

House Bill 548

By: Representatives Buckner of the 130<sup>th</sup>, Thomas of the 100<sup>th</sup>, Porter of the 143<sup>rd</sup>, Reece of the 11<sup>th</sup>, Benfield of the 85<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to the Jekyll Island—State Park Authority, so as to provide legislative  
3 findings and declarations; to define certain terms; to restrict development of certain portions  
4 of Jekyll Island; to require the authority to adopt and enforce certain restrictions and  
5 requirements on construction of major facilities; to require the authority to impose  
6 restrictions and requirements on amounts of impervious surfaces on the island; to require the  
7 authority to impose certain restrictions and requirements on golf courses; to require the  
8 authority to impose certain restrictions and requirements on irrigation; to require the  
9 authority to impose certain height restrictions on buildings; to require the authority to impose  
10 certain restrictions on the number of housing units; to provide an effective date; to provide  
11 that certain contracts shall not be impaired; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 The Georgia General Assembly finds and declares that Jekyll Island is home to some of the  
15 state's most treasured natural resources, and the island is a vital area recognized by this body  
16 as "Georgia's Jewel." It is the expressed intent of this body to protect and preserve these  
17 natural resources, the environment of the island, and its land and water areas and make them  
18 available for the enjoyment of all Georgians now and for future generations to come.  
19 Accordingly, this Act is enacted pursuant to Article III, Section VI, Paragraph II(a)(2) of the  
20 Constitution.

21 **SECTION 2.**

22 Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,  
23 relating to the Jekyll Island—State Park Authority, is amended by revising subsection (a) of  
24 Code Section 12-3-243, relating to subdivision, improvement, lease, or sale of Jekyll Island

1 by the Jekyll Island—State Park Authority, authority powers generally, disposition of  
2 proceeds of sale, creation of reserve fund, and signing conveyances, as follows:

3 "(a)(1) The authority is empowered to survey, subdivide, improve, and lease or sell to the  
4 extent and in the manner provided in this part, as subdivided and improved, not more than  
5 35 percent of the land area of Jekyll Island which lies above water at mean high tide,  
6 provided that the authority shall in no way sell or otherwise dispose of any riparian rights;  
7 and provided, further, that the beach areas of Jekyll Island will never be sold but will be  
8 kept free and open for the use of the people of the state.

9 (2)(A) The authority shall not survey, subdivide, improve, lease, sell, develop, or  
10 otherwise cause a project to be constructed on the 65 percent of the land area of Jekyll  
11 Island which the authority is not empowered to survey, subdivide, improve, and lease  
12 or sell pursuant to paragraph (1) of this subsection; provided, however, that nothing in  
13 this ~~paragraph~~ subparagraph shall be construed as to require the removal of any  
14 improvement on such land area which was completed on March 14, 1995.

15 (B) All of that portion of Jekyll Island lying south of 31 degrees, 1 minute, 34 seconds  
16 North latitude as such latitude is depicted on the 1993 USGS topographic survey 7.5  
17 minute series quadrangle map shall always be included within the 65 percent of the land  
18 area of Jekyll Island which the authority is not empowered to survey, subdivide,  
19 improve, and lease or sell pursuant to paragraph (1) of this subsection; provided,  
20 however, that nothing in this subparagraph shall be construed as to require the removal  
21 of any improvement on such land area which was completed prior to the effective date  
22 of this subparagraph; and provided, further, that this subparagraph shall not prohibit the  
23 construction and use of any public bicycle trails or nature trails on such land area by the  
24 authority.

25 (C) Any buffer area of undisturbed land that is required by other law or regulation shall  
26 be considered as in addition to the 65 percent of the land area of Jekyll Island which the  
27 authority is not empowered to survey, subdivide, improve, and lease or sell pursuant to  
28 paragraph (1) of this subsection."

### 29 SECTION 3.

30 Said part is further amended by adding new Code sections to read as follows:

31 "12-3-243.2.

32 (a) As used in this Code section, the term:

33 (1) 'LEED silver standard' means the United States Green Building Council Leadership  
34 in Energy and Environmental Design green building rating standard referred to as silver  
35 standard.

1 (2)(A) 'Major facility project' means a construction or reconstruction project larger than  
2 5,000 gross square feet of occupied or conditioned space.

3 (B) 'Major facility project' does not include:

4 (i) Specific projects for which the authority and the project design team agree that the  
5 sustainability standards are not practicable; or

6 (ii) Transmitter buildings, pumping stations, or other similar building types as  
7 determined by the authority.

8 (3) 'Sustainability standards' means the LEED silver standard or some other building  
9 standards that provide environmental and sustainability standards substantially equivalent  
10 to or exceeding the LEED silver standard.

11 (b)(1) Not later than July 1, 2007, the authority shall approve and adopt, and may amend  
12 thereafter, sustainability standards.

13 (2) On and after July 1, 2007, the authority shall not authorize the construction on Jekyll  
14 Island of any new major facility the design and construction of which does not meet or  
15 exceed the requirements of the sustainability standards of the authority.

16 12-3-243.3.

17 On and after the effective date of this Code section, the authority shall not authorize any  
18 new or additional development of any lot or parcel of land which would cause more than  
19 15 percent of the area of such property to be covered by a surface that is impervious to  
20 water.

21 12-3-243.4.

22 (a) As used in this Code Section, the term 'Certified Audubon Cooperative Sanctuary'  
23 means a golf course which has been certified as such by Audubon International under the  
24 Audubon Cooperative Sanctuary Program for Golf Courses.

25 (b) On and after the effective date of this Code section, the authority shall require that any  
26 new golf course constructed on Jekyll Island shall become a Certified Audubon  
27 Cooperative Sanctuary not later than three years after the date on which the first golf game  
28 is played on such course.

29 (c) The authority shall require that any golf course constructed on Jekyll Island prior to the  
30 effective date of this Code section shall become a Certified Audubon Cooperative  
31 Sanctuary not later than three years after the effective date of this Code section.

32 (d) The authority shall require that no golf course or commercial property in use on Jekyll  
33 Island on or after three years following the effective date of this Code section shall use  
34 potable water for irrigation.

1 12-3-243.5.

2 On and after the effective date of this Code section, the authority shall not authorize the  
3 construction of any new building or reconstruction or modification of any existing building  
4 which would result in the highest point of such building exceeding 35 feet above the lowest  
5 ground elevation at the site.

6 12-3-243.6.

7 On and after the effective date of this Code section, the authority shall not authorize the  
8 construction of any new building or reconstruction or modification of any existing building  
9 which would cause the total number of residential housing units on the island to exceed  
10 1,500."

11 **SECTION 4.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law  
13 without such approval.

14 **SECTION 5.**

15 Nothing in this Act shall be construed to impair the obligation of any valid contract entered  
16 into prior to the effective date of this Act; provided, however, that this Act shall apply to any  
17 extension or renewal of any such contract on or after such date.

18 **SECTION 6.**

19 All laws and parts of laws in conflict with this Act are repealed.