

Overview of changes:

- Modified the greenway provision as follows:
 - Purpose to retain open space view for stakeholders,
 - Purpose for it to support passive recreational uses (but not require it provide recreational uses for stakeholders)
 - Required only for residential stakeholders, i.e. not required along commercial property or roadways.
 - Added to the CCPC findings a consideration as to who is able to use the greenway.
 - Added to the Compatibility design review a consideration as to who can use the greenway.
- Corrected a cross section to 3.07.02 to require floodplain compensation if needed.
- Required the web based survey address to be included in the SOM mailings (consistent with the proposed Administrative Code provision).

Amend the LDC as follows:

2.03.06 Planned Unit Development Standards

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

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5.05.15 Conversion of Golf Courses

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 1. Zoning actions. This section applies to a golf course developed on lands zoned
2 PUD or non-PUD for a use that is not currently permitted, accessory, or conditional
3 in the zoning district or track for which a zoning change is sought.
- 4 2. SRAAs. This section applies to a golf course developed on lands within a SRA for
5 a use that is not currently permitted, accessory, or conditional in the context zone
6 for which the change is sought.
- 7 3. Compatibility design review. This section applies to a golf course developed on
8 lands zoned PUD or non-PUD or designated as a SRA for which an allowed non-
9 golf course use within the existing zoning district or designation is sought.

10 C. Application process for conversion applications.

- 11 1. Intent to Convert application. The applicant shall submit an "Intent to Convert"
12 application to the County prior to submitting a conversion application. The Intent
13 to Convert application shall include a title opinion or ownership encumbrance
14 report establishing there are no encumbrances on the property that prevent the
15 land from being developed as proposed; the public outreach methods to be used
16 to engage stakeholders at the Stakeholder Outreach Meetings consistent with the
17 County's Guide to Golf Course Conversion; and the Developer's Alternatives
18 Statement, as provided for below. The Administrative Code shall establish the
19 submittal requirements for the "Intent to Convert" application.
- 20 2. Conversion application procedures. Once the Stakeholder Outreach Meetings
21 (SOMs) are completed, as described in subsection 5.05.15 E below, an applicant
22 may proceed with a conversion by submitting a land use petition with the County
23 as follows:
 - 24 a. Zoning actions. The applicant shall file a PUDA or rezone application,
25 including the SOM report. No deviations to LDC section 5.05.15 shall be
26 approved; further, deviations to other sections of the LDC shall be shared
27 with the stakeholders at a SOM or NIM.
 - 28 b. SRAA. The applicant shall file a SRAA application, including the SOM
29 report. No deviations to LDC section 5.05.15 shall be approved; further,
30 deviations to other sections of the LDC shall be shared with the
31 stakeholders at a SOM or NIM.
 - 32 c. Compatibility design review. The applicant shall file a compatibility design
33 review application, including the SOM report, to obtain approval of the
34 compatibility measures established by the design of the SDP or plat to
35 address impacts to real property. No deviations to LDC section 5.05.15
36 shall be approved.
- 37 3. Developer's Alternatives Statement requirements.
 - 38 a. Purpose and intent. The Developer's Alternatives Statement (DAS) is a tool
39 to inform stakeholders and the County about the applicant's development
40 options and intentions. It is intended to encourage communication,
41 cooperation, and consensus building between the applicant, the
42 stakeholders, and the County.
 - 43 b. Alternatives. The DAS shall be prepared by the applicant and shall clearly
44 identify the goals and objectives for the conversion project. The DAS shall
45 address, at a minimum, the three alternatives noted below. The alternatives
46 are not intended to be mutually exclusive; the conceptual development plan
47 may incorporate one or more of the alternatives in the conversion project.
 - 48 i. No conversion: The applicant shall provide a study examining the
49 current and potential financial state of the golf course should no
50 conversion occur. The study shall identify at a minimum:

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- a) Whether modifications to the existing acreage, design, or maintenance of the golf course and/or club house would allow for the golf course to continue operating; and
- b) Whether a change in membership type (e.g. public vs. private) would allow the golf course to continue operating.
- c) Whether any other uses are allowed in the district, tract or context are viable;
- ii. County purchase: The applicant shall coordinate with the [County] to determine if there is interest to donate, purchase, or maintain a portion or all of the property for a public use, e.g. a greenway, public park, open space, civic use, or other public facilities. The applicant shall begin coordination with the [County] upon submittal of the "Intent to Convert" application. This section shall not require the County to purchase any lands.
- iii. Conceptual development plan: The applicant shall prepare one or more conceptual development plans depicting the proposed conversion to share with the stakeholders at the SOM. The conceptual development plan shall include a narrative describing how the plan implements and is consistent with the goals and objectives identified in the DAS. The conceptual plan shall depict the existing and proposed land uses, including residential, non-residential, and preserve areas; existing and proposed roadway and pedestrian systems; existing and proposed trees and landscaping; and the proposed location for the greenway, including any passive recreational uses. The narrative shall identify the intensity of the proposed land uses; how the proposed conversion is compatible with the existing surrounding land uses and any methods to provide benefits or mitigate impacts to the stakeholders. Visual exhibits to describe the conceptual development plan and any amenities, including the greenway. shall also be provided.

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

- 1. Previously approved **open space**. Golf course acreages identified to meet the minimum **open space** requirements for a previously approved project shall be retained as **open space** and shall not be included in **open space** calculations for any subsequent conversion projects.
- 2. Greenway. The purpose of the greenway is to retain an **open space** view for stakeholders, **support passive recreational uses**, and support existing wildlife habitat. For the purposes of this section the greenway shall be identified as a continuous strip of undeveloped land set aside for **passive recreational uses**, such as: **open space**, nature trails, parks, playgrounds, golf courses, beach frontage, disc golf courses, exercise equipment, and multi-use paths. If general agreement is established among the stakeholders through vetting at the Stakeholder Outreach Meetings, as provided for in LDC section 5.05.15 D.3, other similar types of **passive recreational uses** may be approved by the Board. The greenway shall not include required **yards (setbacks)** of any individual **lots**.
 - a. The greenway shall be generally located along the perimeter of the proposed **development** and shall be **adjacent** to the existing **residential** properties located around the golf course. The secondary design if general agreement is established among the stakeholders through vetting at the

1 Stakeholder Outreach Meetings, as provided for in LDC section 5.05.15
2 D.3, a different design may be approved by the Board.

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

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

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

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

15 f. No wall or fence shall be required between the greenway and the proposed
16 development; however, should a wall or fence be constructed, the fence
17 shall provide habitat connectivity to facilitate movement of wildlife in and
18 around the greenway.

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

23 h. The applicant shall record a restrictive covenant in the County's official
24 records describing the use and maintenance of the greenway.

25 3. Supplemental preserve provisions.

26 a. Conversion projects with sporadic vegetation, e.g. isolated preserves less
27 than ½ acre and/or areas of native vegetation retention less than ½ acre
28 (including planted areas) which meet the criteria established in LDC section
29 3.05.07 A.4 may recreate up to 100 percent of required preserve area if
30 located within the greenway.

31 b. The existing required preservation areas for a golf course shall be retained
32 and maintained as established in LDC section 3.05.07 B.1; however, 50
33 percent of the areas may be counted towards the required preserve area
34 for the conversion project if located within the greenway and made
35 available for **passive recreation uses** as allowed for in LDC section
36 3.05.07 H.1.h.

37 4. Stormwater management requirements. The applicant shall demonstrate that the
38 stormwater management for the surrounding uses will be maintained at an
39 equivalent or improved level of service. This shall be demonstrated by a pre versus
40 post development stormwater runoff analysis.

41 5. Floodplain compensation. In accordance with LDC section 3.07.02 floodplain
42 compensations shall be provided.

43 6. Soil and/or groundwater sampling. In addition to the soil and/or ground water
44 sampling requirements established in LDC section 3.08.00 A.4.d, the applicant
45 shall conduct soil and/or groundwater sampling for the pollutants as follows:
46 Managed turf, chemical storage/mixing areas, and maintenance areas (i.e.
47 equipment storage and washing areas, fueling and fuel storage areas) shall be
48 tested for organophosphate, carbamate, triazine pesticides, or chlorinated
49 herbicides. In addition, maintenance areas, as described above, shall be tested for
50 petroleum products. The County shall coordinate with the Department of
51 Environmental Protection where contamination exceeding applicable Department

- 1 of Environmental Protection standards is identified on site or where an
2 Environmental Audit or Environmental Assessment has been submitted.
- 3 7. All other development standards. The conversion of golf courses shall be
4 consistent with the development standards in the LDC, as amended. Where
5 conflicts arise between the provisions in this section and other provisions in the
6 LDC, the more restrictive provision shall apply.
- 7 E. Stakeholder outreach meetings (SOMs) for conversion applications. The SOMs are
8 intended to engage the stakeholders early in the conversion project and inform the
9 applicant as to what the stakeholders find important in the neighborhood, what is
10 considered compatible with the neighborhood, and what types of land uses they would
11 support to be added to the neighborhood. The applicant shall utilize *Collier County's*
12 *Guide to Golf Course Conversion: Public Outreach Methods and Usable Open Space*
13 *Concepts* to conduct the SOMs. An assigned County planner shall attend the SOM and
14 observe the process. The following is required of the applicant:
- 15 1. Conduct a minimum of two in-person SOMs and a minimum of one web-based
16 visual survey on the proposed conceptual plan(s). The web-based survey web
17 address shall be incorporated in the mailings notifying the stakeholders of the in-
18 person SOMs.
- 19 2. Public notice of the SOMs shall be as described in the Administrative Code [similar
20 to NIM, required court reporter/ MP3 or equivalent device for recording].
- 21 3. At the SOM, the applicant shall provide information to the stakeholders about the
22 purpose of the meeting, including a presentation on the goals and objectives of the
23 conversion project, the alternatives established in the Developer's Alternative
24 Statement, the greenway concept, as required, and the measures taken to ensure
25 compatibility with the existing surrounding neighborhood. The applicant shall
26 facilitate discussion on these topics with the stakeholders using a public outreach
27 method identified in the *County's Guide to Golf Course Conversion*.
- 28 4. SOM report for conversion applications. After completing the SOMs the applicant
29 shall prepare a SOM report. The report shall include a list of attendees, a
30 description of the public outreach methods used, photos from the meetings
31 demonstrating the outreach process, results from outreach methods (as described
32 in the *County's Guide to Golf Course Conversion*), and copies of the materials
33 meeting used during the SOMs. The applicant shall also include a point-
34 counterpoint list, identifying the input from the stakeholders and how and why it
35 was or was not incorporated in the application. The report shall be organized such
36 that the issues and ideas provided by the stakeholders are clearly labeled by the
37 applicant in the list and application.
- 38 F. Staff report for conversion applications. In addition to the requirements established in LDC
39 sections 10.02.08, 10.02.13 B.3, or 4.08.07, as applicable, the staff report shall evaluate
40 the following:
- 41 1. Whether the applicant has met the requirements established in this section and
42 development standards in the LDC. In particular, that the proposed design and
43 use(s) of the greenway, as applicable, meet the purpose as described 5.05.15 D.
- 44 2. Whether the SOM report and point-counterpoint list described above reflect the
45 discussions that took place at the SOMs.
- 46 3. Whether the applicant incorporated input provided by the stakeholders, to the
47 greatest extent feasible, to address impacts of the golf course conversion on
48 stakeholder real property.
- 49 4. Whether the applicant provided an explanation as to why input from the
50 stakeholders was not incorporated into the conceptual development plan.
- 51 G. Supplemental review and approval considerations for zoning actions.

- 1 1. Public Notice requirements. The applicant shall be responsible for meeting the
2 requirements of LDC section 10.03.06 B or 10.03.06 M, as applicable. In addition,
3 the installation and posting of signage required for the conversion project shall
4 meet the requirements established in the Administrative Code.
- 5 2. Advisory Board recommendations. The report and recommendations of the
6 Planning Commission and Environmental Advisory Council, if applicable, for the
7 Board shall show the Planning Commission has studied and considered the input
8 from the stakeholders in addition to findings established in LDC sections 10.02.08
9 E, 10.02.13 B, or 4.08.07, as applicable. In particular, attention shall be given to
10 the design of the greenway and how it mitigates impacts to real property. Further,
11 attention shall be given to what property owners can use the greenway. The staff
12 report for the Board shall include the Planning Commission's findings.
- 13 H. Compatibility design review. This section is intended address the impact of golf course
14 conversion on real property by requiring the proposed design be reviewed for compatibility
15 with the existing surrounding uses. This section shall apply to applicants subject to LDC
16 section 5.05.15 B.2. For the purposes of this section, applicants shall submit a conceptual
17 site plan or plat, as applicable, to be reviewed by the Hearing Examiner. The review shall
18 be limited to the design of the proposed uses. The following is required:
 - 19 1. Public Notice requirements. The applicant shall be responsible for meeting the
20 public notice requirements established in the Administrative Code.
 - 21 2. Public hearing. The Hearing Examiner shall hold at least one public quasi-judicial
22 hearing to review the proposed conceptual site plan or plat, as applicable.
 - 23 3. Review. The Hearing Examiner shall hear the petition following receipt of the staff
24 report and application by the Office of the Hearing Examiner. At the public hearing,
25 the Hearing Examiner shall review the application for compatibility measures as
26 follows:
 - 27 a. Whether input from the stakeholders was obtained in accordance with this
28 section and incorporated, to the greatest extent feasible, into the
29 conceptual design plan.
 - 30 b. Whether the conceptual design is compatible with the existing surrounding
31 land uses.
 - 32 c. Whether a view of open space is provided, including, but not limited to the
33 greenway concepts established in LDC section 5.05.15 D.
 - 34 d. Whether stakeholders and/or other property owners are able to use the
35 greenway.
 - 36 4. Approval of compatibility measures for SDPs. The Hearing Examiner shall
37 approve, approve with conditions, or deny the compatibility measures established
38 by the design of the SDP to address impacts to real property within 30 days of the
39 public hearing and prior to the issuance of the approval letter by the County
40 Manager or designee for the SDP. The decision by the Hearing Examiner shall
41 specifically note the compatibility measures and the basis for their approval.
 - 42 5. Recommendation of compatibility measures for plats. The Hearing Examiner shall
43 provide a recommendation to the Board to approve, approve with conditions, or
44 deny the compatibility measures established by the plat design to address impacts
45 to real property within 30 days of the public hearing. The recommendation to the
46 Board shall specifically note the compatibility measures and the basis for the
47 recommendation for approval, approval with conditions, or denial.
- 48 I. Design standards for lands converted from a golf course or for a permitted use within the
49 GC zoning district shall be subject to the following design standards.

- 1 1. Lighting. All lighting shall be designed to reduce light pollution. At a minimum,
2 lighting shall be directed away from neighboring properties and all light fixtures
3 shall be full cutoff with flat lenses.
4 2. Setbacks. All non-golf course uses, except for the greenway, shall provide a
5 minimum average 50-foot setback from lands zoned residential or with residential
6 uses, however the setback shall be no less than 35 feet at any one location.
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