

Amend the LDC as follows:

2.03.06 Planned Unit Development Standards

H. Golf course conversions. Golf courses within a PUD shall adhere to the process established in LDC section 5.05.15 prior to converting to another use.

# # # # # # # # # # # # #

5.05.15 Golf Courses Conversion process

A. Purpose and Intent. The purpose of this section is to address the impact of golf course conversion on real property by requiring outreach with stakeholders during the design phase of the conversion project and specific development standards to ensure compatibility with the existing land uses. The following process shall be completed prior to the submittal of a conversion application as provided for below. For the purposes of this section, property owners within 1,000 feet of a golf course or who own property within a golf course master planned community shall hereafter be referred to as stakeholders.

1. Stakeholder outreach process. The intent of this section is to provide a process to cultivate consensus between the applicant and the stakeholders on the proposed conversion. In particular, this section is designed to address the conversion of golf courses surrounded, in whole or in part, by residential uses or lands zoned residential.

2. Development standards. It is the intent of the specific development standards contained herein to encourage the applicant to propose a conversion project with land uses and amenities that are compatible and complementary to the existing neighborhoods. Further, the applicant is encouraged to incorporate input provided by stakeholders into the development proposal.

B. Applicability. The following zoning, SRAA, and compatibility design review petitions, collectively referred to as "conversion applications" hereafter, shall be subject to LDC section 5.05.15. A conversion application shall be required when an applicant seeks to change a developed golf course to a non-golf course use. However, golf courses zoned Golf Course and Recreational Uses (GC) that utilize a permitted, accessory, or conditional use established in LDC section 2.03.09 shall be exempt from the conversion process.

1. Zoning actions. This section applies to a golf course developed on lands zoned PUD or non-PUD for which a zoning change is sought.

2. SRAAs. This section applies to a golf course developed on lands within a SRA that for which a change the context zone is sought.

3. Compatibility design review. This section applies to a golf course developed on lands zoned PUD or non-PUD or designated as a SRA for which an allowed non-golf course use within the existing zoning district or designation is sought.

C. Application process for conversion applications.

1. Intent to Convert application. The applicant shall submit an "Intent to Convert" application to the County prior to submitting a conversion application. The Intent to Convert application shall include a title opinion or ownership encumbrance report establishing there are no encumbrances on the property that prevent the land from being developed as proposed; the public outreach methods to be used to engage stakeholders at the Stakeholder Outreach Meetings consistent with the County's Guide to Golf Course Conversion; and the Developer's Alternatives Statement, as provided for below. The Administrative Code shall establish the submittal requirements for the "Intent to Convert" application.

- 1        2. Conversion application procedures. Following completion of the Stakeholder  
2        Outreach Meetings, (SOMs) the applicant shall file a land use petition with the  
3        County as follows:
- 4        a. Zoning actions. The applicant shall file a PUDA or rezone application,  
5        including the SOM report. No deviations to LDC section 5.05.15 shall be  
6        approved; further, deviations to other sections of the LDC shall be shared  
7        with the stakeholders at a SOM or NIM.
- 8        b. SRAA. The applicant shall file a SRAA application, including the SOM  
9        report. No deviations to LDC section 5.05.15 shall be approved; further,  
10       deviations to other sections of the LDC shall be shared with the  
11       stakeholders at a SOM or NIM.
- 12       c. Compatibility design review. The applicant shall file a compatibility design  
13       review of permitted and accessory uses application for review and approval  
14       by the Hearing Examiner, including the SOM report. No deviations to LDC  
15       section 5.05.15 shall be approved.
- 16       3. Developer's Alternatives Statement requirements.
- 17       a. Purpose and intent. The Developer's Alternatives Statement (DAS) is a tool  
18       to inform stakeholders and the County about the applicant's development  
19       options and intentions. It is intended to encourage communication,  
20       cooperation, and consensus building between the applicant, the  
21       stakeholders, and the County.
- 22       b. Alternatives. The DAS shall be prepared by the applicant and shall clearly  
23       identify the goals and objectives for the conversion project. The DAS shall  
24       address, at a minimum, the three alternatives noted below. The alternatives  
25       are not intended to be mutually exclusive; the conceptual development plan  
26       may incorporate one or more of the alternatives in the conversion project.
- 27       i. No conversion: The applicant shall provide a study examining the  
28       current and potential financial state of the golf course should no  
29       conversion occur. The study shall identify at a minimum:
- 30       a) Whether modifications to the existing acreage, design, or  
31       maintenance of the golf course and/or club house would  
32       allow for the golf course to continue operating; and
- 33       b) Whether a change in membership type (e.g. public vs.  
34       private) would allow the golf course to continue operating.
- 35       c) Whether any other uses allowed the district, tract or context  
36       are viable;
- 37       ii. County purchase: The applicant shall coordinate with the [County]  
38       to determine if there is interest to donate, purchase, or maintain a  
39       portion or all of the property for a public use, e.g. a greenway, public  
40       park, open space, civic use, or other public facilities. The applicant  
41       shall begin coordination with the [County] upon submittal of the  
42       "Intent to Convert" application. This section shall not require the  
43       County to purchase any lands.
- 44       iii. Conceptual development plan: The applicant shall prepare one or  
45       more conceptual development plans depicting the proposed  
46       conversion to share with the stakeholders at the SOM. The  
47       conceptual development plan shall include a narrative describing  
48       how the plan implements and is consistent with the goals and  
49       objectives identified in the DAS. The conceptual plan shall depict  
50       the existing and proposed land uses, including residential, non-  
51       residential, and preserve areas; existing and proposed roadway

1 and pedestrian systems; existing and proposed trees and  
2 landscaping; and the proposed location for the greenway, including  
3 any passive recreational uses. The narrative shall identify the  
4 intensity of the proposed land uses; how the proposed conversion  
5 is compatible with the existing surrounding land uses and any  
6 methods to provide benefits or mitigate impacts to the stakeholders.  
7 Visual exhibits to describe the conceptual development plan and  
8 any amenities, including the greenway, shall also be provided.

9 D. Development standards for zoning actions. The following are additional minimum design  
10 standards for conversion projects.

11 1. Previously approved **open space**. Golf course acreages dedicated to meet the  
12 minimum **open space** requirements for a previously approved project shall be  
13 retained as **open space** and shall not be included in **open space** calculations for  
14 any subsequent conversion projects.

15 3. Greenway. The purpose of the greenway is to retain an **open space** view, provide  
16 **passive recreational uses** for stakeholders, and support existing wildlife habitat.  
17 For the purposes of this section the greenway shall be identified as a continuous  
18 strip of undeveloped land set aside for **passive recreational uses**, such as: **open**  
19 **space**, nature trails, parks, playgrounds, golf courses, beach frontage, disc golf  
20 courses, exercise equipment, and multi-use paths. If general agreement is  
21 established among the stakeholders through vetting at the Stakeholder Outreach  
22 Meetings, as provided for in LDC section 5.05.15 D.3, other similar types of  
23 **passive recreational uses** may be approved by the Board. The greenway shall  
24 not include required **yards (setbacks)** of any individual lots.

25 a. The greenway shall be generally located along the perimeter of the  
26 proposed **development** and shall be **adjacent** to the existing properties  
27 located around the golf course. However, if general agreement is  
28 established among the stakeholders through vetting at the Stakeholder  
29 Outreach Meetings, as provided for in LDC section 5.05.15 D.3, a different  
30 design may be approved by the Board.

31 b. A minimum of 35 percent of the gross area of the conversion project shall  
32 be dedicated to the greenway with a minimum average width of 100 feet  
33 and no less than 75 feet at any one location.

34 c. The owner may not charge a fee for the use of the greenway.

35 d. The greenway may be counted towards the open space requirement for  
36 the conversion project as established in LDC section 4.02.00 except as  
37 noted in D.1 above.

38 e. Existing trees and understory (shrubs and groundcover) shall be preserved  
39 and maintained within the greenway. At a minimum, canopy trees shall be  
40 provided at a ratio of 1:2,000 square feet within the greenway. Existing  
41 trees may count toward the ratio; however, trees within preserves shall be  
42 excluded from the ratio.

43 f. No wall or fence shall be required between the greenway and the proposed  
44 development; however, should a wall or fence be constructed, the fence  
45 shall provide habitat connectivity to facilitate movement of wildlife in and  
46 around the greenway.

47 g. A portion of the greenway may provide stormwater management; however,  
48 the greenway shall not create more than [30] percent additional lake area  
49 than what exists pre-conversion. Any newly developed lake shall be a  
50 minimum of 100 feet wide.

- 1                    h. The applicant shall record a restrictive covenant in the County's official  
2                    records describing the use and maintenance of the greenway.
- 3                    3. Supplemental preserve provisions.
- 4                    a. Conversion projects with sporadic vegetation, e.g. isolated preserves less  
5                    than ½ acre and/or areas of native vegetation retention less than ½ acre  
6                    (including planted areas) which meet the criteria established in LDC section  
7                    3.05.07 A.4 may recreate up to 100 percent of required preserve area if  
8                    located within the greenway.
- 9                    b. The existing required preservation areas for a golf course shall be retained  
10                    and maintained as established in LDC section 3.05.07 B.1; however, 50  
11                    percent of the areas may be counted towards the required preserve area  
12                    for the conversion project if located within the greenway and made  
13                    available for **passive recreation** as allowed for in LDC section 3.05.07  
14                    H.1.h.
- 15                    4. Stormwater management requirements. The applicant shall demonstrate that the  
16                    stormwater management for the surrounding uses will be maintained at an  
17                    equivalent or improved level of service. This shall be demonstrated by a pre versus  
18                    post development stormwater runoff analysis.
- 19                    5. Floodplain compensation. Pursuant to LDC section 3.05.07 floodplain  
20                    compensations shall be provided.
- 21                    6. Soil and/or groundwater sampling. In addition to the soil and/or ground water  
22                    sampling requirements established in LDC section 3.08.00 A.4.d, the applicant  
23                    shall conduct soil and/or groundwater sampling for the pollutants as follows:  
24                    Managed turf, chemical storage/mixing areas, and maintenance areas (i.e.  
25                    equipment storage and washing areas, fueling and fuel storage areas) shall be  
26                    tested for organophosphate, carbamate, triazine pesticides, or chlorinated  
27                    herbicides. In addition, maintenance areas, as described above, shall be tested for  
28                    petroleum products. The County shall coordinate with the Department of  
29                    Environmental Protection where contamination exceeding applicable Department  
30                    of Environmental Protection standards is identified on site or where an  
31                    Environmental Audit or Environmental Assessment has been submitted.
- 32                    7. All other development standards. The conversion of golf courses shall be  
33                    consistent with the development standards in the LDC, as amended. Where  
34                    conflicts arise between the provisions in this section and other provisions in the  
35                    LDC, the more restrictive provision shall apply.
- 36                    E. Stakeholder outreach meetings (SOMs) for conversion applications. The SOMs are  
37                    intended to engage the stakeholders early in the conversion project and inform the  
38                    applicant as to what the stakeholders find important in the neighborhood, what is  
39                    considered compatible with the neighborhood, and what types of land uses they would  
40                    support added to the neighborhood. The applicant shall utilize *Collier County's Guide to*  
41                    *Golf Course Conversion: Public Outreach Methods and Usable Open Space Concepts* to  
42                    conduct the SOMs. An assigned County planner shall attend the SOM and observe the  
43                    process. The following is required of the applicant:
- 44                    1. Conduct a minimum of two in-person SOMs and a minimum of one web-based  
45                    visual survey on the proposed conceptual plan(s). The web-based survey web  
46                    address may be incorporated in the mailings notifying the stakeholders of the in-  
47                    person SOMs.
- 48                    2. Public notice of the SOMs as described in the Administrative Code [similar to NIM,  
49                    required court reporter/ MP3 or equivalent device for recording].
- 50                    3. At the SOM, the applicant shall provide information to the stakeholders about the  
51                    purpose of the meeting, including a presentation on the goals and objectives of the

1 conversion project, the alternatives established in the Developer's Alternative  
2 Statement, the greenway concept, as required, and the measures taken to ensure  
3 compatibility with the existing surrounding neighborhood. The applicant shall  
4 facilitate discussion on these topics with the stakeholders using a public outreach  
5 method identified in the County's Guide to Golf Course Conversion.

6 4. SOM report for conversion applications. After completing the SOMs the applicant  
7 shall prepare a SOM report. The report shall include a list of attendees, a  
8 description of the public outreach methods used, pictures from the meetings  
9 demonstrating the outreach process, results from outreach methods (as described  
10 in the County's Guide to Golf Course Conversion), and copies of the materials  
11 meeting used during the SOMs. The applicant shall also include a point-  
12 counterpoint list, identifying the input from the stakeholders and how and why it  
13 was or was not incorporated in the application. The report shall be organized such  
14 that the issues and ideas provided by the stakeholders are clearly labeled by the  
15 applicant in the list and application.

16 F. Staff report for conversion applications. In addition to the requirements established in LDC  
17 sections 10.02.08 and 10.02.13 B.3, or 4.08.07, the staff report shall evaluate the  
18 following:

- 19 1. Whether the applicant has met the requirements established in this section and  
20 development standards in the LDC. In particular, that the proposed design and  
21 use(s) of the greenway meet the purpose as described 5.05.15 C.2.i, as applicable.
- 22 2. Whether the SOM report and point-counterpoint list described above reflects the  
23 discussions that took place at the SOMs.
- 24 3. Whether the applicant incorporated input provided by the stakeholders, to the  
25 greatest extent feasible, to address impacts of the golf course conversion on real  
26 property.
- 27 4. Whether the applicant provided an explanation as to why input from the  
28 stakeholders was not incorporated.

29 G. Supplemental review and approval considerations for zoning actions.

- 30 1. Public Notice requirements. The applicant shall be responsible for meeting the  
31 requirements of LDC section 10.03.06 B or 10.03.06 M, as applicable. In addition,  
32 the installation and posting of signage required for the conversion project shall  
33 meet the requirements established in the Administrative Code.
- 34 2. Advisory Board recommendations. The report and recommendations of the  
35 Planning Commission and Environmental Advisory Council, if applicable, for the  
36 Board shall show the Planning Commission has studied and considered the input  
37 from the stakeholders in addition to findings established in LDC sections 10.02.08  
38 E and 10.02.13 B. In particular, attention shall be given to the design of the  
39 greenway, who is able to use the greenway and how it mitigates impacts to real  
40 property. The staff report for the Board shall include the Planning Commission's  
41 findings.

42 H. Compatibility design review. This section is intended address the impact of golf course  
43 conversion on real property by requiring the proposed design be reviewed for compatibility  
44 with the existing surrounding uses. This section shall apply to applicants subject to LDC  
45 section 5.05.15 B.2. For the purposes of this section, applicants shall submit a conceptual  
46 site plan or plat, as applicable, to be reviewed by the Hearing Examiner. The review shall  
47 be limited to the design of the proposed uses. The following is required:

- 48 1. Public Notice requirements. The applicant shall be responsible for meeting the  
49 public notice requirements established in the Administrative Code.
- 50 2. Public hearing. The Hearing Examiner shall hold at least one public quasi-judicial  
51 hearing to review the proposed conceptual site plan or plat, as applicable.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33

- 3. Review. The Hearing Examiner shall hear the petition following receipt of the staff report and application by the Office of the Hearing Examiner. At the public hearing, the Hearing Examiner shall review the application for compatibility measures as follows:
  - a. Input from the stakeholders was obtained in accordance with this section and incorporated, to the greatest extent feasible, into the proposed design.
  - b. The proposed design is compatible with the existing surrounding land uses.
  - c. A view of open space is provided, including, but not limited to the greenway concepts established in LDC section 5.05.15 D.
- 4. Recommendation. The Hearing Examiner shall provide a recommendation to the Board to approve, approve with conditions, or deny the compatibility measures within 30 days of the public hearing. If recommended for approval, approval with conditions, or denial, the recommendation shall specifically note the compatibility measures and the basis for their approval. A decision by the Hearing Examiner shall be rendered prior to the issuance of the approval letter by the County Manager or designee for the conceptual site plan or the recommendation of approval for the plat by the Board, as applicable.

**XX.XX.XX Design Standards for lands converted from a golf course**

- A. Design standards for lands converted from a golf course or for a permitted use within the GC zoning district shall be subject to the following design standards.
  - 1. Lighting. All lighting shall be designed to reduce light pollution. At a minimum, lighting shall be directed away from neighboring properties and all light fixtures shall be full cutoff with flat lenses.
  - 2. Setbacks. All non-golf course uses, except for the greenway, shall provide a minimum average 50-foot setback from lands zoned residential or with residential uses, however the setback shall be no less than 35 feet at any one location.

# # # # # # # # # # # # #