

**OWNERSHIP AND BLDG PERMIT PRIOR TO MORATORIUM  
INCLUDE EXTENSIVE RENOVATIONS**

**ORDINANCE NO. 2023-15A**

**ENTITLED:**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES RELATING TO ABILITY TO APPLY AND OBTAIN FOR A SHORT-TERM RENTAL PERMIT FOR APPLICANTS HOLDING A BUILDING PERMIT FOR NEW CONSTRUCTION OR EXTENSIVE RENOVATIONS AT THE TIME OF ADOPTION OF THE MORATORIUM TO PROVIDE A DEFINITION OF “EXTENSIVE RENOVATIONS” AND TO PROVIDE FOR PROCEDURES FOR ADDRESSING REQUESTS FOR POSSIBLE RELIEF, TO REPEAL CONFLICTING OR INCONSISTENT ORDINANCES AND TO ESTABLISH AN EFFECTIVE DATE**

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

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

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

WHEREAS, Council adopted a moratorium resolution on August 26, 2021 which resolution prohibited the issuance of any new Short-Term Rental (“STR”) permits; and

WHEREAS, such resolution was thereafter modified to only apply to properties in R-1, R-1-B and R-2 Zoning Districts; and

WHEREAS, at the time of adoption of the moratorium certain persons or entities had obtained building permits for either new construction or extensive renovations to existing properties which were to be ultimately used as STR properties; and

WHEREAS, these persons or entities who obtained their building permits prior to the moratorium being entered and who had expectations of being able to obtain an STR permit under the rules and ordinances then in place; however, since the properties were under construction and/or improvements to the extent they were not eligible for certificate of occupancy or for other reasons were unable to apply for a STR permit; and

WHEREAS, an inequitable result could potentially occur if these persons were not permitted to apply for an STR permit and it is the intention of the Mayor and Council to address such possible result where circumstances warrant relief;

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

### **SECTION 1**

#### **Certain Building Permit Holders Ability to Obtain STR Permit.**

As of the time the moratorium resolution addressing short-term rentals was adopted on August 26, 2021, any person holding a valid building permit for construction or renovation of a property in R-1, R-1-B, or R-2 district intended to be used as a STR may apply for an STR permit. Such applicant must establish eligibility for an STR permit under all applicable codes and regulations and must submit their application for an STR permit within six months of the issuance of the Certificate of Occupancy or other official notification that the construction and/or renovations have been completed and passed all applicable required inspections, or within six months of the adoption of this ordinance. In order to be considered for a permit, the applicant must show: 1) the building permit was in place prior to August 26, 2021; 2) the construction and/or renovation was such that no certificate of occupancy for the location could be secured and no certificate of occupancy in fact was possible due to the renovations; and, 3) the applicant demonstrates by a preponderance of the evidence that the intention was to use the property for a STR by way of records or documents including contracts with agents or Market Place Innkeepers for anticipated rentals intended upon completion of the repairs or construction, or any other evidence the applicant contends supports the intention to establish a STR at the location.

## **SECTION 2**

In regard to applicants claiming “extensive renovations”, extensive renovations shall mean improvements that cost in excess of fifty percent (50%) of the pre-renovation of the value of the structure (residence) to which the application applies. Therefor extensive renovations shall mean the same as a “substantial improvement” under the Flood Damage Prevention Ordinance (Article 8) to the extent that such definition would be consistent with the purpose hereof. That is, in order for a renovation to allow an application for a Short-Term Rental permit, the renovation permit must have been issued prior to the August 26, 2021 moratorium and shall have included or ultimately included repairs, reconstruction, alteration or improvements to a structure taking place during a one-year period in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of the construction of the improvement. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement.

## **SECTION 3**

City staff will investigate any such application to determine the existence and nature of the building permit as compliance with the above requirements and report to the Mayor and Council thereon. The Mayor and Council shall make all determinations hereunder.

## **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.

## **SECTION 5**

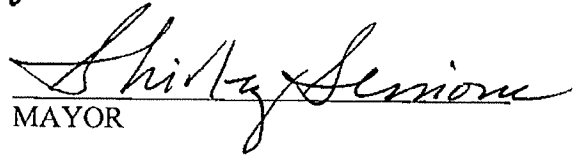
All ordinances and parts of ordinances in conflict herewith are expressly repealed.

**SECTION 6**

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 22 day of June, 2023.

ADOPTED THIS 22 DAY OF June, 2023.

  
MAYOR

ATTEST:

  
CLERK OF COUNCIL

FIRST READING: 6/9/23  
SECOND READING: 6/22/23  
ENACTED: 6/28/23



- 572-582 Ownership and Bldg Permit Prior to Moratorium Include Extensive Renovations 6-13-2023
- 572-582 Ownership and Bldg Permit Prior to Moratorium W-O Public Hearings Include Extensive Renovations 5-31-2023
- 572.582 Ownership and Bldg Permit Prior to Moratorium W-O Public Hearings 2/15/2023
- 572.582 Equitable Considerations - Building Permit Without Public Hearings
- 572.582 Equitable Considerations - Public Hearings 2/9/2023
- 572.582 Equitable Considerations - 1/4/2023