

ORDINANCE NO. 11-2011  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
PERTAINING TO SEC. 3-070  
FOR THE CITY OF TYBEE ISLAND, GEORGIA

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

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

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

WHEREAS, the City of Tybee Island so as to amend in particular Section 3-070 pertaining to permissible structures per lot/accessory structures, and

NOW, THEREFORE, be it ordained by the governing authority of the City of Tybee Island that Section 3-070 of the Land Development Code of the City of Tybee shall be amended so as to hereafter provide as follows:

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

A. *Principle structure on a lot.* Only one principle structure and its customary accessory structure are permissible per lot. Notwithstanding anything herein to the contrary, in C-1 zoning districts, the property owner may petition the mayor and council for permission to allow an additional principle use structure per lot, provided the following conditions are met:

- (1) The property is one lot of 4,200 square feet or larger;
- (2) The proposed use of the additional structure is permitted in the C-1 zone and is compatible with the existing or proposed principle structure use;
- (3) The proposed use of the additional structure will further the needs of the owners or residents of the principle structure of the general population;
- (4) All other requirements of the Land Development Code are met, including but not limited to, setback, greenspace, drainage, height limits, etc.; and
- (5) The permitted additional structure must be restricted to the use approved by the Mayor and Council and may not be changed without approval by the Mayor and Council.

B. *Detached accessory structures on commercial lots.* A detached accessory structure in a commercial district is exempted from the schedule of regulations in Section 3-090, but shall conform to the following regulations:

(1) No detached accessory structure shall extend beyond the front building line of the principle structure except tents, umbrellas and enclosures.

(2) No detached accessory structure shall be more than one story in height.

(3) No detached accessory structure shall be located nearer than five feet to any lot line.

(4) No detached accessory structure will reduce the amount of parking required for commercial sites as required in Section 3-080.

(5) No detached accessory structure will materially affect an approved drainage plan on an already improved site or increase the amount of run-off leaving the site in the event the site was improved without an approved drainage plan. Existing drainage for the principal structure will not be reviewed or required to be changed unless the approved drainage plan is not being followed.

(6) No detached accessory structure shall be erected or installed without the proper approval from the designated City Department.

(7) *Temporary enclosures.* Temporary enclosures are permitted in commercial areas only. This includes any moveable, tent-like shelter intended to provide or actually providing protection from the elements for stored materials, vehicles, or other items, for which a building permit is not required and which a maximum size is 120 square feet. This would include temporary garages of tent-like construction, as well as tarpaulins of plastic or similar type materials supported by wooden or metal frameworks. Such temporary enclosures are to be considered structures under this section and, as such, are governed by the same setback requirements as other structures under this ordinance. Tents set up for special occasions, screenhouses, and other such seasonal, recreational enclosures are specifically exempted from this section unless they are used for storage as stated above after written approval from the designated City Department prior to placement. However, if this temporary enclosure becomes permanently anchored, it will be treated as a permanent structure and subject to all permitting requirements.

(8) No temporary detached structure will be allowed on the residential use side(s) of a commercial lot where commercial and residential uses are adjacent.

C. *Location of detached accessory structures on residential lots.* A detached accessory structure in either a residential district or on any lot containing a principle structure whose first floor is used for residential purposes is exempted from the schedule of regulations in Section 3-090, but shall conform to the following regulations:

(1) No detached structure except a carport shall extend beyond the front building line of the principle structure.

(2) No detached accessory structure shall be more than one story in height.

(3) No detached accessory structure shall be located nearer than five feet to any lot line. A caretaker's cottage or guest cottage must meet the same front, side and rear setback requirements as required for a principle structure.

D. *Location of attached accessory structures on residential lots.* An attached accessory structure in either a residential district or on any lot containing a principle structure, the ground floor of which is used for residential purposes, shall be considered as an integral part of the principle structure and shall be constructed, altered or otherwise be developed in accordance with the regulations governing Flood Damage Prevention (Article 8) and side yard, rear yard and front yard setbacks for principle structures in the district.

E. *Kiosks.* A kiosk is considered a permanent structure for interpretation of the Land Development Code and ordinances of the City. A kiosk may be a principle structure or an accessory structure depending upon the circumstances existing on the property. A kiosk that is intended to operate as an independent business not associated with a principle structure or use shall require site plan approval.

F. *Principle Structures in the Maritime-District.* Within the Maritime-District (M-D) more than one (1) principle structure shall be allowed for permitted uses with site plan approval and special review by the Mayor and Council.

This Ordinance shall become effective on 14 day of April, 2011.

ADOPTED THIS 14 DAY OF April, 2011.

  
MAYOR

ATTEST:

  
Acting CLERK OF COUNCIL

FIRST READING: 03.24.2011

SECOND READING: 4.14.2011

ENACTED: 4.14.2011