Chapter E. Protection of Natural Features and Resources (Environmental Management)

Article IX: Sea Level Rise Resilience

Section 1: Title

A. This Article, as the same shall be amended from time to time, shall be known as the "Sea Level Rise Resilience Ordinance."

Section 2. Findings of Fact.

A. Environmental changes are expected to increase global sea levels.

B. The National Oceanic and Atmospheric Administration (NOAA) published a report on the latest science on sea level rise entitled Global and Regional Sea Level Rise Scenarios for the United States (2017), NOAA Technical Report NOS CO-OPS 083, hereinafter referred to as the "NOAA Global and Regional Sea Level Rise Report" or the "NOAA Report."

C. The NOAA Global and Regional Sea Level Rise Report defines six sea level rise scenarios that encapsulate the most likely sea level rise scenarios, described as follows: Low Scenario (0.3 meters by 2100), Intermediate-Low Scenario (0.5 meters by 2100), Intermediate Scenario (1.0 meters by 2100), Intermediate-High Scenario (1.5 meters by 2100), High Scenario (2.0 meters by 2100), and Extreme Scenario (2.5 meters).

D. Rising sea levels threaten coastal communities across the nation and worldwide, including Jekyll Island. These threats will come in multiple forms including, but not limited to: flooding from regular tidal actions, saltwater and groundwater intrusion into drainage systems that reduces system capacity, higher storm surges, increased coastal erosion, increased groundwater tables and resulting surface inundation and the loss of infiltration capacity, and the degradation of underground infrastructure.

E. To secure the future safety and prosperity of Jekyll Island State Park, it is necessary to incorporate projections of future sea level rise into the planning and development guidelines and regulations of this community, ensuring that future development, public infrastructure, and conservation projects incorporate projections of sea level rise.

F. There exists a strong scientific consensus that global climatic changes will result in sea level rise throughout the rest of the century and for centuries to come, but some uncertainty exists as to the rate of this increase in the coming years and timing of specific impacts associated with the increasing tidal heights.

G. For long-term planning, infrastructure development, land development purposes, and other general purposes, the Georgia Department of Natural Resources – Coastal Resources Division and the University of Georgia Carl Vincent Institute of Government recommend that the Intermediate-High Scenario for increases of GMSL represents a scientifically sound estimate of future sea level rise for which there is a very low probability that it will be exceeded, and that accounts for estimated variability that will be caused by regional variation, and therefore that will allow the Authority to plan for and build a safe and resilient future.

H. Implementing buffers around tidally influenced areas provides a simple mechanism for increasing the resilience of new buildings and infrastructure to the impacts of future sea level rise.

Section 3. Statement of Purpose.

A. To increase long-term community resilience, preserve public safety, and minimize public and private property losses due to flooding and storm damage, and to minimize other negative impacts associated with rising sea levels, this ordinance shall require the use of future sea level rise projections in future plans, regulations, ordinances, policies, public infrastructure and facilities planning and construction, and other public decisions. Specific decisions may require the use of other projections or estimates, particularly for critical infrastructure and facilities that need a higher standard of protection or where the project's design life warrants the use of a different standard.

B. In addition, this ordinance creates a buffer around all tidally influenced waters to create a minimum level of safety for new buildings as well as public and private infrastructure that would be damaged by future inundation from future tides or flooding events.

Section 4. Using Sea Level Rise Projection Data.

A. The sea level rise projections in the Table 5A below shall be used for all policy, planning, design, and regulatory purposes that require the Authority or its staff to consider tide levels. The appropriate sea level rise increment shall be added to the current Mean-Higher-High-Water level (MHHW), as defined by NOAA, which shall establish the relevant tide line for the relevant plan, permit, ordinance, or other purpose. Where appropriate, additional tidal data should also be considered, such as the height of spring tide events in the area. The appropriate increments shall be identified by determining the relevant planning horizon or the design life of the potentially affected project and selecting the relevant decade in which that end-date occurs. These sea level rise increments shall follow the most recently updated GMSL Intermediate-High GMSL Scenario.

Table 5A: Sea Level Rise Projections

Intermediate-High GMSL Scenario	2030	2040	2050	2060	2070	2080	2090	2100
Meters	0.19	0.30	0.44	0.60	0.79	1.0	1.2	1.5
Feet	0.62	0.98	1.44	1.97	2.59	3.28	3.94	4.92

Section 5. Enhanced Buffer Requirements.

A. To limit the exposure of future buildings and infrastructure, including new roads and utilities, all new construction shall take place at least seventy-five (75) feet landward of the mean higher-high water mark along all tidally influenced waters, or, where coastal marshlands exist as described in the State of Georgia's Coastal Marshland Protection Act, all new construction shall take place at least seventy-five (75) feet from the edge of the marsh.

B. If a proposed construction project is rendered infeasible by the establishment of this buffer, the Authority may grant a variance from the requirements of this ordinance if the applicant for the variance can establish the following:

1. That this requirement represents an unnecessary hardship.
2. That a practicable reduction in the scale of the project will not avoid the need for a variance.
3. The portions of the project to be built in the buffer areas will be designed and constructed to limit the potential impacts of future flooding.

C. This buffer shall not apply to the following:

1. The maintenance, repair, or renovation of existing buildings, infrastructure, or historic resources, as approved by the Authority.
2. The legally permitted construction of buildings or infrastructure approved by the Authority but not yet constructed prior to this ordinance taking effect.
3. Construction within the footprint of the developed land associated with the Jekyll Island Wastewater Treatment facility as identified in the most current version of the Jekyll Island Master Plan.
4. Land-management activities, maintenance of public green spaces and associated public facilities and services, and other activities not related to permanent construction.
5. The construction of parks, trails, boardwalks, and other structures related to outdoor recreation, environmental education, or similar public pursuit.

6. Temporary construction associated with events, film production, or other legally permitted purpose approved by the Authority.

D. Applications for a buffer variance shall be presented in writing to the Authority to be reviewed by the Design Review Group and considered for approval by the Executive Director or their designee. Applications must state the rationale for the variance request and demonstrate how failure to receive a variance will cause undue hardship on the applicant.

Section 6. Severability.

A. If any section of this code section is declared unconstitutional or otherwise invalidated by any court of competent jurisdiction, then it is expressly provided that the remaining portions of this section that are not so invalidated are severable and shall remain in full force and effect.