



STAFF REPORT

CITY COUNCIL MEETING: August 13, 2026 (First Reading)

CITY COUNCIL MEETING: August 27, 2026 (Second Reading)

REQUESTED ACTION: Approve a text amendment to the Land Development Code regarding short-term rentals (STRs).

PROPOSAL: The request to amend the Land Development Code (LDC) will repeal Sections 4-051 and 4-052 in their entirety and replace them in their entirety with the proposed, consolidated text amendment for Section 4-051.

BACKGROUND:

Section 4-051 Short-Term Rentals and Section 4-052 - Short-term rentals related to the R-1, R-1-B, and R-2 residential zoning districts of the LDC regulates the use, application process, allowable locations, and enforcement of short-term rentals. This proposed text amendment constitutes a rewrite of the entire sections, in which the existing ordinances will be repealed and replaced in its entirety by the new ordinances. The text amendment is aimed at offering additional opportunities for STRs in certain areas of the city, minimizing negative impacts, reducing staff burden, and strengthening enforcement actions.

- **February 26, 2026.** Mayor presented considerations for updating the short-term rental ordinance at a City Council Workshop. During the following evening session, City Council directed staff to review the current regulations, address noted discrepancies and problem areas, and include council recommendations.
- **April 9, 2026.** Staff provided an overview of potential changes at the City Council Workshop. At the following evening session, Council directed staff to take the text amendment forward to Planning Commission for formal recommendation.
- **May 11, 2026.** Staff presented the proposed changes to Planning Commission as a Text Amendment to the Land Development Code. Planning Commission voted to table the text amendment until the June 22, 2026, regular meeting and requested a workshop beforehand.
- **June 4, 2026.** Staff had a workshop with Planning Commission to go over the changes and receive feedback.
- **June 22, 2026.** Planning Commission voted 4-2 for their formal recommendation to City Council be a deferral.
- **July 9, 2026.** Because of a delay in the publication of the public hearing notice in the local newspaper of record, the first reading could not occur on this day, but public comment took place.
- **August 13, 2026.** At the regular meeting, the first reading of the text amendment was heard in front of City Council. Council decided to include modifications to the proposed text, which are highlighted in yellow on the accompanying draft.

STAFF CONTACT

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

ATTACHMENTS

- A. Application
- B. Map Proposed Sectors
- C. Proposed text amendment with highlighted modifications since First Reading
- D. Draft Ordinance



**CITY OF TYBEE ISLAND
LAND DEVELOPMENT CODE
TEXT AMENDMENT APPLICATION**

FEE \$1,000

Applicant's Name City of Tybee Island

Applicant's Telephone Number 912-472-5031

Applicant's Mailing Address patricia.sinel@cityoftybee.gov, 403 Butler Avenue, Tybee Island GA

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.

On behalf of the City of Tybee Island

 on behalf of the City of Tybee Island

May 1, 2026

Signature of Applicant

Date

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

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

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

APPLICATION CHECKLIST

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

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

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



on behalf of the City of Tybee Island

May 1, 2026

Signature of Applicant

Date

.....

Fee Amount \$ _____ Check Number _____ Date _____

City Official _____

Rev: 7/2/2025



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 X

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 *Patricia Sinel* on behalf of the City of Tybee Island

Printed Name Patricia Sinel

Date May 1, 2026



City of Tybee Island Sector Map (Proposed)

 Sectors

Sec. 4-051. Short-term rentals.**Sec. 4-051.1. Purpose and intent.**

The purpose of this section is:

- (A) To establish regulations for the use of residential dwelling units as short-term rentals and to ensure the collection and payment of hotel/motel fees and occupation tax certificate fees;
- (B) To manage the impacts of transient lodging on residential communities by balancing tourism, neighborhood character, housing availability, and safety;
- (C) To recognize the need to balance benefits against the need to professionally and responsibly manage such properties to ensure that the quality of life of citizens and neighborhoods is not compromised; and
- (D) To ensure immediate responsiveness to complaints and ensure the protection of public health, safety, and welfare of the residents of and visitors to Tybee Island.

Sec. 4-051.2. Definitions.

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

Administrative violations, as used herein, means all violations of the provisions of this section 4-051 other than on-site violations including without limitation improper advertising, failure to respond timely, failure to have insurance, transferring or attempting to transfer an STR certificate, failure to provide notice of change of management and failure to cooperate with the verification process.

Advertise means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Authorized agent means the owner's agent or the owner's designee to act on behalf of the owner or property manager and to receive written notice on behalf of the owner.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code and International Building Code.

Cap means the maximum number of properties that may be allowed for short-term rental use in a given zoning district, which shall be defined or established with a restricted zoning or sector designation. The cap may be calculated as a percentage of the total number of developed dwelling units within a zoning district or sector as a flat number or percentage of dwelling units in the district or sector. Once a zoning district or sector has met its cap, a waiting list may be established for properties which seek to obtain a short-term rental certificate only if availability within the cap in that sector allows.

Complaint means any report of disturbance, nuisance, violation of city ordinance, incident, or a failure to maintain property or systems of the property which threatens public health, safety, welfare, and/or quality-of-life made by a resident, visitor, city staff, or public safety personnel.

Day means a calendar day unless otherwise noted.

Emergency contact means the party or person, designated by the property owner or property manager who can be contacted directly, and not through a recorded line or answering service, regarding immediate concerns and complaints from the public and city staff.

Family corporation is a corporation where the voting shares are held by a single, immediate family.

Family trust is a trust created for the benefit of a single family, where the grantors, trustees, and beneficiaries are a single, immediate family.

Immediate Family means spouses, parents, siblings, child(ren), and/or grandchild(ren) related to each other.

Live response number means the phone number provided for the immediate, real-time handling of inbound communications by the emergency contact rather than automated systems, recordings, or answering services.

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

Occupational tax certificate, also known as a business license, means a mandatory annual certificate required for any business, profession, or occupation operating within city limits, in accordance with ARTICLE V - Occupation Tax of the Tybee Island Code of Ordinances.

On-site violation means those associated with the physical characteristics of an STR property including without limitation over parking, over occupancy, failure to comply with habitability standards and improper signage.

Owner-occupied property means the real property which contains one or more dwelling unit(s) where the principal dwelling unit constitutes the property owner's primary and usual place of residence. The dwelling units must share the Property Identification Number assigned by the Chatham County Board of Assessors. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term rental certificate. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: a valid Georgia Driver's License or Georgia Identification Card; registration for vehicles owned by and registered in the name of the applicant; Chatham County Voter's Registration Card, previous year's W-2 Form, or Internal Revenue Service Tax Return.

Parking, off-street means available vehicle parking spaces designated pursuant to section 4-051.3(5) and located entirely on private property entirely outside of streets and public rights-of-way. This includes driveways, garages, carports, and dedicated lots for commercial or residential developments.

Property Manager means a person or entity that provides, for valuable consideration, the marketing, leasing, physical, administrative, financial maintenance, and/or overall management of short-term rental property.

Responsible party means any owner, operator, property manager, management company, authorized agent, designated emergency contact, and/or any other party listed on the STR application or occupational tax certificate..

Sector means a given geographic area of the city where cap limits are in place for the number of short-terms rentals allowed.

Short-term rental (STR) 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. For the purposes of this definition, a residential dwelling shall include all housing types. This shall exclude bed and breakfast accommodations as they are defined by the City of Tybee Island Land Development Code.

STR Administrator means a person designated by the city manager to administer the provisions of the short-term rental regulations, including the processing of applications, issuance of certificates, collection of fees, and enforcement of regulations.

STR certificate means a certificate for one (1) property to conduct short-term rental operations in the applicable zoning districts granted or renewed pursuant to Section 4.051 Short-Term Rentals.

STR operator is an individual or entity that owns, manages, and/or receives payment for renting out a furnished residential dwelling for transient guests, typically for less than 30 consecutive days.

STR property means each residence, structure, or building and lot in the city for which a current STR certificate has been issued, granted or renewed in any zoning district.

Show cause hearing means a formal proceeding where a property owner, property manager, and/or authorized agent must appear before City Council to explain why they should not be penalized or why a specific section of this code should not be enforced.

Transient means the occupancy of a dwelling unit, room, or sleeping unit by the same person(s) for a short, temporary period, defined as less than 30 consecutive days.

Transfer means a conveyance of all, any portion of or any interest in the title to an "STR property" or the conveyance of any proprietary or beneficial interest in any trust or artificial entity (i.e., LLC, partnership, corporation) which owns or holds record title to a STR property. In the event a STR property is owned in whole or part in co-tenancy or by an artificial entity which has more than one cotenant, beneficiary, member, partner or shareholder

(collectively referred to herein as "interest holder"), then a conveyance of an interest in that owner to another then existing interest holder of that owner (so that the number of interest holders in that owner is reduced) shall not be considered a transfer.

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

Sec. 4-051.3. Application.

- (A) A short-term rental certificate shall expire one year after the date of issuance. Applicants for a short-term rental certificate shall submit, on an annual basis, an application for a short-term rental certificate to the Department of Community Development. The application shall be furnished under oath on a form (printed or online) specified by the city manager or their designee, accompanied by a non-refundable application fee as set forth in the city's fee schedule as approved by City Council. Such application shall include the following with sufficient detail:
- (1) The complete street address and property identification number (PIN) of the STR.
 - (2) The full name or names of the current (as of the filing of the application) owner or owners of the subject STR property and, if any of the owners is an artificial entity, shall require the names of all its current members, partners, shareholders or beneficiaries, as the case may be. The application for residentially zoned properties shall require disclosure of each transfer which occurred in the immediately preceding calendar year. The address, e-mail and telephone number of each person, agent, any entity with an ownership interest, or any artificial entity which owns or has an ownership interest in the property shall also be provided.
 - (3) The full name or names, addresses, and contact information of the STR property owner, property manager, authorized agent, operator, and/or responsible party whose responsibility will be to comply with the requirements of all pertinent sections on behalf of the owner.
 - (4) The city identifier number for room excise tax.
 - (5) A parking plan of the premises identifying the number and clearly marked locations of available off-street parking spaces to be used in conjunction with the short-term rental which shall be limited to established driveways, garages, and/or covered parking and **shall not exceed one space per bedroom.**
 - (6) A description or dimensioned floor plan of the proposed short-term rental identifying bedrooms, bathrooms, kitchen facilities, and emergency evacuation routes. **Such floor plan or detailed description shall be consistent with official tax assessor records, city building permit records, or any other applicable public records.**
 - (7) *The total occupancy of the STR unit.* Occupancy of any short-term rental property shall be established in connection with the application for every short-term rental certificate with the occupancy for overnight usage limited to two (2) persons per bedroom plus two (2) additional persons for the dwelling unit identified as existing on the property. Occupancies beyond the established limits in the certificate shall be a violation of this section.
 - (8) Any other information that this section requires the STR property owner, property manager, authorized agent, operator, and/or responsible party to provide to the city, such as zoning designation or proof of insurance, as part of the identification for a short-term rental, and the name and contact information for the property owner's association. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
 - (9) The live response number of the emergency contact as designated by the STR property owner, property manager, authorized agent, operator, and/or responsible party, shall be required to respond within thirty (30) minutes and be on-site within one (1) hour to any issues associated with any unsafe or unsanitary condition, operations, and/or occupancy of the STR property.

- (10) The property shall be covered by a homeowner's or other structural coverage as well as liability coverage and the insurance declaration shall list the unit as the rental property. The applicant shall acknowledge as part of the application the insurance requirement and agrees that coverage shall be obtained prior to the issue of the STR certificate.
- (11) Any such documentation deemed necessary and proper to ensure compliance with this section.
- (12) Applications for existing STRs must be completed and submitted no later than thirty (30) days prior to the expiration of the current STR certificate to avoid a lapse of certification and/or possible placement on the waiting list.
- (B) The certification form pursuant to this section shall be processed and added to a database to be kept by the STR Administrator listing STR unit information and used to track complaints and any violations that occur. City staff shall notify the STR property owner, property manager, authorized agent, operator, and/or responsible party of any instances that result in a citation for a code violation or other legal infraction.
- (C) Citations issued as a result of administrative or on-site violations per Sec. 4-051.42 and Sec. 4-05.43, and not paid, addressed or adjudicated within six (6) months may result in the non-issuance of any future STR certificates or the suspension of existing STR certificates.
- (D) All information supplied by the applicant to the STR Administrator shall be subject to verification as provided in Sec. 4-051.30.

Sec. 4-051.4. General Requirements.

- (A) *Designation of local emergency contact.* An STR property owner, property manager, authorized agent, operator, and/or responsible party must designate the name and contact information of a local emergency contact who can be contacted live regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to respond within thirty (30) minutes and shall be present at the premises within one (1) hour of call regarding enforcement. The local emergency contact must be authorized to make decisions regarding the premises and its occupants. The local emergency contact may be required to, and shall not refuse to, accept service for any violations on the premises. Acceptance of service shall not act to release STR property owner, property manager, authorized agent, operator, and/or responsible party of any liability under this chapter.
- (B) *Proof of insurance required.* It shall be unlawful for the STR property owner, property manager, authorized agent, operator, and/or responsible party of premises operating as a short-term rental to operate without liability insurance coverage commensurate with the operations of the short-term rental and shall provide STR coverage of a minimum of \$1 million per occurrence. A current certificate of insurance indicating that the property is used as a short-term rental, must be on file with the STR Administrator. Coverage shall be maintained for the duration of the certificate. If the coverage lapses during the duration of the STR certificate, no rentals shall occur during the lapsed period and any rental during this period will be deemed a violation of this section. If the coverage is not reinstated within 30 days of the lapse, the STR certificate shall be deemed null and void as of the date of the lapse.
- (C) *Certificate to be displayed.* A copy of the approved short-term rental certificate shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental.
- (D) *Short-term rental certificate nontransferable.* A short-term rental certificate is non-transferable and shall not be assigned or transferred to another person or entity. Any attempt to transfer a certificate or attempt to use another person's certificate is grounds for revocation (cancellation) of said certificate.
- (E) *Good neighbor policy.* The city shall make available on its website a list of STR good neighbor policies which the STR property owner, property manager, authorized agent, operator, and/or responsible party must share with their clients, owners, and guests.
- (F) *Parking restrictions.* Adequate off-street parking shall be required as per Sec 4-051.3(5). The maximum number of motor vehicles allowed at a short-term rental shall be limited to the number of authorized off-street parking spaces for occupant or guest, included with the application.

- (1) It shall be unlawful for an STR property owner, property manager, authorized agent, operator, and/or responsible party to authorize, allow, or advise occupants to park more vehicles on the premises than the authorized off-street parking spaces.
- (2) It shall be unlawful for an authorized guest of a short-term rental, or an STR property owner, property manager, authorized agent, operator, and/or responsible party to allow any person to occupy or set up for occupancy a motor home, recreational vehicle, tent, or boat, on the premises of a short-term rental.
- (G) *Overnight guests.* Overnight guests shall not exceed the property's posted occupancy. Only authorized guests of the STR shall occupy the STR property.
- (H) *Prohibited events and activities.* All rental properties are designated for residential use consistent with the City of Tybee code of ordinances. Large groups, prom groups, events, receptions, or other like-kind events with more than twenty (20) persons in attendance, including the STR's overnight occupants, are not allowed at STR properties in R-1, R-1-B, and R-2 zoning districts.
- (I) *Signs.* The purpose of the required standard signage is to enable officers and third parties to identify appropriate contacts for issues with the property and/or the occupants and, therefore, the sign shall be located in such a location that faces the street which is listed as the real property address or otherwise located at such location as approved by staff consistent with that purpose. The view of the sign shall not be obstructed by fencing, cars, vegetation, etc.
- (1) All one- and two-family STR units shall post standard signage that shall be unobstructed, visible and legible from the address side of the street listing the legal address of the STR unit and the emergency contact name and phone number. Such sign shall meet the following requirements:
 - a. *Size.* Not be less than 24 by 18 inches and shall not exceed 36 inches by 24 inches.
 - b. *Material.* All Weather Type
 - c. *Location.* Posted on the building visible from the street
 - d. *Color.* White background; Black text, separation lines, and border
 - e. *Font.* Arial Black
 - f. *Font Size Text* must be large enough to be read from the public street
 - g. Sign must include the legal address (the street number, street name, unit number) of the unit, include the emergency contact's phone number, and include the city's STR Compliance phone number. The sign shall also include the maximum occupancy and the number of parking spots identified in the application. The emergency contact name and number shall be the responsible party or person as required by subsection 4-051.5 unless otherwise specified and approved by the STR Administrator and any rental agency involved. A QR code may also be included containing the aforementioned information but is not a replacement for providing the written information.
 - h. No advertising or branding shall be on the sign.
 - i. Examples of signage shall be made available by the Community Development Department.
- (2) Multi-family units shall post standard signage which shall be visible and legible from a publicly accessible area outside the unit listing the required unit address and emergency contact name and phone number. Signs for multi-family units shall be eight (8) inches by eight (8) inches next to each entry door. All such signs shall be located no further than four (4) feet from the outermost edge of the front entry door or otherwise located at such location as approved by city staff consistent with that purpose. Multi-family units may have one (1) additional sign on the exterior of the property which complies with the standards of the one- and two-family STR unit for the purposes of compliance and wayfinding only.
- (3) To the extent that the requirements herein are inconsistent with the sign ordinance the provisions hereof shall control in the case of short-term rental properties and shall supersede any inconsistent provisions of property owner association agreements or policies or condominium association agreements or policies pertaining to signage.

- (J) *Compliance with required taxes.* It shall be the responsibility of the STR property owner, property manager, authorized agent, operator, and/or responsible party to pay all taxes required by chapter 58, article IV, room excise tax and any other applicable taxes.
- (K) *Habitability Standards.* This subsection establishes minimum habitability standards for any property being used as an STR. Violations will result in the cancellation of the STR certificate.
- (1) The STR must be an established permanent residential dwelling structure or be an established residential dwelling unit as part of an established permanent structure.
 - (2) The number of bedrooms used for STR operations must match the detailed description or dimensioned floor plan of the proposed short-term rental, as submitted with the application.
 - (3) Any interior walls or dividers shall be built under permit and permanent.
 - (4) It shall be unlawful to convert a garage to living space, to remodel, renovate, enlarge, or otherwise modify premises, to add additional bedrooms for use as an STR for the purpose to increase the occupancy of an STR in the R-1, R-1-B, and R-2 zoning district. Garages cannot be converted to living space and must remain for parking if the property has two (2) or fewer off-street parking spaces in any zoning district.
 - (5) The STR unit must have hard-wired/permanent electrical, heat, and plumbing. The use of extension cords, hoses, and portable space heaters as primary electrical, plumbing, and heating sources are prohibited.
 - (6) Each unit must have its own access to permitted cooking and full bathroom facilities 24 hours a day, seven (7) days a week. Outdoor showers and toilets do not qualify as bathroom facilities.
- (L) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise allow any residential or commercial premises to be operated or used as an STR without a current STR certificate or otherwise in violation of this section.
- (M) No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as an STR, as defined in section 4-051.2, without the owner, property manager, or responsible party first obtaining an occupational tax certificate on an annual basis, unless otherwise exempted, and identifying the location of each STR under their control, within the city.
- (N) The city must be notified in writing within fifteen (15) days when there is a transfer of any STR property.
- (O) The city must be notified in writing within fifteen (15) days when there is a change in management, responsible party, agent, or emergency contact for any STR property. Failure to do so will revoke the STR certificate of the applicable property.
- (P) *Personal responsibility.* The STR property owner, property manager, authorized agent, operator, and/or responsible party shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.
- (Q) *Allowances.* Notwithstanding any other provisions in this Code, a short-term rental is allowable in any zoning district where restrictions on the number of STRs are not in place, as long as the short-term rental location and the STR property owner, property manager, authorized agent, operator, and/or responsible party for such location are in full compliance with all provisions of the city's short-term rental ordinance 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 violations for violating city ordinances.
- (R) *Certificates required for individual units.* Any structure on a property that contains multiple STR units must have a certificate for each separate unit and shall be compliant with Section 4.051.3 and Section 4.051.4. Legally permitted multi-family structures on a single lot identified by a single parcel identification number per official tax records are eligible for individual certificates for each legally permitted dwelling unit. Legally permitted one- and two-family structures on a single lot identified by a single parcel identification number per official tax records are eligible for individual certificates for each legally permitted dwelling unit. In all other instances, and in all zoning districts, if a property identified by a single parcel identification number per official tax records, has more than one structure on it that contains a STR unit, only one structure is eligible to apply for a certificate, provided it is compliant with Section 4.051.3 and Section 4.051.4.

Sec. 4-051.5. Procedures.

- (A) The STR Administrator or their designee is responsible for reviewing applications for the issuance of certificates to legally operate a short-term rental unit.
- (B) The STR Administrator shall make a determination of whether to issue a certificate based upon the application which shall be considered evidence and the applicant shall be provided with reasonable notice of and opportunity to dispute a potential determination by staff that would be adverse to the applicant.
- (C) Following a final determination by the STR Administrator, which is adverse to the applicant, there may be an appeal in accordance with Sec. 4-051.6.

Sec. 4-051.6. Appeals for STR certifications.

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

Sec. 4-051.7. Owner occupied/primary residence.

For a property location that is owner-occupied property, that property is excluded from any STR cap, provided that structure is legally permitted for such residential occupancy, that the owner is living on the property during STR rental activity with reasonable attendance, being absent during no more than 14 rental night stays during the calendar year and remains subject to all other requirements of this section, the Land Development Code, and all other city codes.

Sec. 4-051.8. Property Transfers/Changes in Ownership.

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

- (A) STR certificates shall not transfer upon conveyance of the property. A new owner of a dwelling unit, formerly approved as an STR under the previous owner, shall be required to submit a new STR application and application fee. Upon approval pursuant to the provisions of this section, and subject to the cap for the appropriate sector, an STR certificate can be issued to the new owner of the dwelling unit for use as a short-term rental.

- (B) If the residential dwelling unit legally operating as a short-term rental is owned by joint tenants with right of survivorship, a family trust, or by a family corporation, a new STR certificate can be applied for and, if meeting all requirements of this section, issued to another joint tenant of the residential dwelling unit or to the remainder of the family trust or family corporation, upon the death of the short-term rental certificate holder, family trust member, or family corporation member without being on the sector cap waiting list. In order for the STR certificate to be issued under this subsection, the joint tenants, **or members of** the family trust or family corporation must be immediate family members only.
- (C) Upon becoming aware of the occurrence of a possible property transfer, whether because of a disclosure in an application pursuant to Section 4.051(3) or because of an audit or investigation referred to in Section 4.051 (30) or for any other reason, the city shall notify the owner of the STR property involved in the property transfer and the resulting revocation of that property's STR certificate. The revocation may be appealed in accordance with Sec. 4-051.6.
- (D) For a period of eighteen months starting from the effective date of this ordinance, property transfers and changes in ownership of properties legally authorized as STRs in R-1, R-1-B, and R-2 residential zoning districts, which are not owned by joint tenants with right of survivorship, family trusts, or as a family corporation, may have a one-time opportunity for the new STR property owner, property manager, authorized agent, operator, and/or responsible party to apply for and obtain a STR certificate without being subject to the sector cap; within fifteen (15) days of the date of transfer. Subsequent changes in ownership or property transfers for the same property will allow for the application of an STR certificate as the sector cap allows. If the property is sold again (a subsequent transfer), that next owner will be subject to the sector cap in order to apply for an STR certificate.
- (E) If the residential dwelling unit legally operating as a short-term rental is owned by joint tenants, by a family trust, or by a family corporation, and is transferred into a joint tenancy, a family trust, or a family corporation with the same members, a new STR certificate can be applied for and, if meeting all requirements of this section, issued to the joint tenants the family trust, or family corporation of the residential dwelling unit. In order for the STR certificate to be issued under this subsection, the joint tenant, the family trust, or family corporation must be immediate family members only.

Sec. 4-051.20. Short-term rentals related to the R-1, R-1-B, and R-2 residential zoning districts.

- (A) *Notice of and abandonment of nonconforming use.* If a property holding a short-term rental certificate in zoning districts R-1, R-1-B, or R-2 fails to apply for a STR certificate for the property within 30 days of the expiration of the most recent certificate, it shall be presumed that such short-term rental use has been abandoned and therefore such further use shall be unauthorized. Any previously operated short-term rental within the R-1, R-1-B, or R-2 zoning districts which is determined abandoned will no longer be allowed to operate as a short-term rental until a new certificate is obtained, if the sector cap allows.
- (B) *Caps in certain zoning districts.* For purposes of this section, a restricted zoning designation category or cap shall be any zoning district and/or sector in which an ordinance exists that limits the number of authorized short-term rental units in that particular district and/or sector. In the event a cap on short-term rental units exists for a certain zoning district and an authorized unit in that district is thereafter disqualified for an STR certificate, that unit's certificate shall be void.
- (1) *Cap restrictions.* No property will be issued a short-term rental certificate to operate as a STR in any restricted zoning designation district which has already issued certificates equaling or exceeding the sector cap. Exceptions to this prohibition of issuing new certificates over any sector cap for the R-1, R-1-B, and R-2 zoning districts may be allowed as set forth by ordinance. These caps may be further restricted, based on substantial evidence after a noticed public hearing, if there is a concentration of short-term rental units that either affects the public health, safety, and welfare or significantly negatively impacts the character and standard of living within a specific neighborhood or within a specific geographic area, or both.
- (2) *Waiting List.* The city shall maintain a waiting list of short-term rental certificate applications in sectors **where the total number of allowed units has been limited** in the R-1, R-1-B, and R-2 zoning districts. Additional applications may be accepted on a 'first come, first served' basis when the number of units in

any sector falls under the limits described above. The STR Administrator will publish procedures and implementation of the waiting list.

- (C) *Short Term Rental Sectors.* The city shall limit the number of short-term rental units in the R-1, R-1-B, and R-2 zoning districts in a given geographic area (sector) to avoid negative community impacts resulting from such concentrations. Short-term rentals shall be limited to a number cap per sector in the R-1, R-1-B, and R-2 zoning districts. The boundaries of each sector with the applicable cap are described below:
- (1) Sector 1: North of US Highway 80 between the Lazaretto Creek Bridge and the end of First Street / beginning of Butler Avenue. The short-term rental cap for sector one shall be 175 units authorized to operate as short-term rentals in each calendar year.
 - (2) Sector 2: South of US Highway 80 between Lazaretto Creek Bridge and the end of First Street / Beginning of Lovell Avenue and North of 14th Street between Jones St and the ocean, west of Jones St between 14th St and 16th St, and north of 16th St. between Jones St and Chatham Ave, and north of Alley #3. The short-term rental cap for sector two shall be 250 units authorized to operate as short term rentals in each calendar year.
 - (3) Sector 3: East of Lovell Avenue; between 1st St and 13th Lane on the north and south, to the east to the ocean. The short-term rental cap for sector three shall be 220 units authorized to operate as short-term rentals in each calendar year.
 - (4) Sector 4: South of 13th Lane, following Butler Avenue to 14th Street to the south; 5th Avenue and Alley 3 to the west; east and south towards the ocean. The short-term rental cap for sector four shall be 180 units authorized to operate as short-term rentals in each calendar year.

Sec. 4-051.30. Verification Process and Compliance Review.

- (A) The STR Administrator may conduct a verification review of any application, renewal application, or existing certificate holder to determine compliance with all applicable ordinances, regulations, and requirements relating to the operation of a short-term rental property.
- (B) The verification process may include review and confirmation of, including but not limited to:
- (1) Ownership records, deeds, property tax records, corporate filings, probate documentation, trust documentation, or other evidence establishing lawful ownership or authority to operate the property as a short-term rental, to include research of the Chatham County, Georgia real property and ad valorem tax records, filings and applications by the owner of the subject STR property and any relevant information in publicly accessible real estate data bases or other publicly accessible or available private sources;
 - (2) Hotel/motel tax compliance, occupational tax compliance, property tax status, outstanding fines, liens, fees, penalties, or other financial obligations owed to the City of Tybee Island;
 - (3) Advertisements, listings, online marketing platforms, booking platforms, social media postings, or other promotional materials to verify occupancy limits, parking representations, contact information, and compliance with all advertising requirements contained within this ordinance;
 - (4) Parking plans, life safety information, insurance documentation, local emergency contact information, and occupancy calculations submitted as part of the application process;
 - (5) Compliance history associated with the STR property, property owner, property manager, authorized agent, operator, and/or responsible party, including prior ordinance violations, unresolved complaints, suspended certificates, revoked certificates, or repeated nuisance activity.
- (C) The STR Administrator may require the applicant, owner, designated agent, or management company to answer questions and to provide documentation necessary to complete the verification process within a specified timeframe.
- (D) Failure to cooperate with the verification process, refusal to provide requested documentation, submission of inaccurate or misleading information, or intentional misrepresentation of material facts shall constitute a

violation of this ordinance and may result in denial, suspension, revocation, non-renewal, or other enforcement action as authorized herein.

- (E) Verification reviews may occur prior to issuance, upon receipt of complaints, upon discovery of conflicting information, following ownership transfer, or whenever the STR Administrator reasonably determines additional review is necessary to confirm ongoing compliance with city ordinances and operational requirements.
- (F) The determination of compliance or non-compliance made through the verification process shall constitute an administrative determination subject to any notice and hearing procedures otherwise provided within this ordinance.

Sec. 4-051.31. Failure to fulfill administrative requirements of Sec 4-051-3 through Sec 4-051.30.

- (A) In the event taxes, certificate fees, fines or other assessments relating to the operation or ownership of a STR property remain unpaid or if there is evidence of improper advertising of the STR property shall be a violation of this section.
- (B) Any marketing or advertisement relating to the use of a short-term rental location which markets occupancy beyond or in excess of the occupancy contained in the application for the short-term rental certificate or tax certificate as required, shall be a violation of this section.
- (C) The refusal to participate in or cooperate with a verification process as set forth by the STR Administrator shall be a violation of this section and any intentional misstatements or inaccuracies contained in the application including the insurance obligation shall be a violation of this section.
- (D) Failure to fulfill any administrative requirement in subsections 4-051-3 through 4-051.30 shall be a violation of this section.

Sec. 4-051.40. Live response contact requirement.

- (A) Every STR property shall maintain one (1) designated emergency contact in accordance with Sec. 4-051.3 and Sec. 4.051.4 .
- (B) This number shall:
 - (1) Be provided to the City as part of the STR application process;
 - (2) Shall be updated immediately upon change of emergency contact person or contact information and the STR Administrator notified;
 - (3) Be displayed on approved city signage placed on the STR Property per the Code requirements for signage; and
 - (4) Be accessible to all city departments, including Police, Code Compliance, and Parking Enforcement.
- (C) The party responsible for the live response contact number shall ensure that:
 - (1) All calls to the designated number are answered by a live person;
 - (2) No call is routed exclusively to voicemail, automated systems, or unanswered forwarding services.
 - (3) The person receiving a call has the authority to take immediate action to address the complaint.

Sec. 4-051.41. Required response standards.

Upon receipt of a complaint through the live response contact number, the emergency contact shall:

- (A) Acknowledge the complaint immediately upon answering the call;
- (B) Initiate corrective action within thirty (30) minutes, which may include:
 - (1) Direct communication with occupants;

- (2) Remote resolution of the issue; or
- (3) Dispatching personnel to the property;
- (C) Be physically present on-site within one (1) hour of receiving the complaint, if the complaint cannot be resolved remotely within the 30 minutes of receipt of the call on the live response contact number;
- (D) Take all reasonable actions necessary to abate the issue and prevent recurrence.
- (E) *Test call compliance verification.* The City of Tybee Island may conduct test calls to any designated live response contact number for the purpose of verifying compliance with the requirements of this section.
 - (1) Test calls may be conducted by City staff, Code Compliance Officers, or Law Enforcement Officers at any time during periods in which the STR property is occupied or otherwise required to maintain an active live response contact.
 - (2) Failure to answer or appropriately respond to a test call in accordance with the requirements of this section shall constitute a violation.
 - (3) Notwithstanding the number of test calls placed within a single calendar day, no more than one (1) violation per STR property may be assessed per day as a result of test call compliance verification. This limitation shall apply solely to violations derived from City-initiated test calls and shall not limit the number of violations that may be assessed for actual complaints or observed violations occurring on the same day.

Sec. 4-051.42. Violations.

Each failure to comply with **each provision or requirement of this section 4-051** shall be considered a separate violation regardless of those failures arising from the same incident or complaint. Fines associated with any violation for non-compliance of this code and this section are set forth in the city's fine schedule, as approved by City Council. The following shall constitute a violation of this section:

- (A) Failure of a live person to answer the live response contact number;
- (B) Failure to respond to a complaint within the required timeframes;
- (C) Failure to take reasonable action to resolve a complaint verified by city staff;
- (D) Providing false, inactive, or unreliable live response contact information;
- (E) *Administrative violations.* Administrative violations shall be treated in the same manner as violations occurring on-site and shall be subject to the same enforcement procedures, thresholds, and penalties as established under this section. Any administrative violation of the City of Tybee Island Short-Term Rental (STR) ordinances, includes but is not limited to:
 - (1) Failure to maintain accurate certification information;
 - (2) Failure to comply with permitting, certification, licensing, insurance, and/or operational requirements; and/or
 - (3) Submission of incomplete, inaccurate, or misleading documentation.
- (F) Any violation of the Code of Ordinances of the City of Tybee Island, violation of the Land Development Code, or violation of applicable state law occurring at, associated with, arising from, or connected to the operation, occupancy, management, use, advertisement, or conduct of an STR property may also constitute a violation of this section and may be utilized for the purposes of enforcement, violation thresholds, suspension, revocation, show cause proceedings, and any other remedies authorized under this section.

Sec. 4-051.43. Determination and verification of on-site violations.

- (A) For purposes of enforcement under this section, a violation shall be deemed valid only when the alleged conduct is verified through one of the following methods:
 - (1) City Personnel/Law Enforcement: The violation is personally observed and confirmed by:

- a. A City of Tybee Island Code Compliance Officer;
 - b. A sworn Law Enforcement Officer; and/or
 - c. Other authorized City staff acting within the scope of their duties;
- (2) The person observing the violation will provide written notice to the appropriate city personnel of the violation.
- (3) *Unverified complaints.* Complaints received by the above personnel after the fact, where the alleged violation cannot be confirmed through direct observation by City staff, shall not constitute a violation for the purposes of enforcement under this section. Such complaints may be documented for informational or pattern-tracking purposes but shall not be counted toward violation thresholds established herein.
- (B) *Complainant-provided evidence.* Notwithstanding subsection (A), a complaint may be deemed a valid violation if supported by both of the following:
 - (1) Video or photographic evidence that is:
 - a. Clearly time-stamped and date-stamped;
 - b. Of sufficient quality to reasonably identify the violation; and
 - c. Demonstrates that the violation occurred at the subject property;
 - (2) A formal written complaint submitted by the complainant, which includes:
 - a. Name and contact information of the complainant;
 - b. Date and time of the incident;
 - c. Description of the observed violation; and
 - d. Affirmation that the information and any video/photographic evidence provided is true and accurate to the best of their knowledge.
- (C) *Requirement to appear.* Any complainant submitting evidence under this subsection shall acknowledge and agree, as a condition of such submission, to:
 - (1) Appear and provide sworn testimony at any administrative hearing, court proceeding, or City Council show cause hearing related to the violation; and
 - (2) Be subject to subpoena, if necessary, to establish the validity of the complaint.
 - (3) Failure of the complainant to appear, when properly noticed or subpoenaed, may result in the exclusion or dismissal of the associated violation from consideration.
- (D) *Evidentiary determination.* The City Manager or his designee shall have the authority to determine whether submitted evidence meets the **above described** standard necessary to constitute a valid violation under this section.
- (E) *False or misleading complaints.* Any person who knowingly submits false, misleading, or fabricated complaint or evidence shall be subject to penalties as provided by applicable law.

Sec. 4-051.44. Notice of violation.

- (A) Upon determination that a violation, whether on-site or administrative, has occurred, the City shall issue written notice to **the** STR property owner, property manager, authorized agent, operator, and/or responsible party listed on the STR certification, occupational tax certificate, application materials, or otherwise known to be associated with the operation of the STR property. Such notice shall include:
 - (1) Date and time of the complaint;
 - (2) Nature of the violation; and
 - (3) Warning of escalating enforcement actions.
- (B) Notice shall be delivered consistently with existing Code procedures.

Sec. 4-051.45. Administrative enforcement and hearing.

- (A) Upon the occurrence of three (3) or more violations as it relates to an STR property within an eighteen (18) month period, the STR property and all associated responsible parties shall be scheduled for an administrative hearing before the City Manager or designee.
- (1) The purpose of the hearing shall be to:
- Review the pattern of non-compliance;
 - Identify responsible parties contributing to violations;
 - Determine whether corrective measures may be needed; and
 - Establish conditions for continued operation.
- (2) After the occurrence of three (3) or more violations as it relates to an STR property within an eighteen (18) month window, the City Manager or **his** designee may impose one or more of the following:
- Suspension of STR certificate **with the length of suspension at the discretion of the City Manager;**
 - Mandatory corrective action plan;
 - Enhanced operational requirements; or
 - Written warning to any management company or responsible party involved.

Sec. 4-051.46. Notice of STR certificate compliance action.

- (A) Following an administrative hearing, if a responsible party receives another violation within the next twelve (12) months, the City shall issue a formal notice of intent to revoke the STR Certificate.
- (B) This notice shall be delivered to all responsible parties.
- (C) The notice shall include:
- Summary of prior violations;
 - Actions previously taken by the city;
 - Statement of intent to revoke the STR Certificate;
 - Notification that the matter will proceed to a show cause hearing before City Council.

Sec. 4-051.47. Management company and responsible party accountability.

- (A) Any management company, operator, responsible party, or agent responsible for one or more STR properties shall be held jointly accountable for violations of this section along with the owner of the property.
- (B) A management company, owner, or responsible party shall also receive a violation when:
- The property owner, property manager, authorized agent, operator, and/or responsible party of an STR property that has violated this section; or
 - The STR property owner, property manager, authorized agent, operator, and/or responsible party has failed to take the necessary and reasonable steps to maintain compliance with the provisions of this section and all other applicable short-term rental regulations, ordinances, requirements, or operational standards established by the City of Tybee Island. Upon establishment of a history of repeated violations, the City may initiate enforcement action for revocation or suspension of the occupational tax certificate of the property owner, property manager, authorized agent, operator, and/or responsible party.
- (C) *Tiered enforcement thresholds for management companies.* For purposes of determining when an STR property owner, property manager, authorized agent, operator, and/or responsible party, **has a history or pattern of repeated violations during the preceding two-year period, and is** subject to occupational tax certificate suspension or revocation under this section, the following thresholds shall apply:

- (1) Management companies and owners representing ten (10) or fewer STR properties shall be subject to an enforcement action when there has been suspension or revocation of three (3) STR Certificates related to properties it manages under this section **within the prior twenty-four months.**
 - (2) Management companies and owners representing eleven (11) to fifty (50) STR properties shall be subject to an enforcement action when there has been suspension or revocation of six (6) STR Certificates related to properties it manages under this section **within the prior twenty-four months.**
 - (3) Management companies and owners representing more than fifty (50) STR properties shall be subject to an enforcement action when there has been suspension or revocation of nine (9) STR Certificates related to properties it manages under this section **within the prior twenty-four months.**
- (D) *Determination of property count.* The total number of STR properties attributed to a management company or responsible party shall be determined based on:
- (1) Active STR certifications on file with the City; and
 - (2) Any property for which the company is listed as the property owner, authorized agent, operator, responsible party and/or emergency contact.
- (E) *Aggregation of violations.* For purposes of this section, violations and resulting suspensions or revocations shall be aggregated across all properties managed by the company or responsible party within the City of Tybee Island.
- (F) *Prohibition on circumvention of rules.*
- (1) Reassignment of a management company to avoid history of violations is prohibited.
 - (2) Affiliated entities are subject to the applicability of this section.

Sec. 4-051.48. Notice of Compliance Action for Occupational Tax Certificate.

- (A) When a management company, owner, operator, or responsible party demonstrates a pattern of repeated violations under this section, the City shall issue a formal notice of intent to revoke or suspend the occupational tax certificate.
- (B) Such notice shall include:
 - (1) Identification of all associated properties with violations;
 - (2) Summary of violations and prior enforcement actions; and
 - (3) Notification of a pending show cause hearing before City Council and that potential sanction could include revocation of the management company or responsible party's occupational tax certificate.
- (C) Notice shall be delivered to the business entity and any registered agents in accordance with City Code.

Sec. 4-051.49. Show cause hearing before City Council.

- (A) Prior to revocation of an STR Certificate of an STR owner, operator, agent, or responsible party or occupational tax certificate of a management company or responsible party under this section, the parties responsible shall be required to appear before the City Council at a duly noticed Show Cause hearing.
- (B) At such hearing, the owner, responsible party, management company, or agent shall be required to demonstrate why:
 - (1) The STR Certificate should not be revoked; and/or
 - (2) The occupational tax certificate should not be suspended or revoked.
- (C) The City shall present evidence of violations, including:
 - (1) Complaint records;
 - (2) Response failures;

- (3) Prior notices and enforcement actions; and
 - (4) Any pattern of non-compliance.
- (D) Failure to appear at the scheduled hearing shall not delay proceedings, and Council may proceed in absentia.

Sec. 4-051.50. Council authority and final action.

- (A) Following a Show Cause hearing, City Council shall have the authority to:
- (1) For STR Properties:
 - a. Revoke the STR Certificate for a period 36 months and any property sale or transfer made during the 36-month revocation period must be verified as a genuine, bona fide transaction before the new owner or responsible party can apply for a new STR certificate meeting all requirements of this section;
 - b. Suspend the STR Certificate for a defined period;
 - c. Place the property on probation with conditions; or
 - d. Impose additional operational restrictions.
 - (2) For Management Companies / Owners/ Responsible parties:
 - a. Suspend the occupational tax certificate;
 - b. Revoke the occupational tax certificate;
 - c. Impose conditions on continued operation; or
 - d. Restrict or prohibit the company from managing STR properties within the City.
- (B) A revocation of an occupational tax certificate under this section shall preclude the management company or responsible party from conducting STR-related operations within the City of Tybee Island for the duration specified by Council.
- (C) Council's decision shall be final, subject only to appeal as provided by law.
- (D) Unless otherwise ordered by a court of competent jurisdiction, any revocation or suspension shall take effect immediately upon issuance.

Sec. 4-051.55. Cumulative enforcement.

This section shall operate in conjunction with all other applicable provisions of the City Code, including nuisance abatement, disorderly house provisions, and STR regulations. Enforcement actions under this section may be pursued independently or concurrently.

Sec. 4-051.60. Severability.

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

ORDINANCE NO. 2026-____
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF
TYBEE ISLAND, GEORGIA, TO ADOPT CHANGES TO THE CITY'S
REGULATIONS INCLUDING ARTICLE 4 - ZONING DISTRICTS,
SECTIONS 4-051 AND 4-052 OF THE LAND DEVELOPMENT CODE
REGARDING SHORT-TERM RENTALS; ESTABLISHING AN
EFFECTIVE DATE; AND PROVIDING FOR THE REPEAL OF CERTAIN
ORDINANCES

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

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

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

WHEREAS, an amendment to Article 4- Zoning Districts, of the Land Development Code is appropriate in order to provide for additional opportunities for Short-Term Rentals in certain areas of the city, to minimize negative impacts in existing neighborhoods, and to strengthen enforcement actions on Tybee Island;

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

All ordinances relating to Short-Term Rentals of a general and permanent nature enacted on or before the effective date of this ordinance, including but not limited to Section 4-051 and 4-052 of the Land Development Code are repealed and will be replaced in their entirety. The repeal thereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed and replaced by this ordinance.

Section 4-051. - Short Term Rentals of Land Development Code will hereafter read in its entirety as follows:

Sec. 4-051. Short-term rentals.

Sec. 4-051.1. Purpose and intent.

The purpose of this section is:

- (A) To establish regulations for the use of residential dwelling units as short-term rentals and to ensure the collection and payment of hotel/motel fees and occupation tax certificate fees;
- (B) To manage the impacts of transient lodging on residential communities by balancing tourism, neighborhood character, housing availability, and safety;
- (C) To recognize the need to balance benefits against the need to professionally and responsibly manage such properties to ensure that the quality of life of citizens and neighborhoods is not compromised; and
- (D) To ensure immediate responsiveness to complaints and ensure the protection of public health, safety, and welfare of the residents of and visitors to Tybee Island.

Sec. 4-051.2. Definitions.

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

Administrative violations, as used herein, means all violations of the provisions of this section 4-051 other than on-site violations including without limitation improper advertising, failure to respond timely, failure to have insurance, transferring or attempting to transfer an STR certificate, failure to provide notice of change of management and failure to cooperate with the verification process.

Advertise means the act of drawing the public's attention to a short-term rental in order to promote the availability of the residence for use as a short-term rental. Said advertising may be found in any medium, including but not limited to, newspaper, magazine, brochure, website, or mobile application.

Authorized agent means the owner's agent or the owner's designee to act on behalf of the owner or property manager and to receive written notice on behalf of the owner.

Bedroom means the living area(s) of the dwelling unit that is designed and furnished for sleeping and which has proper egress as required by the International Residential Code and International Building Code.

Cap means the maximum number of properties that may be allowed for short-term rental use in a given zoning district, which shall be defined or established with a restricted zoning or sector designation. The cap may be calculated as a percentage of the total number of developed dwelling units within a zoning district or sector as a flat number or percentage of dwelling units in the district or sector. Once a zoning district or sector has met its cap, a waiting list may be established for properties which seek to obtain a short-term rental certificate only if availability within the cap in that sector allows.

Complaint means any report of disturbance, nuisance, violation of city ordinance, incident, or a failure to maintain property or systems of the property which threatens public health, safety, welfare, and/or quality-of-life made by a resident, visitor, city staff, or public safety personnel.

Day means a calendar day unless otherwise noted.

Emergency contact means the party or person, designated by the property owner or property manager who can be contacted directly, and not through a recorded line or answering service, regarding immediate concerns and complaints from the public and city staff.

Family corporation is a corporation where the voting shares are held by a single, immediate family.

Family trust is a trust created for the benefit of a single family, where the grantors, trustees, and beneficiaries are a single, immediate family.

Immediate Family means spouses, parents, siblings, child(ren), and/or grandchild(ren) related to each other.

Live response number means the phone number provided for the immediate, real-time handling of inbound communications by the emergency contact rather than automated systems, recordings, or answering services.

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

Occupational tax certificate, also known as a business license, means a mandatory annual certificate required for any business, profession, or occupation operating within city limits, in accordance with ARTICLE V - Occupation Tax of the Tybee Island Code of Ordinances.

On-site violation means those associated with the physical characteristics of an STR property including without limitation over parking, over occupancy, failure to comply with habitability standards and improper signage.

Owner-occupied property means the real property which contains one or more dwelling unit(s) where the principal dwelling unit constitutes the property owner's primary and usual place of residence. The dwelling units must share the Property Identification Number assigned by the Chatham County Board of Assessors. Proof of owner-occupancy requires proof of a valid homestead exemption submitted with the application for a short-term rental certificate. In lieu of homestead exemption, a sworn affidavit and supporting documentation establishing proof of residency must be submitted by the applicant stating that the primary dwelling unit is the legal residence and domicile of the resident. Proof of residency is required in the form of two of the following: a valid Georgia Driver's License or Georgia Identification Card; registration for vehicles owned by and registered in the name of the applicant; Chatham County Voter's Registration Card, previous year's W-2 Form, or Internal Revenue Service Tax Return.

Parking, off-street means available vehicle parking spaces designated pursuant to section 4-051.3(5) and located entirely on private property entirely outside of streets and public rights-of-way. This includes driveways, garages, carports, and dedicated parking lots for commercial or residential developments.

Property Manager means a person or entity that provides, for valuable consideration, the marketing, leasing, physical, administrative, financial maintenance, and/or overall management of short-term rental property.

Responsible party means any owner, operator, property manager, management company, authorized agent, designated emergency contact, and/or any other party listed on the STR application or occupational tax certificate..

Sector means a given geographic area of the city where cap limits are in place for the number of short-terms rentals allowed.

Short-term rental (STR) 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. For the purposes of this definition, a residential dwelling shall include all housing types. This shall exclude bed and breakfast accommodations as they are defined by the City of Tybee Island Land Development Code.

STR Administrator means a person designated by the city manager to administer the provisions of the short-term rental regulations, including the processing of applications, issuance of certificates, collection of fees, and enforcement of regulations.

STR certificate means a certificate for one (1) property to conduct short-term rental operations in the applicable zoning districts granted or renewed pursuant to Section 4.051 Short-Term Rentals.

STR operator is an individual or entity that owns, manages, and/or receives payment for renting out a furnished residential dwelling for transient guests, typically for less than 30 consecutive days.

STR property means each residence, structure, or building and lot in the city for which a current STR certificate has been issued, granted or renewed in any zoning district.

Show cause hearing means a formal proceeding where a property owner, property manager, and/or authorized agent must appear before City Council to explain why they should not be penalized or why a specific section of this code should not be enforced.

Transient means the occupancy of a dwelling unit, room, or sleeping unit by the same person(s) for a short, temporary period, defined as less than 30 consecutive days.

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

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

Sec. 4-051.3. Application.

(A) A short-term rental certificate shall expire one year after the date of issuance.

Applicants for a short-term rental certificate shall submit, on an annual basis, an

application for a short-term rental certificate to the Department of Community Development. The application shall be furnished under oath on a form (printed or online) specified by the city manager or their designee, accompanied by a non-refundable application fee as set forth in the city's fee schedule as approved by City Council. Such application shall include the following with sufficient detail:

- (1) The complete street address and property identification number (PIN) of the STR.
- (2) The full name or names of the current (as of the filing of the application) owner or owners of the subject STR property and, if any of the owners is an artificial entity, shall require the names of all its current members, partners, shareholders or beneficiaries, as the case may be. The application for residentially zoned properties shall require disclosure of each transfer which occurred in the immediately preceding calendar year. The address, e-mail and telephone number of each person, agent, any entity with an ownership interest, or any artificial entity which owns or has an ownership interest in the property shall also be provided.
- (3) The full name or names, addresses, and contact information of the STR property owner, property manager, authorized agent, operator, and/or responsible party whose responsibility will be to comply with the requirements of all pertinent sections on behalf of the owner.
- (4) The city identifier number for room excise tax.
- (5) A parking plan of the premises identifying the number and clearly marked locations of available off-street parking spaces to be used in conjunction with the short-term rental which shall be limited to established driveways, garages, and/or covered parking and shall not exceed one space per bedroom.
- (6) A description or dimensioned floor plan of the proposed short-term rental identifying bedrooms, bathrooms, kitchen facilities, and emergency evacuation routes. Such floor plan or detailed description shall be consistent with official tax assessor records, city building permit records, or any other applicable public records.
- (7) *The total occupancy of the STR unit.* Occupancy of any short-term rental property shall be established in connection with the application for every short-term rental certificate with the occupancy for overnight usage limited to two (2) persons per bedroom plus two (2) additional persons for the dwelling unit

identified as existing on the property. Occupancies beyond the established limits in the certificate shall be a violation of this section.

- (8) Any other information that this section requires the STR property owner, property manager, authorized agent, operator, and/or responsible party to provide to the city, such as zoning designation or proof of insurance, as part of the identification for a short-term rental, and the name and contact information for the property owner's association. The city manager or his or her designee shall have the authority to obtain additional information from the applicant as necessary to achieve the objectives of this chapter.
 - (9) The live response number of the emergency contact as designated by the STR property owner, property manager, authorized agent, operator, and/or responsible party, shall be required to respond within thirty (30) minutes and be on-site within one (1) hour to any issues associated with any unsafe or unsanitary condition, operations, and/or occupancy of the STR property.
 - (10) The property shall be covered by a homeowner's or other structural coverage as well as liability coverage and the insurance declaration shall list the unit as the rental property. The applicant shall acknowledge as part of the application the insurance requirement and agrees that coverage shall be obtained prior to the issue of the STR certificate.
 - (11) Any such documentation deemed necessary and proper to ensure compliance with this section.
 - (12) Applications for existing STRs must be completed and submitted no later than thirty (30) days prior to the expiration of the current STR certificate to avoid a lapse of certification and/or possible placement on the waiting list.
- (B) The certification form pursuant to this section shall be processed and added to a database to be kept by the STR Administrator listing STR unit information and used to track complaints and any violations that occur. City staff shall notify the STR property owner, property manager, authorized agent, operator, and/or responsible party of any instances that result in a citation for a code violation or other legal infraction.
- (C) Citations issued as a result of administrative or on-site violations per Sec. 4-051.42 and Sec. 4-05.43, and not paid, addressed or adjudicated within six (6) months may result in the non-issuance future STR certificates or the suspension of existing STR certificates.

- (D) All information supplied by the applicant to the STR Administrator shall be subject to verification as provided in Sec. 4-051.30.

Sec. 4-051.4. General Requirements.

- (A) *Designation of local emergency contact.* An STR property owner, property manager, authorized agent, operator, and/or responsible party must designate the name and contact information of a local emergency contact who can be contacted live regarding immediate concerns and complaints from the public. Said individual must be available to be reached in person or by phone at all times while occupants are on the premises of a short-term rental. If called, a local responsible party must be able to respond within thirty (30) minutes and shall be present at the premises within one (1) hour of call regarding enforcement. The local emergency contact must be authorized to make decisions regarding the premises and its occupants. The local emergency contact may be required to, and shall not refuse to, accept service for any violations on the premises. Acceptance of service shall not act to release STR property owner, property manager, authorized agent, operator, and/or responsible party of any liability under this chapter.
- (B) *Proof of insurance required.* It shall be unlawful for the STR property owner, property manager, authorized agent, operator, and/or responsible party of premises operating as a short-term rental to operate without liability insurance coverage commensurate with the operations of the short-term rental and shall provide STR coverage of a minimum of \$1 million per occurrence. A current certificate of insurance indicating that the property is used as a short-term rental, must be on file with the STR Administrator. Coverage shall be maintained for the duration of the certificate. If the coverage lapses during the duration of the STR certificate, no rentals shall occur during the lapsed period and any rental during this period will be deemed a violation of this section. If the coverage is not reinstated within 30 days of the lapse, the STR certificate shall be deemed null and void as of the date of the lapse.
- (C) *Certificate to be displayed.* A copy of the approved short-term rental certificate shall be posted at a conspicuous location inside the front entrance(s) to the short-term rental.
- (D) *Short-term rental certificate nontransferable.* A short-term rental certificate is non-transferable and shall not be assigned or transferred to another person or entity. Any attempt to transfer a certificate or attempt to use another person's certificate is grounds for revocation (cancelation) of said certificate.

- (E) *Good neighbor policy.* The city shall make available on its website a list of STR good neighbor policies which the STR property owner, property manager, authorized agent, operator, and/or responsible party must share with their clients, owners, and guests.
- (F) *Parking restrictions.* Adequate off-street parking shall be required as per Sec 4-051.3(5). The maximum number of motor vehicles allowed at a short-term rental shall be limited to the number of authorized off-street parking spaces for occupant or guest, included with the application.
- (1) It shall be unlawful for an STR property owner, property manager, authorized agent, operator, and/or responsible party to authorize, allow, or advise occupants to park more vehicles on the premises than the authorized off-street parking spaces.
- (2) It shall be unlawful for an authorized guest of a short-term rental, or an STR property owner, property manager, authorized agent, operator, and/or responsible party to allow any person to occupy or set up for occupancy a motor home, recreational vehicle, tent, or boat, on the premises of a short-term rental.
- (G) *Overnight guests.* Overnight guests shall not exceed the property's posted occupancy. Only authorized guests of the STR shall occupy the STR property.
- (H) *Prohibited events and activities.* All rental properties are designated for residential use consistent with the City of Tybee code of ordinances. Large groups, prom groups, events, receptions, or other like-kind events with more than twenty (20) persons in attendance, including the STR's overnight occupants, are not allowed at STR properties in R-1, R-1-B, and R-2 zoning districts.
- (I) *Signs.* The purpose of the required standard signage is to enable officers and third parties to identify appropriate contacts for issues with the property and/or the occupants and, therefore, the sign shall be located in such a location that faces the street which is listed as the real property address or otherwise located at such location as approved by staff consistent with that purpose. The view of the sign shall not be obstructed by fencing, cars, vegetation, etc.
- (1) All one- and two-family STR units shall post standard signage that shall be unobstructed, visible and legible from the address side of the street listing the legal address of the STR unit and the emergency contact name and phone number. Such sign shall meet the following requirements:

- a. *Size*. Not be less than 24 by 18 inches and shall not exceed 36 inches by 24 inches.
 - b. *Material*. All Weather Type
 - c. *Location*. Posted on the building visible from the street
 - d. *Color*. White background; Black text, separation lines, and border
 - e. *Font*. Arial Black
 - f. Font Size Text must be large enough to be read from the public street
 - g. Sign must include the legal address (the street number, street name, unit number) of the unit, include the emergency contact's phone number, and include the city's STR Compliance phone number. The sign shall also include the maximum occupancy and the number of parking spots identified in the application. The emergency contact name and number shall be the responsible party or person as required by subsection 4-051.5 unless otherwise specified and approved by the STR Administrator and any rental agency involved. A QR code may also be included containing the aforementioned information but is not a replacement for providing the written information.
 - h. No advertising or branding shall be on the sign.
 - i. Examples of signage shall be made available by the Community Development Department.
- (2) Multi-family units shall post standard signage which shall be visible and legible from a publicly accessible area outside the unit listing the required unit address and emergency contact name and phone number. Signs for multi-family units shall be eight (8) inches by eight (8) inches next to each entry door. All such signs shall be located no further than four (4) feet from the outermost edge of the front entry door or otherwise located at such location as approved by city staff consistent with that purpose. Multi-family units may have one (1) additional sign on the exterior of the property which complies with the standards of the one- and two-family STR unit for the purposes of compliance and wayfinding only.
- (3) To the extent that the requirements herein are inconsistent with the sign ordinance the provisions hereof shall control in the case of short-term rental properties and shall supersede any inconsistent provisions of property owner association agreements or policies or condominium association agreements or policies pertaining to signage.

- (J) *Compliance with required taxes.* It shall be the responsibility of the STR property owner, property manager, authorized agent, operator, and/or responsible party to pay all taxes required by chapter 58, article IV, room excise tax and any other applicable taxes.
- (K) *Habitability Standards.* This subsection establishes minimum habitability standards for any property being used as an STR. Violations will result in the cancelation of the STR certificate.
- (1) The STR must be an established permanent residential dwelling structure or be an established residential dwelling unit as part of an establish permanent structure.
 - (2) The number of bedrooms used for STR operations must match the detailed description or dimensioned floor plan of the proposed short-term rental, as submitted with the application.
 - (3) Any interior walls or dividers shall be built under permit and permanent.
 - (4) It shall be unlawful to convert a garage to living space, to remodel, renovate, enlarge, or otherwise modify premises, to add additional bedrooms for use as an STR for the purpose to increase the occupancy of an STR in the R-1, R-1-B, and R-2 zoning district. Garages cannot be converted to living space and must remain for parking if the property has two (2) or fewer off-street parking spaces in any zoning district.
 - (5) The STR unit must have hard-wired/permanent electrical, heat, and plumbing. The use of extension cords, hoses, and portable space heaters as primary electrical, plumbing, and heating sources are prohibited.
 - (6) Each unit must have its own access to permitted cooking and full bathroom facilities 24 hours a day, seven (7) days a week. Outdoor showers and toilets do not qualify as bathroom facilities.
- (L) It shall be unlawful for any owner or person to rent, lease, advertise, or otherwise allow any residential or commercial premises to be operated or used as an STR without a current STR certificate or otherwise in violation of this section.
- (M) No person shall rent, lease or otherwise exchange for compensation all or any portion of a dwelling unit as an STR, as defined in section 4-051.2, without the owner, property manager, or responsible party first obtaining an occupational tax certificate on an annual basis, unless otherwise exempted, and identifying the location of each STR under their control, within the city.

- (N) The city must be notified in writing within fifteen (15) days when there is a transfer of any STR property.
- (O) The city must be notified in writing within fifteen (15) days when there is a change in management, responsible party, agent, or emergency contact for any STR property. Failure to do so will revoke the STR certificate of the applicable property.
- (P) *Personal responsibility.* The STR property owner, property manager, authorized agent, operator, and/or responsible party shall not be relieved of any personal responsibility or personal liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.
- (Q) *Allowances.* Notwithstanding any other provisions in this Code, a short-term rental is allowable in any zoning district where restrictions on the number of STRs are not in place, as long as the short-term rental location and the STR property owner, property manager, authorized agent, operator, and/or responsible party for such location are in full compliance with all provisions of the city's short-term rental ordinance 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 violations for violating city ordinances.
- (R) *Certificates required for individual units.* Any structure on a property that contains multiple STR units must have a certificate for each separate unit and shall be compliant with Section 4.051.3 and Section 4.051.4. Legally permitted multi-family structures on a single lot identified by a single parcel identification number per official tax records are eligible for individual certificates for each legally permitted dwelling unit. Legally permitted one- and two-family structures on a single lot identified by a single parcel identification number per official tax records are eligible for individual certificates for each legally permitted dwelling unit. In all other instances, and in all zoning districts, if a property identified by a single parcel identification number per official tax records, has more than one structure on it that contains a STR unit, only one structure is eligible to apply for a certificate, provided it is compliant with Section 4.051.3 and Section 4.051.4.

Sec. 4-051.5. Procedures.

- (A) The STR Administrator or their designee is responsible for reviewing applications for the issuance of certificates to legally operate a short-term rental unit.

- (B) The STR Administrator shall make a determination of whether to issue a certificate based upon the application which shall be considered evidence and the applicant shall be provided with reasonable notice of and opportunity to dispute a potential determination by staff that would be adverse to the applicant.
- (C) Following a final determination by the STR Administrator, which is adverse to the applicant, there may be an appeal in accordance with Sec. 4-051.6.

Sec. 4-051.6. Appeals for STR certifications.

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

Sec. 4-051.7. Owner occupied/primary residence.

For a property location that is owner-occupied property, that property is excluded from any STR cap, provided that structure is legally permitted for such residential occupancy, that the owner is living on the property during STR rental activity with reasonable attendance, being absent during no more than 14 rental night stays during the calendar year and remains subject to all other requirements of this section, the Land Development Code, and all other city codes.

Sec. 4-051.8. Property Transfers/Changes in Ownership.

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

- (A) STR certificates shall not transfer upon conveyance of the property. A new owner of a dwelling unit, formerly approved as an STR under the previous owner, shall be required to submit a new STR application and application fee. Upon approval pursuant to the provisions of this section, and subject to the cap for the appropriate sector, an STR certificate can be issued to the new owner of the dwelling unit for use as a short-term rental.
- (B) If the residential dwelling unit legally operating as a short-term rental is owned by joint tenants with right of survivorship, a family trust, or by a family corporation, a new STR certificate can be applied for and, if meeting all requirements of this section, issued to another joint tenant of the residential dwelling unit or to the remainder of the family trust or family corporation, upon the death of the short-term rental certificate holder, family trust member, or family corporation member without being on the sector cap waiting list. In order for the STR certificate to be issued under this subsection, the joint tenants, or members of the family trust or family corporation must be immediate family members only.
- (C) Upon becoming aware of the occurrence of a possible property transfer, whether because of a disclosure in an application pursuant to Section 4.051(3) or because of an audit or investigation referred to in Section 4.051 (30) or for any other reason, the city shall notify the owner of the STR property involved in the property transfer and the resulting revocation of that property's STR certificate. The revocation may be appealed in accordance with Sec. 4-051.6.
- (D) For a period of eighteen months starting from the effective date of this ordinance, property transfers and changes in ownership of properties legally authorized as

STRs in R-1, R-1-B, and R-2 residential zoning districts, which are not owned by joint tenants with right of survivorship, family trusts, or as a family corporation, may have a one-time opportunity for the new STR property owner, property manager, authorized agent, operator, and/or responsible party to apply for and obtain a STR certificate without being subject to the sector cap; within fifteen (15) days of the date of transfer. Subsequent changes in ownership or property transfers for the same property will allow for the application of an STR certificate as the sector cap allows. If the property is sold again (a subsequent transfer), that next owner will be subject to the sector cap in order to apply for an STR certificate.

- (E) If the residential dwelling unit legally operating as a short-term rental is owned by joint tenants, by a family trust, or by a family corporation, and is transferred into a joint tenancy, a family trust, or a family corporation with the same members, a new STR certificate can be applied for and, if meeting all requirements of this section, issued to the joint tenants the family trust, or family corporation of the residential dwelling unit. In order for the STR certificate to be issued under this subsection, the joint tenant, the family trust, or family corporation must be immediate family members only.

Sec. 4-051.20. Short-term rentals related to the R-1, R-1-B, and R-2 residential zoning districts.

- (A) *Notice of and abandonment of nonconforming use.* If a property holding a short-term rental certificate in zoning districts R-1, R-1-B, or R-2 fails to apply for a STR certificate for the property within 30 days of the expiration of the most recent certificate, it shall be presumed that such short-term rental use has been abandoned and therefore such further use shall be unauthorized. Any previously operated short-term rental within the R-1, R-1-B, or R-2 zoning districts which is determined abandoned will no longer be allowed to operate as a short-term rental until a new certificate is obtained, if the sector cap allows.
- (B) *Caps in certain zoning districts.* For purposes of this section, a restricted zoning designation category or cap shall be any zoning district and/or sector in which an ordinance exists that limits the number of authorized short-term rental units in that particular district and/or sector. In the event a cap on short-term rental units exists for a certain zoning district and an authorized unit in that district is thereafter disqualified for an STR certificate, that unit's certificate shall be void.

- (1) *Cap restrictions.* No property will be issued a short-term rental certificate to operate as a STR in any restricted zoning designation district which has already issued certificates equaling or exceeding the sector cap. Exceptions to this prohibition of issuing new certificates over any sector cap for the R-1, R-1-B, and R-2 zoning districts may be allowed as set forth by ordinance. These caps may be further restricted, based on substantial evidence after a noticed public hearing, if there is a concentration of short-term rental units that either affects the public health, safety, and welfare or significantly negatively impacts the character and standard of living within a specific neighborhood or within a specific geographic area, or both.
- (2) *Waiting List.* The city shall maintain a waiting list of short-term rental certificate applications in sectors where the total number of allowed units has been limited in the R-1, R-1-B, and R-2 zoning districts. Additional applications may be accepted on a 'first come, first served' basis when the number of units in any sector falls under the limits described above. The STR Administrator will publish procedures and implementation of the waiting list.
- (C) *Short Term Rental Sectors.* The city shall limit the number of short-term rental units in the R-1, R-1-B, and R-2 zoning districts in a given geographic area (sector) to avoid negative community impacts resulting from such concentrations. Short-term rentals shall be limited to a number cap per sector in the R-1, R-1-B, and R-2 zoning districts. The boundaries of each sector with the applicable cap are described below:
- (1) Sector 1: North of US Highway 80 between the Lazaretto Creek Bridge and the end of First Street / beginning of Butler Avenue. The short-term rental cap for sector one shall be 175 units authorized to operate as short-term rentals in each calendar year.
- (2) Sector 2: South of US Highway 80 between Lazaretto Creek Bridge and the end of First Street / Beginning of Lovell Avenue and North of 14th Street between Jones St and the ocean, west of Jones St between 14th St and 16th St, and north of 16th St. between Jones St and Chatham Ave, and north of Alley #3. The short-term rental cap for sector two shall be 250 units authorized to operate as short term rentals in each calendar year.
- (3) Sector 3: East of Lovell Avenue; between 1st St and 13th Lane on the north and south, to the east to the ocean. The short-term rental cap for sector three shall be 220 units authorized to operate as short-term rentals in each calendar year.

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

Sec. 4-051.30. Verification Process and Compliance Review.

- (A) The STR Administrator may conduct a verification review of any application, renewal application, or existing certificate holder to determine compliance with all applicable ordinances, regulations, and requirements relating to the operation of a short-term rental property.
- (B) The verification process may include review and confirmation of, including but not limited to:
- (1) Ownership records, deeds, property tax records, corporate filings, probate documentation, trust documentation, or other evidence establishing lawful ownership or authority to operate the property as a short-term rental, to include research of the Chatham County, Georgia real property and ad valorem tax records, filings and applications by the owner of the subject STR property and any relevant information in publicly accessible real estate data bases or other publicly accessible or available private sources;
 - (2) Hotel/motel tax compliance, occupational tax compliance, property tax status, outstanding fines, liens, fees, penalties, or other financial obligations owed to the City of Tybee Island;
 - (3) Advertisements, listings, online marketing platforms, booking platforms, social media postings, or other promotional materials to verify occupancy limits, parking representations, contact information, and compliance with all advertising requirements contained within this ordinance;
 - (4) Parking plans, life safety information, insurance documentation, local emergency contact information, and occupancy calculations submitted as part of the application process;
 - (5) Compliance history associated with the STR property, property owner, property manager, authorized agent, operator, and/or responsible party, including prior ordinance violations, unresolved complaints, suspended certificates, revoked certificates, or repeated nuisance activity.

- (C) The STR Administrator may require the applicant, owner, designated agent, or management company to answer questions and to provide documentation necessary to complete the verification process within a specified timeframe.
- (D) Failure to cooperate with the verification process, refusal to provide requested documentation, submission of inaccurate or misleading information, or intentional misrepresentation of material facts shall constitute a violation of this ordinance and may result in denial, suspension, revocation, non-renewal, or other enforcement action as authorized herein.
- (E) Verification reviews may occur prior to issuance, upon receipt of complaints, upon discovery of conflicting information, following ownership transfer, or whenever the STR Administrator reasonably determines additional review is necessary to confirm ongoing compliance with city ordinances and operational requirements.
- (F) The determination of compliance or non-compliance made through the verification process shall constitute an administrative determination subject to any notice and hearing procedures otherwise provided within this ordinance.

Sec. 4-051.31. Failure to fulfill administrative requirements of Sec 4-051-3 through Sec 4-051.30.

- (A) In the event taxes, certificate fees, fines or other assessments relating to the operation or ownership of a STR property remain unpaid or if there is evidence of improper advertising of the STR property shall be a violation of this section.
- (B) Any marketing or advertisement relating to the use of a short-term rental location which markets occupancy beyond or in excess of the occupancy contained in the application for the short-term rental certificate or tax certificate as required, shall be a violation of this section.
- (C) The refusal to participate in or cooperate with a verification process as set forth by the STR Administrator shall be a violation of this section and any intentional misstatements or inaccuracies contained in the application including the insurance obligation shall be a violation of this section.
- (D) Failure to fulfill any administrative requirement in subsections 4-051-3 through 4-051.30 shall be a violation of this section.

Sec. 4-051.40. Live response contact requirement.

- (A) Every STR property shall maintain one (1) designated emergency contact in accordance with Sec. 4-051.3 and Sec. 4.051.4 .

(B) This number shall:

- (1) Be provided to the City as part of the STR application process;
- (2) Shall be updated immediately upon change of emergency contact person or contact information and the STR Administrator notified;
- (3) Be displayed on approved city signage placed on the STR Property per the Code requirements for signage; and
- (4) Be accessible to all city departments, including Police, Code Compliance, and Parking Enforcement.

(C) The party responsible for the live response contact number shall ensure that:

- (1) All calls to the designated number are answered by a live person;
- (2) No call is routed exclusively to voicemail, automated systems, or unanswered forwarding services.
- (3) The person receiving a call has the authority to take immediate action to address the complaint.

Sec. 4-051.41. Required response standards.

Upon receipt of a complaint through the live response contact number, the emergency contact shall:

(A) Acknowledge the complaint immediately upon answering the call;

(B) Initiate corrective action within thirty (30) minutes, which may include:

- (1) Direct communication with occupants;
- (2) Remote resolution of the issue; or
- (3) Dispatching personnel to the property;

(C) Be physically present on-site within one (1) hour of receiving the complaint, if the complaint cannot be resolved remotely within the 30 minutes of receipt of the call on the live response contact number;

(D) Take all reasonable actions necessary to abate the issue and prevent recurrence.

(E) *Test call compliance verification.* The City of Tybee Island may conduct test calls to any designated live response contact number for the purpose of verifying compliance with the requirements of this section.

- (1) Test calls may be conducted by City staff, Code Compliance Officers, or Law Enforcement Officers at any time during periods in which the STR property is occupied or otherwise required to maintain an active live response contact.
- (2) Failure to answer or appropriately respond to a test call in accordance with the requirements of this section shall constitute a violation.
- (3) Notwithstanding the number of test calls placed within a single calendar day, no more than one (1) violation per STR property may be assessed per day as a result of test call compliance verification. This limitation shall apply solely to violations derived from City-initiated test calls and shall not limit the number of violations that may be assessed for actual complaints or observed violations occurring on the same day.

Sec. 4-051.42. Violations.

Each failure to comply with each provision or requirement of this section 4-051 shall be considered a separate violation regardless of those failures arising from the same incident or complaint. Fines associated with any violation for non-compliance of this code and this section are set forth in the city's fine schedule, as approved by City Council. The following shall constitute a violation of this section:

- (A) Failure of a live person to answer the live response contact number;
- (B) Failure to respond to a complaint within the required timeframes;
- (C) Failure to take reasonable action to resolve a complaint verified by city staff;
- (D) Providing false, inactive, or unreliable live response contact information;
- (E) *Administrative violations.* Administrative violations shall be treated in the same manner as violations occurring on-site and shall be subject to the same enforcement procedures, thresholds, and penalties as established under this section. Any administrative violation of the City of Tybee Island Short-Term Rental (STR) ordinances, includes but is not limited to:
 - (1) Failure to maintain accurate certification information;
 - (2) Failure to comply with permitting, certification, licensing, insurance, and/or operational requirements; and/or
 - (3) Submission of incomplete, inaccurate, or misleading documentation.
- (F) Any violation of the Code of Ordinances of the City of Tybee Island, violation of the Land Development Code, or violation of applicable state law occurring at,

associated with, arising from, or connected to the operation, occupancy, management, use, advertisement, or conduct of an STR property may also constitute a violation of this section and may be utilized for the purposes of enforcement, violation thresholds, suspension, revocation, show cause proceedings, and any other remedies authorized under this section.

Sec. 4-051.43. Determination and verification of on-site violations.

(A) For purposes of enforcement under this section, a violation shall be deemed valid only when the alleged conduct is verified through one of the following methods:

(1) City Personnel/Law Enforcement: The violation is personally observed and confirmed by:

- a. A City of Tybee Island Code Compliance Officer;
- b. A sworn Law Enforcement Officer; and/or
- c. Other authorized City staff acting within the scope of their duties;

(2) The person observing the violation will provide written notice to the appropriate city personnel of the violation.

(3) *Unverified complaints.* Complaints received by the above personnel after the fact, where the alleged violation cannot be confirmed through direct observation by City staff, shall not constitute a violation for the purposes of enforcement under this section. Such complaints may be documented for informational or pattern-tracking purposes but shall not be counted toward violation thresholds established herein.

(B) *Complainant-provided evidence.* Notwithstanding subsection (A), a complaint may be deemed a valid violation if supported by both of the following:

(1) Video or photographic evidence that is:

- a. Clearly time-stamped and date-stamped;
- b. Of sufficient quality to reasonably identify the violation; and
- c. Demonstrates that the violation occurred at the subject property;

(2) A formal written complaint submitted by the complainant, which includes:

- a. Name and contact information of the complainant;
- b. Date and time of the incident;
- c. Description of the observed violation; and

- d. Affirmation that the information and any video/photographic evidence provided is true and accurate to the best of their knowledge.
- (C) *Requirement to appear.* Any complainant submitting evidence under this subsection shall acknowledge and agree, as a condition of such submission, to:
 - (1) Appear and provide sworn testimony at any administrative hearing, court proceeding, or City Council show cause hearing related to the violation; and
 - (2) Be subject to subpoena, if necessary, to establish the validity of the complaint.
 - (3) Failure of the complainant to appear, when properly noticed or subpoenaed, may result in the exclusion or dismissal of the associated violation from consideration.
- (D) *Evidentiary determination.* The City Manager or his designee shall have the authority to determine whether submitted evidence meets the above described standard necessary to constitute a valid violation under this section.
- (E) *False or misleading complaints.* Any person who knowingly submits false, misleading, or fabricated complaint or evidence shall be subject to penalties as provided by applicable law.

Sec. 4-051.44. Notice of violation.

- (A) Upon determination that a violation, whether on-site or administrative, has occurred, the City shall issue written notice to the STR property owner, property manager, authorized agent, operator, and/or responsible party listed on the STR certification, occupational tax certificate, application materials, or otherwise known to be associated with the operation of the STR property. Such notice shall include:
 - (1) Date and time of the complaint;
 - (2) Nature of the violation; and
 - (3) Warning of escalating enforcement actions.
- (B) Notice shall be delivered consistently with existing Code procedures.

Sec. 4-051.45. Administrative enforcement and hearing.

- (A) Upon the occurrence of three (3) or more violations as it relates to an STR property within an eighteen (18) month period, the STR property and all associated responsible parties shall be scheduled for an administrative hearing before the City Manager or designee.
 - (1) The purpose of the hearing shall be to:

- a. Review the pattern of non-compliance;
 - b. Identify responsible parties contributing to violations;
 - c. Determine whether corrective measures may be needed; and
 - d. Establish conditions for continued operation.
- (2) After the occurrence of three (3) or more violations as it relates to an STR property within an eighteen (18) month window, the City Manager or his designee may impose one or more of the following:
- a. Suspension of STR certificate with the length of suspension at the discretion of the City Manager;
 - b. Mandatory corrective action plan;
 - c. Enhanced operational requirements; or
 - d. Written warning to any management company or responsible party involved.

Sec. 4-051.46. Notice of STR certificate compliance action.

(A) Following an administrative hearing, if a responsible party receives another violation within the next twelve (12) months, the City shall issue a formal notice of intent to revoke the STR Certificate.

(B) This notice shall be delivered to all responsible parties.

(C) The notice shall include:

- (1) Summary of prior violations;
- (2) Actions previously taken by the city;
- (3) Statement of intent to revoke the STR Certificate;
- (4) Notification that the matter will proceed to a show cause hearing before City Council.

Sec. 4-051.47. Management company and responsible party accountability.

(A) Any management company, operator, responsible party, or agent responsible for one or more STR properties shall be held jointly accountable for violations of this section along with the owner of the property.

(B) A management company, owner, or responsible party shall also receive a violation when:

- (1) The property owner, property manager, authorized agent, operator, and/or responsible party of an STR property that has violated this section; or
 - (2) The STR property owner, property manager, authorized agent, operator, and/or responsible party has failed to take the necessary and reasonable steps to maintain compliance with the provisions of this section and all other applicable short-term rental regulations, ordinances, requirements, or operational standards established by the City of Tybee Island. Upon establishment of a history of repeated violations, the City may initiate enforcement action for revocation or suspension of the occupational tax certificate of the property owner, property manager, authorized agent, operator, and/or responsible party.
- (C) *Tiered enforcement thresholds for management companies.* For purposes of determining when an STR property owner, property manager, authorized agent, operator, and/or responsible party has a history or pattern of repeated violations during the preceding two-year period, and is subject to occupational tax certificate suspension or revocation under this section, the following thresholds shall apply:
- (1) Management companies and owners representing ten (10) or fewer STR properties shall be subject to an enforcement action when there has been suspension or revocation of three (3) STR Certificates related to properties it manages under this section within the prior twenty-four months.
 - (2) Management companies and owners representing eleven (11) to fifty (50) STR properties shall be subject to an enforcement action when there has been suspension or revocation of six (6) STR Certificates related to properties it manages under this section within the prior twenty-four months.
 - (3) Management companies and owners representing more than fifty (50) STR properties shall be subject to an enforcement action when there has been suspension or revocation of nine (9) STR Certificates related to properties it manages under this section within the prior twenty-four months.
- (D) *Determination of property count.* The total number of STR properties attributed to a management company or responsible party shall be determined based on:
- (1) Active STR certifications on file with the City; and
 - (2) Any property for which the company is listed as the property owner, authorized agent, operator, responsible party and/or emergency contact.

(E) *Aggregation of violations.* For purposes of this section, violations and resulting suspensions or revocations shall be aggregated across all properties managed by the company or responsible party within the City of Tybee Island.

(F) *Prohibition on circumvention of rules.*

(1) Reassignment of a management company to avoid history of violations is prohibited.

(2) Affiliated entities are subject to the applicability of this section.

Sec. 4-051.48. Notice of Compliance Action for Occupational Tax Certificate.

(A) When a management company, owner, operator, or responsible party demonstrates a pattern of repeated violations under this section, the City shall issue a formal notice of intent to revoke or suspend the occupational tax certificate.

(B) Such notice shall include:

(1) Identification of all associated properties with violations;

(2) Summary of violations and prior enforcement actions; and

(3) Notification of a pending show cause hearing before City Council and that potential sanction could include revocation of the management company or responsible party's occupational tax certificate.

(C) Notice shall be delivered to the business entity and any registered agents in accordance with City Code.

Sec. 4-051.49. Show cause hearing before City Council.

(A) Prior to revocation of an STR Certificate of an STR owner, operator, agent, or responsible party or occupational tax certificate of a management company or responsible party under this section, the parties responsible shall be required to appear before the City Council at a duly noticed Show Cause hearing.

(B) At such hearing, the owner, responsible party, management company, or agent shall be required to demonstrate why:

(1) The STR Certificate should not be revoked; and/or

(2) The occupational tax certificate should not be suspended or revoked.

(C) The City shall present evidence of violations, including:

(1) Complaint records;

(2) Response failures;

- (3) Prior notices and enforcement actions; and
 - (4) Any pattern of non-compliance.
- (D) Failure to appear at the scheduled hearing shall not delay proceedings, and Council may proceed in absentia.

Sec. 4-051.50. Council authority and final action.

(A) Following a Show Cause hearing, City Council shall have the authority to:

(1) For STR Properties:

- a. Revoke the STR Certificate for a period 36 months and any property sale or transfer made during the 36-month revocation period must be verified as a genuine, bona fide transaction before the new owner or responsible party can apply for a new STR certificate meeting all requirements of this section;
- b. Suspend the STR Certificate for a defined period;
- c. Place the property on probation with conditions; or
- d. Impose additional operational restrictions.

(2) For Management Companies / Owners/ Responsible parties:

- a. Suspend the occupational tax certificate;
- b. Revoke the occupational tax certificate;
- c. Impose conditions on continued operation; or
- d. Restrict or prohibit the company from managing STR properties within the City.

(B) A revocation of an occupational tax certificate under this section shall preclude the management company or responsible party from conducting STR-related operations within the City of Tybee Island for the duration specified by Council.

(C) Council's decision shall be final, subject only to appeal as provided by law.

(D) Unless otherwise ordered by a court of competent jurisdiction, any revocation or suspension shall take effect immediately upon issuance.

Sec. 4-051.55. Cumulative enforcement.

This section shall operate in conjunction with all other applicable provisions of the City Code, including nuisance abatement, disorderly house provisions, and STR regulations. Enforcement actions under this section may be pursued independently or concurrently.

Sec. 4-051.60. Severability.

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

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 become effective on ____ day of _____, 202__.

ADOPTED THIS ____ DAY OF _____, 2026

MAYOR

ATTEST:

CLERK OF COUNCIL

APPROVED AS TO FORM:

CITY ATTORNEY

FIRST READING: _____

SECOND READING: _____

ENACTED: _____