

**ORDINANCE NO. 08- 2024**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES INCLUDING ORDINANCES IN THE LAND DEVELOPMENT CODE ZONING INCLUDING CHAPTER 4 SECTIONS 4-050.1 ADDRESSING SHORT TERM RENTAL PROPERTIES AND OTHER ORDINANCES SO AS TO ADDRESS THE EXPIRATION OF SHORT TERM RENTAL PERMITS IN CONNECTION WITH OWNERSHIP CHANGES AND TRANSFERS OF RELATED INTEREST BY OWNERS WITH PERMITS AND THE PROHIBITIONS OF ANY NEW PERMITS THEREAFTER FOR THE PROPERTY TO WHICH THE PRIOR PERMIT EXISTS, AFTER PUBLIC HEARINGS AND SUITABLE INPUT AND TO CLARIFY THAT NO TRANSFER OF A PERMIT IS POSSIBLE WITH THE SALE OF A RESIDENCE AND TO PROVIDE FOR THE CESSATION OF A PERMIT WITHIN ZONE R1, R1B and R2 WITHIN THE CITY, TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL INCONSISTENT ORDINANCES AND TO PROVIDE FOR CODIFICATION FOLLOWING ANY NECESSARY EDITS AND FOR OTHER PURPOSES**

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

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

WHEREAS the governing authority desires to adopt ordinances under its police, home rule and zoning powers granted to municipal and local governments under the State Constitution; and

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

WHEREAS the Council desires to make changes to the existing ordinances which permit new owners of previously permitted properties to apply to acquire permits for locations in Zones R1, R1B and R2 (hereinafter collectively referred to

as the “Residential Districts”) more appropriate measures should be adopted applicable to these properties upon transfer: and

Whereas the City of Tybee Island (the City) desires to reduce the number of short-term rentals in the Residential Districts; and

WHEREAS, to reduce short term rentals in Residential Districts, the City considers the best course of action to be to prohibit transfer or reissuance of STR permits upon sale or other transfer of the properties to which they apply; and

WHEREAS following public hearings as required by law, the Mayor and Council hereby ordain, and it is hereby ordained that the code of ordinances will be amended so as to provide as provided below; and

It is hereby ordained by the governing authority of the City of Tybee Island as follows:

### **SECTION 1**

As to properties in the Residential Districts only, upon the “Transfer” defined below, of an “STR Property” defined below, whether or not disclosed pursuant to section 3(a) below, the “STR permit”, defined below, for that STR Property shall terminate and be of no further force or effect and such terminated STR permit shall not be assigned, transferred or renewed, and no permit shall be issued in its place; and no application to secure or renew an STR permit for such location shall be submitted or accepted by the City. LDC section 4-051.11 shall have no application to STR Properties or STR permits in the Residential Districts (R-1, R-1-B and R-2).

### **SECTION 2**

“STR permit” shall mean a permit or right to conduct short term rental in the Residential Districts granted or renewed pursuant to LDC sections 4-051.2, 4-051.3 or 4-051.11.

“STR Property” shall mean each residence, structure or building in the Residential Districts for which a current “STR permit” has been issued, granted or renewed.

“Short term rental” shall mean:

(b) “Short-term rental” means an accommodation for guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time less than 30 consecutive days. Such

use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types. This is also identified as “STR”. This shall exclude bed and breakfast accommodations as they are currently defined by the City of Tybee’s land development code. However, bed and breakfast establishments are required to have occupational tax certificates, and to pay taxes and fees as required by law or ordinance.

“Transfer” shall mean 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; provided, however that, in the event a STR Property is owned in whole or part in cotenancy 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.

### SECTION 3

(a) The form of the application for the renewal of an STR permit (the “Application”) shall require disclosure of 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. Further the form of the Application to be filed in 2025 shall require disclosure of each Transfer of the subject property which occurred after the “effective date” of this Ordinance; and after 2025 the Application shall require disclosure of each Transfer which occurred in the immediately preceding calendar year.

(b) In conducting any audit under the verification program and policy referred to in LDC section 4-051.10 or any other investigation of compliance by one or more STR properties, such audit or investigation by the City shall, if appropriate, 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 Zillow or other publicly accessible or available private sources.

(c) Upon becoming aware of the occurrence of a possible Transfer whether because of a disclosure in an Application pursuant to section 3(a) above or because of an audit or investigation referred to in section 3(b) above or for any other reason,

the City shall notify the owner of the STR Property involved of the Transfer and the resulting termination of That STR Property's STR permit. Such notice shall be mailed by regular and certified return receipt mail to the address of the owner or the owner's manager supplied in that STR Property's most recent Application. The owner shall have 20 days from the date such notice was mailed to refute the occurrence of a Transfer and to contest the termination of the STR permit by a written notice to the city manager. A hearing will be held before the city manager or the manager's designee within 7 business days unless otherwise agreed upon in writing to a future specific date no more than 30 days thereafter. Following the hearing, the manager or the manager's designee will make a written determination within 3 business days. The Provisions hereof relating to hearings may become subject to future code amendments providing for code enforcement hearings applicable to zoning and other codes.

#### SECTION 4

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 5

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

#### SECTION 6

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 7

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

This Ordinance shall become effective on 13 day of June, 2024.

ADOPTED THIS 13 DAY OF June, 2024.

  
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MAYOR

ATTEST:

  
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CLERK OF COUNCIL

FIRST READING: 5/30/24  
SECOND READING: 6/13/24  
ENACTED: 6/13/24