



CITY OF TYBEE ISLAND
SITE PLAN APPROVAL WITH VARIANCE APPLICATION

Site Plan Fee
Commercial \$500
Residential \$250

Variance Fee
Commercial \$500
Residential \$200

Applicant's Name _____

Address and location of subject property _____

PIN _____ Applicant's Telephone Number _____

Applicant's Mailing Address _____

Brief description of the land development activity and use of the land thereafter to take place on the property:

Explain the requested variance _____

Explain the hardship _____

Property Owner's Name _____ Telephone Number _____

Property Owner's Address _____

Is Applicant the Property Owner? ___ Yes ___ No

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

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

Current Zoning of Property _____ Current Use _____

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

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

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

Signature of Applicant _____ Date _____

NOTE: Other specific data is required for each type of Site Plan Approval with Variance.

Fee Amount \$ _____ Check Number _____ Date _____

City Official _____

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

- _____ 3 copies, no smaller than 24 x 36, of the engineered drainage and infrastructure plan.
- _____ 1 copy, no smaller than 11 x 17, of the existing tree survey and the tree removal and landscaping plan.
- _____ Disclosure of Campaign Contributions
- _____ Site plan and/or architectural rendering of the proposed development depicting the location of lot restrictions. *1 copy, no smaller than 11 x 17, of the proposed site plan and architectural renderings.* Section 5-040 (D)(1)
- _____ A survey of the property signed and stamped by a State of Georgia certified land surveyor. Section 5-040 (D)(2)
- _____ Provide attachments illustrating conditions on the subject and surrounding properties indicating that there are unique physical circumstances or conditions including:
 - _____irregularity,
 - _____narrowness, or,
 - _____shallowness of the lot size or shape, or,
 - _____exceptional topographical or other physical conditions peculiar to the particular property

That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the Land Development Code, without undue hardship to the property. Sections 5-090 (A)(1) and 5-090 (A)(2).

- _____ If this variance application is for a Height Variance, in addition to other requirements, the petitioner shall be required to:
 - _____Add two feet to each side yard setback for each one foot above 35 feet in height, and,
 - _____Have safeguards consisting of sprinkler systems, smoke detectors and other fire protection equipment deemed necessary at the time by the Mayor and Council, and,
 - _____Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above 35 feet height.
- Section 5-090 (B)

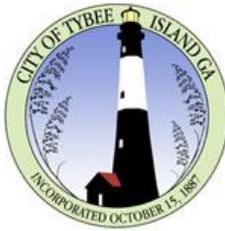
The Planning Commission may require elevations or other engineering or architectural drawings covering the proposed development.

The Mayor and Council will not act upon a zoning decision that requires a site plan until the site plan has met the approval of the City's engineering consultant. (Note: Section 5-080 (A) requires, "Once the engineer has submitted comments to the zoning administrator, a public hearing shall be scheduled.")

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

Signature of Applicant

Date



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

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

YES _____ NO _____

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

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

Signature _____

Printed Name _____

Date _____

Sec. 5-080. Site plan approval.

The site plan approval process is intended to provide the general public, planning commission, and mayor and council with information pertinent to how a new development will affect the surrounding area and the city as a whole. Where no variance is necessary for the intended project, or development, there is no evaluation process or set of regulations other than what is required to be shown on the site plan and listed upon the application. Where no variance is requested, site plan requirements are intended as a tool for public information. Where a variance and/or zoning action is requested in connection with a site plan, the standards applicable to the variance and/or zoning action applied for shall apply.

- (A) *Process.* Upon submittal of the site plan, the zoning administrator will review the site plan for noticeable discrepancies and determine if there is a need to apply for other zoning actions. The site plan is then forwarded to the Chatham County Engineer. Once the engineer has submitted comments to the zoning administrator, a public hearing shall be scheduled. The public hearing shall be held regardless of whether the site plan meets the requirements of this Land Development Code. Until the applicant addresses all of the engineer's comments and the site plan is satisfactory, the mayor and council will not approve the plan. However, once the first public hearing is held, site plan approval may commence at any scheduled meeting of the mayor and council.
- (B) *Other zoning actions.* Because special review, variances and map amendments require site plans, site plan review may be the first step in the permitting process, however, the site plan should identify any other zoning actions necessary in order for the intended development to be constructed so that a public hearing can be held on all such zoning actions simultaneously with the public hearing on the site plan. Site plan approval should encompass approval of all other zoning actions necessary to accomplish the development, however, if the intended development is to be altered from an approved site plan, additional public hearing and review is necessary if an additional special review, variance or map amendment is necessitated by the proposed alteration.
- (C) *Site plan longevity.* After a site plan has been approved by the mayor and council it shall be valid for a period of 18 months from the date of approval. If a building permit is not issued within said 18 months, an extension of up to 90 days may be issued with the approval of the building and zoning department. In the absence of an extension or at the end of an extension, if a building permit has not been obtained, the site plan approval shall be void and a new application must be submitted for site plan approval.

For site plans approval prior to the effective date of this amendment, such plans shall be valid for 18 months from the effective date hereof and if no building permit is issued during that 18 months or a 90-day extension obtained, a new application for site plan approval must be submitted and the prior site plan approval shall be void.

Ord. No. 2005-14, § 1, 5-26-2005)

Sec. 5-090. Variances.

- (A) *Standards.* After an application has been submitted to the zoning administrator, reviewed by the planning commission, and a public hearing has been held by the mayor and council, the mayor and council may grant a variance from the strict application of the provisions in this Land Development Code only if the following findings are made:
 - (1) That there are unique physical circumstances or conditions beyond that of surrounding properties, including irregularity, narrowness, or shallowness of the lot size or shape, or exceptional topographical or other physical conditions, peculiar to the particular property; and,
 - (2) That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.
- (B) *Height variances.* For height variances, in addition to other requirements, the petitioner shall be required to add two feet to each side yard setback for each one foot above 35 feet in height and have safe-guard consisting of sprinkler systems, smoke detectors and any other fire protection equipment deemed necessary at the time by mayor and council. Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above the 35 feet height, and have safe-guards consisting of sprinkler systems, smoke detectors, and any other fire protection deemed necessary at the time by mayor and council.
- (B) *Variance longevity.* After a variance has been granted by the mayor and council it shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the mayor and council.

(C) *[Reviewing variance applications.]* The staff, planning commission, and governing body, shall consider the factors stated herein in reviewing variance applications in taking action on a particular variance. In exercising the powers to grant variances, the mayor and council may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

(D) *[Application approval.]* Notwithstanding any other provisions of the Code of Ordinances, the staff of the community development department through its department head may approve applications for variances without the need of public hearings and without the need of review by the planning commission or the mayor and council as follows:

- I. When either of the following circumstances exists:
 - a. The proposed improvement of alteration will not result in an expansion of the existing footprint of the existing structure; or
 - b. No additional encroachment into any setback shall be created by the proposed improvement, construction or addition.
- II. When each of the following circumstances also exists:
 - a. No encroachment or construction of habitable space or other prohibited improvements will exist beyond the flood elevation; and
 - b. The requested improvements or construction will not violate existing zoning provisions.

This subsection shall have specific application to existing nonconforming structures as referred to in [section 3-020](#).

If the staff of the building and zoning department finds that the request needs or should have additional review for any reason, it may request review by the planning commission and if the request is approved or rejected by the planning commission then the planning commission's determination shall control. For purposes of this section, a public hearing before the planning commission shall not be necessary. If the staff of the building and zoning department declines an applicant's request the applicant may apply for the granting of a variance which will follow the procedures applicable to variances in general specifically, those procedures described in sections [3-020](#) and [3-090](#) as well as the public hearing requirements referred to in [section 5-060](#). In the event the staff request review by the planning commission and the planning commission rejects the request, the applicant may apply for the granting of a variance and follow the procedure applicable to such request before mayor and council.

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

(Ord. No. 2005-14, § 1, 5-26-2005)

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

- (A) In all zoning districts, handicapped parking shall be provided as required by the O.C.G.A. Title 30 Accessibility Code.
- (B) *Residential district parking requirements and residential off-street parking requirements.* Off-street parking facilities shall be provided and maintained on site for all buildings, structures or premises being used in whole or in part for residential purposes, or for any other use permitted in residential districts.
- (1) *Residential dwelling units.* For every dwelling unit, there shall be provided at least two off-street parking spaces. A caretaker's cottage is a separate dwelling unit and shall be provided at least two off-street parking spaces.
 - (2) *Nursing homes, hospitals.* One parking space for each five patient beds, plus one space for each staff doctor, plus one space for each employee on the largest shift.
 - (3) *Theaters, auditoriums, gymnasiums and other places of assembly.* One parking space for each four seats provided in the main auditorium or for each 50 square feet of floor area available for the accommodation of movable seats in the largest assembly room or area.

- (4) *Public and private elementary and secondary schools (except assembly halls, auditoriums and gymnasium used in conjunction therewith)*. One parking space for each 200 square feet of gross floor area devoted to such use.
 - (5) *Private docks*. At least two off-street parking spaces must be provided for any private dock proposed for construction on a lot that has not been otherwise improved. In the event that a private dock is proposed on a lot that has not been improved, the parking must be off-street (not on city right-of-way) and pervious.
- (C) Control of access to structures used for residential purposes including but not limited to single family, duplex, triplex, two family, multifamily, townhomes, apartments, time shares, and condominiums whether owner occupied or held for rental. In order to promote the safety of motorists and pedestrians, the following regulations shall apply to all newly constructed driveways:
- (1) A driveway opening which connects a lot with a public street shall not be greater than 25 feet in width at the property line. Driveways that serve duplex lots shall not have a width greater than 15 feet per unit measured at the property line. This section is not intended to prevent the installation of flared driveway ends. These flared ends, when constructed in accordance with adopted standards and specifications, shall not count towards the width of the driveway.
 - (2) There shall be no more than two driveway openings on any lot of any width. The total of the widths at the property line of two driveway openings shall not be greater than 25 feet.
 - (3) No driveway opening shall be constructed within 25 feet of an intersection, measuring from the nearest improved portion of the right-of-way. However, in any instance where there is not adequate space available and other access is not feasible, staff may permit a reduction in the distance to an intersection from a driveway in order to permit safe access to the property provided the speed limit on abutting or adjacent roads is 30 miles per hour or less.
 - (4) No curb on any city street or right-of-way shall be cut or otherwise altered without prior written approval of the designated city official.
 - (5) All newly constructed and replacements of more than 50 percent of existing driveways serving residential uses shall be constructed of materials designed to allow retention of the first one-inch of stormwater.
- (D) *Commercial off-street parking*. Off-street parking facilities shall be provided and maintained for all structures or premises being occupied or used in whole or in part for commercial activity as follows:
- (1) One parking space per each 200 square feet of retail or commercial gross leasable floor area.
 - (2) With the submission of an application for a business license for either a new business or a business that has expanded the occupancy load of the principle structure, changed use, or created additional occupant loads through other structures where permitting has been required by the city, a parking plan must be submitted with the application for approval by the designated city official. If the plan represents significant changes in parking, the plan may be determined to require site plan approval by the mayor and council.
 - (3) Restaurants, nightclubs, beer parlors and similar establishments shall provide one parking space for each four seats based on a maximum seating capacity of 15 square feet per person plus one space for each two employees. Maximum seating capacity is calculated on the entire seating square footage including outdoor seating area.
 - (4) A miniature golf course shall provide one parking space for every two holes.
 - (5) Hotels, motels:
 - a. One parking space for each guest unit without a kitchen facility.
 - b. Two parking spaces for each guest unit with a kitchen facility.
 - c. Two parking spaces for each manager's unit.
 - d. One parking space per each 200 square feet of retail or commercial gross leasable floor area.
 - e. One parking space for every two employees.
 - f. One designated delivery/loading zone.
 - g. Recreational vehicle overnight connection facilities are prohibited.
 - (6) For all uses, a rack able to accommodate eight bicycles may be substituted for one required standard parking space.
 - (7) Maritime District.

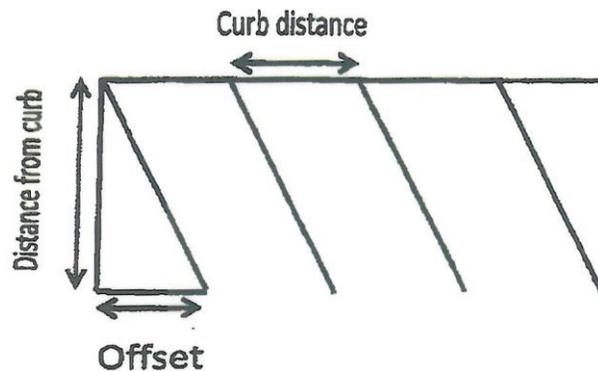
- a. Parking shall be in conformance with the off-street requirements of the uses referenced in this section and the required dimensions of [section 3-090](#)
- b. Dock operators must provide one parking space for every 20 linear feet of each side of dock designated for recreational boaters. Docks leased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

(E) *Off-street parking dimensions.*

| Standard | Aisle Width | Parking Angle | Traffic Direction |
|-------------|-------------|---------------|--------------------|
| 8 x 20 feet | 12 feet | Parallel | One-way |
| 8 x 20 feet | 24 feet | Parallel | Two-way |
| 9 x 18 feet | 15 feet | 45 degrees | One-way |
| 9 x 18 feet | 18 feet | 60 degrees | One-way |
| 9 x 18 feet | 24 feet | 60 degrees | Two-way |
| 9 x 18 feet | 22 feet | 75 degrees | One-way |
| 9 x 18 feet | 24 feet | 90 degrees | One-way or Two-way |

Dimensions of angle parking spaces.

| Angle | Distance from curb | Curb distance | Offset |
|-------|--------------------|---------------|--------|
| 45 | 15' | 12' 7" | 15' |
| 60 | 16' | 10' 4" | 9' |
| 75 | 17' | 9' 4" | 4' 6" |
| 90 | 18' | 9' | 0 |



(F) *Exemptions from off-street parking requirements.*

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