint or investigation is maintained by the Director of Human Resources in secure files.
- 5.7 The Director of Human Resources can answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

6. RETALIATION

- 6.1 No hardship, loss, benefit or penalty may be imposed on an employee in response to:
 - 6.1.1 Filing or responding to a bona fide complaint of discrimination or harassment.
 - 6.1.2 Appearing as a witness in the investigation of a complaint.
 - 6.1.3 Serving as an investigator of a complaint.

Category:	Standard of Conduct	Policy Number:	HR – 3.04
Page:	6 of 6	Draft as of:	12/2022
Revisions:			

- 6.2 Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy.
- 6.3 Any person who is found to have violated this aspect of the policy will be subject to disciplinary action up to and including termination.

VI. **RELATED POLICIES**

N/A