

## Chapter E. Protection of Natural Features and Resources

### Article XXX: Greenspace Preservation

#### Section 1: Generally

- A. *Purpose and Intent.* The purpose of this Article is to provide for the creation, preservation and maintenance of certain open spaces, including golf courses and related facilities, and other unimproved areas on Jekyll Island as greenspaces for low-impact recreational activities, wildlife habitats and natural resource conservation areas. It is the intent of the Authority to permit and encourage recreational, educational, natural resource conservation uses and related activities within these areas while discouraging commercial and residential development that tends to detract from those uses and activities.
- B. *Findings.* The Authority finds that creating and maintaining greenspaces provides a substantial benefit to the Jekyll Island State Park and supports the mission and purpose of the Authority by:
1. increasing outdoor recreation, natural resource conservation, and educational opportunities for visitors and residents;
  2. providing for connectivity and diversity of wildlife habitats;
  3. alleviating vehicle congestion and facilitating community connectivity on Jekyll Island through increased pedestrian and cyclist routes;
  4. promoting flood resilience and stormwater management by preserving the pervious, vegetated, and predominantly unimproved character of open spaces and unimproved lands;
  5. reducing potential overdevelopment and addressing carrying capacity concerns by limiting designated areas to certain recreation and conservation uses and related improvements and structures; and,
  6. mitigating adverse impacts to water quality, soil stability, tree canopy and vegetative cover for the management of stormwater.

#### Section 2. Definitions.

- A. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section:
1. *Educational Facility* means a public or private building or structure and any adjacent accessory use areas, the primary purpose or use of which is the offering of classes, services, programs or presentations of academic, scientific or technical education, instruction or research.
  2. *General Recreation* means outdoor activities and uses fostering constructive,

restorative, and pleasurable human health benefits and requiring minimal facilities and impacts to cultural, environmental, or scientific values within the recreational area, including, for example, running, walking, hiking, cycling, picnicking, fishing, organized or individual sports and games, wildlife observation and related improvements, facilities and structures.

3. *Golf Course* means areas of land, including supporting and related buildings, equipment, facilities, improvements and structures, that are designed and used primarily for the game of golf in a series of holes each including at minimum a tee, fairway and putting green.
4. *Greenspace* means lands and waters characterized predominantly by open or unimproved vegetated areas, inclusive of any supporting or accessory structures and facilities, that are set aside for aesthetic, cultural, ecological, environmental, recreational, or social purposes.
5. *Natural Resource Management* means the passive or active management, study, conservation, cultivation, preservation and restoration of native plant and wildlife species and habitats through methods that may include, but are not limited to, planting, invasive species control, mowing, prescribed fire, and topographic or hydrologic engineering.
6. *Public Utility Facility* means any equipment, improvement, structure, system or device used to provide water, sanitary sewer, electric power, natural or propane gas, or similar utility services by an entity that provides a municipal or public utility service, regardless of whether such entity is regulated by the Georgia Public Service Commission, including without limitation, any cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, transformer station, relay substation or similar structure.
7. *Special Event* means a public or private gathering of limited duration including without limitation, art exhibitions, banquets, business meetings, competitions, festivals, music concerts, fundraisers, parties, receptions, theatrical performances, shows, sporting events, weddings and similar events.
8. *Telecommunications Facility* means any equipment, system or device used to transmit, receive, produce or distribute a signal for telecommunications purposes via wireline, electronic or optical means, including without limitation cable, line, fiber, wire, conduit, innerduct, access manhole, handhole, tower, hut, pedestal, pole, box, transmitting equipment, receiving equipment, power equipment, and similar related equipment and devices.

### **Section 3. Creation of Greenspace Preservation District.**

There is created a Greenspace Preservation District (the “GP District”) within Jekyll Island. The GP District boundaries are more particularly shown on Figure 1 of this Article :

**Section 4. Prohibition on Uses and Improvements within the GP District.**

- A. No use, activity, improvement or structure will be permitted within the GP District except in accordance with this Article.
- B. The prohibition contained in this Section [4(A)] will not be construed to prohibit the commencement, creation, erection or maintenance of any use, activity, improvement or structure related to the game of golf.

**Section 5. Permitted Uses and Improvements within the GP District.**

- A. The following uses shall be permitted within the GP District:
  - 1. General Recreation;
  - 2. Golf Courses;
  - 3. Greenspaces;
  - 4. Installation and maintenance of underground Public Utility Facilities;
  - 5. Installation and maintenance of underground Telecommunications Facilities;
  - 6. Natural Resource Management;

**Section 6. Conditional Uses and Improvements within the GP District.**

- A. The following uses may be permitted by the Authority within the GP District:
  - 1. Educational Facility;
  - 2. Public Utility Facility, provided that any building or structure
    - i. Will be enclosed by a fence or wall between six feet and ten feet in height above finished grade;
    - ii. Will be enclosed by a planted native vegetative buffer of not less than five feet in depth and six feet in height and suitably maintained throughout the duration of such use or facility; and
    - iii. Will not permit the storage of vehicles or heavy equipment.
  - 3. Special Events; and,
  - 4. Telecommunications Facility.
- B. Application for Conditional Uses and Improvements. Any person desiring to conduct any use or make any improvement listed in Section [6(A)] within any portion of the GP District must first submit to the Authority an application for such use or improvement on such forms as the Authority may require along with a reasonable application fee as established

from time to time by the Authority in its discretion, such fee not to exceed \$500.00 per application. In evaluating such application, the Authority will consider, in addition to any customary criteria for evaluating event requests on Jekyll Island, the impact of the proposed use, activity or improvement on the GP District and its suitability in light of the purposes and intent of this Article.

**Section 7. Authorized Uses Subject to Applicable Laws.**

- A. Any uses, activities, improvements and structures authorized pursuant to Sections [5 and 6] this Article will be subject to all applicable laws, including these Ordinances and the Jekyll Island Master Plan, and additional conditions, rules or regulations established or amended by the Authority from time to time. Nothing in this Article shall operate to relieve any person of the obligation to obtain any approval, certification, license, permit or similar authorization required or otherwise provided for by applicable laws.
- B. Nothing in this Article shall limit or otherwise affect any right of the Authority, or any concessionaire, lessee, licensee, vendor or other designee of Authority, to charge and collect fees related to its programs or services not prohibited by applicable laws, including without limitation, cart rental fees, greens fees, parking fees, tour fees, user fees and any other fees or charges.
- C. Nothing in this Article shall operate to alter, amend, modify or convert any designations or uses of lands established by the Jekyll Island Master Plan nor any authorizations, rights or obligations of the Authority respecting the same.

**Section 8. Violations, Penalties and Enforcement.**

- A. It shall be unlawful for any person to knowingly make use of or impact any portion of the GP District except in accordance with this Article and with the terms and conditions of any written authorization or approval issued pursuant to this Article.
- B. Any person found in violation of any provision of this Article] shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed \$1,000.00 or by imprisonment for a term not to exceed 60 days, or by both fine and imprisonment, plus costs and any non-monetary penalties, to be imposed at the discretion of the judge or as otherwise provided by law. Each day such violation continues shall be a separate offense.
- C. Members of the Uniform Division of the Department of Public Safety and individuals designated by the Authority may enforce the provisions of this Article by citation as provided generally for the prosecution of these Ordinances.
- D. Nothing herein contained shall prevent the Authority from taking such other actions it determines necessary or prudent in its discretion to prevent or remedy any violation or threatened violation where such actions are not prohibited by applicable laws. The

Authority shall also have the right to enforce compliance with the provisions of this Article by all legal or administrative means, including without limitation, by filing an action in any court of competent jurisdiction to enjoin such unauthorized use or improvement.

- E. No authorization or approval for any use or improvement permitted under Section [6(A)], nor any expansion or modification of any such authorization or approval, may be issued to any person in violation of applicable laws, including these Ordinances, unless and until such violation has been corrected.

**Section 9. Severability.**

The provisions of this Article are severable, and if any of its provisions shall be held unconstitutional, illegal or otherwise unenforceable by any court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions. Insofar as the provisions of this Article are inconsistent with the provisions of any other ordinance, the provisions of this Article shall control within the GP District.



Figure 1

