

December 28, 2016

Dear Planning Commissioners,

There are two LDC amendments for your review and consideration at the January 5, 2017 meeting:

1. **LDC section 2.03.09 Golf Course (GC) Zoning District.** This amendment follows Board direction and adds to the list of permitted and conditional uses in the GC zoning district.
2. **LDC sections 2.03.06 & 5.05.15 Conversion of Golf Courses (new section).** This amendment follows Board direction and introduces a new LDC section to address the conversion of golf courses to non-golf uses. The amendment establishes a new public outreach process and design standards for the proposed development to provide compatibility with existing residential uses.

Following the hearing on January 5, 2017, there are two additional CCPC hearings scheduled for review of LDC amendments on:

1. Thursday, January 19, 2017, at 9:00 a.m., and
2. Monday, January 30, 2017, at 5:05 p.m.

Please feel free to contact me if you have any questions about the proposed changes to the LDC amendment request.

Sincerely,  
Caroline Cilek  
[carolinecilek@colliergov.net](mailto:carolinecilek@colliergov.net)  
(239) 252-2485



# Follow up to LDC Amendment 5.05.15 Conversion of Golf Courses

At the December 15<sup>th</sup> Planning Commission, the Commissioners requested additional materials to support and justify the proposed LDC amendment 5.05.15 Conversion of Golf Courses. Staff has compiled the following information.

## 1. Research on the impact of a “golf course view” on property values

Staff conducted a brief review of reports and literature on the economic value of green space on residential properties, in particular golf courses. In addition, staff reached out to the Collier County Property Appraiser to provide county specific data regarding the view amenity premiums within the community.

### A. Overview of Literature

Open space, including golf courses and greenways, provide numerous benefits to the whole community including providing scenic views, reducing air pollution, flood control, wildlife habitat, improving water quality, and supporting healthy living. In addition, there are studies and reports that expound on the economic value associated with open spaces, identified as the “incremental value a property receives from its proximity to open space is variously referred to as the open space property value premium ... or amenity premium” (Kroeger, 2008, p. 1). Staff uses the latter for discussion purposes.

A report funded by the National Council for Science and the Environment, states there are numerous factors that influence the extent of impact open space has on property value premiums. First, literature findings support that the value of open space depends on the type, size, and type of vegetation cover, general attractiveness, and distance to property. The general rule of thumb is that the closer the open space is to the property, the higher the amenity premium. Another important factor is the confidence, or lack thereof, that the open space will remain in perpetuity.

One frequently cited study identified that parks and open spaces have a positive impact on property values. The study was conducted in Portland, Oregon and the researchers found that residential properties within 1,500 feet of natural forest areas experienced an average of \$10,648 increase, compared to \$5,657 for specialty parks, \$8,849 for golf courses and \$1,214 for urban parks in 1990 dollars. The researchers found natural areas and specialty parks had a “positive and statistically significant effect” (Kroeger, 2008, p. A4-16) on a home’s sale price. The authors noted that residences adjacent to a golf course (200 ft.) were estimated to enjoy the largest increase in the sale price because of their proximity to the open space.





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Further, the National Park Service published a resource book in 1995, titled *Economic Impacts of Protecting Rivers, Trails and Greenway Corridors* and it reports there are many localized studies done on the property value premiums attributed to the proximity to open space, supporting the positive influence of open space on property values. In summary, there is evidence from a wide array of studies examining the amenity premiums associated with open space that show that preserving open space creates economic and community value.

#### Resources:

Active Living Research. (2010). *The Economic Benefits of Open Space, Recreation Facilities and Walkable*. Robert Wood Johnson Foundation, San Diego State University, San Diego, CA. Retrieved from: <http://activelivingresearch.org/economic-benefits-open-space-recreation-facilities-and-walkable-community-design>

Kroeger, Timm. (2008). *Open Space Property Value Premium Analysis*. Defenders of Wildlife and National Council for Science and the Environment – 2006 Wildlife Habitat Policy Research Program. Retrieved from [http://www.defenders.org/publications/open\\_space\\_property\\_value\\_premium\\_analysis.pdf](http://www.defenders.org/publications/open_space_property_value_premium_analysis.pdf)

U.S. Department of the Interior, National Park Service (1995). *Economic Impacts of Protecting Rivers, Trails and Greenway Corridors*. Rivers, Trails and Conservation Assistance – National Park Service. Fourth Edition, Revised. Retrieved from [https://www.nps.gov/pwro/rtca/econ\\_all.pdf](https://www.nps.gov/pwro/rtca/econ_all.pdf)

## B. Collier County Property Appraiser Data

Staff reached out to the Director of Real Estate/Appraisal Assessment Analyst with the Collier County Property Appraiser and obtained sales data of residential properties within golf course communities from January 1, 2012 through December 5, 2016. The following information an overview of the data, analysis of the data, and staff's findings.

### Overview of Data

- The data set included twelve established communities that were built 15 or more years ago.
- The data set included four Golf Course zoned properties and eight PUD zoned properties.
- The data set comprised a range of residential price points and courses located in different geographical areas of the County.
- The data set excluded vacant unimproved land sales.
- The Director of Real Estate/Appraisal Assessment Analyst with the Collier County Property Appraiser stated the residential price per adjusted square feet represents a publicly recorded sale price of which a home is generally assessed at 100% value for the first floor air conditioned residential area, at 70% for the second floor air conditioned and the garage area, and 40% to 70% for porch areas.
- The data set excluded view amenities that incurred less than 10 sales transactions: Creek (7), Institutional (4), Common Area (3), Conservation (3), Highway (3), River (2), and Club.
- Several view amenities were combined to address subjectivity and variation within the staff of the Collier County Property Appraiser determination of view types. This was done with the support of Director of Real Estate/Appraisal Assessment Analyst.





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Data for 10 View Amenity Types for Residential Properties in Golf Course Communities in Collier County							
View Amenity Types	# of Sales	Percent of Total Sales	Total Sale Amount	Total Adjusted Sq. Ft.	Price Per Adjusted Sq. Ft.	Percent Attributed to Amenity Premium	Rank
Lake	760	30%	\$544,319,300	2,458,626	\$221	53%	1
Preserve and Natural Area	209	8%	\$144,126,200	682,850	\$211	47%	2
Landscape, Buffer, Green Space, and Green Belt (Green Space)	85	3%	\$46,797,600	252,345	\$189	31%	3
Golf	899	35%	\$495,027,500	2,628,125	\$188	31%	4
Privacy Wall	46	2%	\$28,283,000	159,759	\$177	23%	5
Street	49	2%	\$17,294,400	111,329	\$155	8%	6
Drainage Easement	24	1%	\$9,242,400	62,996	\$147	2%	7
Single Family	461	18%	\$169,673,199	1,181,931	\$144	Control	8
Canal	24	1%	\$9,185,700	68,550	\$134	-7%	9
Recreation Area	15	1%	\$3,708,500	32,127	\$115	-20%	10
<b>Totals</b>	2,572		\$1,467,657,799	7,638,638			
<b>Averages</b>			\$570,629	2,970	\$192		

### Analysis

- For each view amenity, the Total Sales Amount was divided by the Total Adjusted Square Feet to arrive at a Price Per Adjusted Square Feet for each view amenity. This was used to compare other view amenities. For example, a single family view amenity:  $\$169,673,199 / 1,181,931 = \$144$  per square foot.
- To assess the amenity premium, in particular golf courses and green space views, staff compared all amenity premiums with the single family view. This results in the “Percent Attributed to Amenity Premium.” For example, the golf course amenity premium is 31% more than a single family view:  $(\$188 - \$144) / \$144 = 31\%$



## Findings

- A golf course view is valuable. It provides the fourth highest amenity premium when compared to all views and increases the sale price by 31% when compared to a single family home view.
- The three highest amenity premiums are Lake; Preserve and Natural Area; and Green Space. *This is important to note as the proposed greenway will provide views of one or more of the top four amenity premiums.*
- The amenity premium of the four highest are passive recreation uses and not associated with the broader open space uses.

### Resources:

C. Quinby III, personal communication. Collier County Property Appraiser. December 2016.

## 2. Research on the Florida communities approving and denying golf course conversions

Golf course conversions are occurring across Florida. The following case studies are those that were previously described by staff in the [report on golf course conversions](#) or others that became litigious, controversial and discussed at length in the news. Generally speaking, the research was completed by reviewing online news articles. It is important to note that controversial golf course conversions are easily found in online media searches while many golf course conversions likely occur with much less or little news coverage across the state.

### 1. Mizner Trail Golf Course, Boca Raton, Palm Beach County

#### Overview:

- Over a decade of legal battles ensued between the Boca Del Mar neighborhood association and the golf course property owner following the closing of the Mizner Trail Golf Course in 2005.
- The Palm Beach County Commission denied two development proposals on the golf course and was subsequently sued for the denials. However, the County was successful in defending itself against the challenges.
- In 2014 the Commission approved (5-2) 252 homes on the property against overwhelming opposition from the Boca Del Mar neighborhood association.
- The Boca Del Mar neighborhood association sued the County in hopes of overturning their approval and stop 252 homes from being built on the Mizner Trail golf course.
- Ultimately, the courts ruled in favor of the developer.



#### Resources:

1. Reid, A. (2014). Lawsuits aim to stop building on the Mizner golf course. *Sun Sentinel*. Retrieved from [http://articles.sun-sentinel.com/2014-08-11/news/fl-mizner-trail-lawsuit-20140811\\_1\\_compson-mizner-trail-inc-boca-del-mar-building-plans](http://articles.sun-sentinel.com/2014-08-11/news/fl-mizner-trail-lawsuit-20140811_1_compson-mizner-trail-inc-boca-del-mar-building-plans)
2. Redlich, W. (2014). Boca del Mar to Add 288 Units? *West Boca News*. Retrieved from <http://westbocanews.com/2014/01/08/boca-del-mar-to-add-288-units>
3. Redlich, W. (2015). Mizner Trail Going Ahead with 250+ Homes. *West Boca News*. Retrieved from <http://westbocanews.com/2015/04/02/mizner-trail-going-ahead-with-250-homes/8203>
4. Reid, A. (2015). Building on hold, land for sale at old Mizner Trail golf course. *Sun Sentinel*. Retrieved from <http://www.sun-sentinel.com/local/palm-beach/fl-golf-land-problems-20150806-story.html>
5. Reid, A. (2016). Boca Del Mar drops golf development fight. *Sun Sentinel*. Retrieved from <http://www.sun-sentinel.com/local/palm-beach/fl-golf-land-fight-ends-20150331-story.html>
6. Reid, A. (2016). Boca Del Mar loses golf course fight. *Sun Sentinel*. Retrieved from <http://www.sun-sentinel.com/local/palm-beach/fl-mizner-golf-ruling-20150219-story.html>

## 2. Calusa Country Club, Miami-Dade County

#### Overview:

- Residents rejected the original proposal from the developer to build a 960-unit retirement community which included a payment of \$50,000 per home with a golf course view. The development proposal also included a 50-foot linear park along the perimeter of the defunct golf course. This design feature may be in part due to the Miami-Dade's requirement to preserve 50 percent of the golf course as open space.
- The course has a restrictive covenant requiring the golf course to be operated as a golf club and country club and that the restrictions are valid for 99 years unless "released or revised by the [Miami-Dade Board of County Commissioners] .... and those owners within 150 feet of the exterior boundaries of the ... property."
- In March 2014, the trial court supported the developer's argument and invalidated the restrictive covenant.
- In January 2016, the appeals court reversed the trial court opinion and held the restrictive covenant in this case was a governmental regulation and upheld the restrictions.
- As of May 2016, the developer is seeking to change the County's Comprehensive Development Master Plan to allow for low-medium density residential on the site.

#### Resources:

1. Chen, E. (2012). Bad Economy For Golf Courses Puts Pressure On Owners Of Fairway-View Homes. *WLRN Miami | South Florida*. Retrieved from <http://wlrn.org/post/bad-economy-golf-courses-puts-pressure-owners-fairway-view-homes>
2. Yager, R. (2012). Barcardi goes to court to end Calusa CC land restrictions. *Miami's Community Newspapers*. Retrieved from <http://communitynewspapers.com/kendall-gazette/bacardi-goes-to-court-to-end-calusa-cc-land-restrictions/>
3. (2014). Ruling oks building on golf course. *The Real Deal*. Retrieved from <http://therealdeal.com/miami/2014/10/28/ruling-oks-building-on-golf-course/>
4. *Save Calusa Trust v. St. Andrews Holdings, Ltd.*, 193 So. 3d 910 (Fla. 3d DCA 2016)
5. Admin. (2014). Legal Update: The Future of a Golf Course. Tallahassee Board of Realtors website. Retrieved from <http://www.tbrnet.org/blog/2014/12/05/legal-update-the-future-of-a-golf-course/>
6. (2016) Miami-Dade County website. Comprehensive Development Master Plan page. Retrieved from <http://www.miamidade.gov/planning/cdmp.asp>
7. (2016) Miami-Dade County website. Comprehensive Development Master Plan Applicant page. May 2016- Application No. 7. Retrieved from <http://www.miamidade.gov/planning/cdmp-amendment-cycles.asp#201605>





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8. Bandell, B. (2016) 5 big development plans proposed, including 1,100 homes on golf course. *South Florida Business Journal*. Retrieved from <http://www.bizjournals.com/southflorida/news/2016/06/27/5-big-development-plans-proposed-including-1-100.html>

### 3. Century Village Golf Course, Palm Beach County

#### Overview:

- After four meetings, the Palm Beach Board of County Commissioner's approved the developer's controversial plans to build a commercial and residential development on the defunct Century Village (an over age 55 community) golf course.
- Century Village sued the developers, citing that he would violate a deed restriction that requires the property remain as a golf course in "perpetuity."
- The Commission required that the developer provide a 9-hole golf course for the Century Village association to approve.
- The Court ruled in the developer's favor.

#### Resources:

1. Johnson, K. (2013). Century Village vote: Commissioners approve plan to transform golf course into shops. *WPTV.com*. Retrieved from <http://www.wptv.com/news/region-c-palm-beach-county/west-palm-beach/century-village-golf-course-decision-vote-will-andrew-waldmans-course-be-a-new-shopping-center>
2. Sorenture, J. (2013). County approves project near Century Village; closed golf course to get commercial development. *My Palm Beach Post*. Retrieved from <http://www.mypalmbeachpost.com/news/county-approves-project-near-century-village-closed-golf-course-get-commerical-development/nKORxmvnfKAuZ01rkdbD0L/>
3. Reid, A. (2016). Century Village residents lose golf course court fight. *Sun Sentinel*. Retrieved from <http://www.sun-sentinel.com/local/palm-beach/palm-beach-politics-blog/sfl-century-village-loses-golf-fight-20150227-story.html>

### 4. Ocean Palm Golf Course, City of Flagler Beach

#### Overview:

- Ocean Palm Golf Club, a 9-hole course, opened in 1960.
- It was sold in 1999 and the owner requested the course was rezoned to low density residential but the City unanimously denied the request. The City's justification for the denial was the need to maintain the course as a recreation area and concern of potential stormwater impacts to the area.
- The course property owner challenged the City in court, however, the court sided with the City.
- The City of Flagler Beach purchased the golf course in 2013 during a foreclosure auction with the goal to reopen it as a golf course.
- In 2016, the golf course reopened under a lease and management agreement between the City and a private management company.

#### Resources:

1. No author. (2013). From Green to Red: With Golf Course Buy, Flagler Beach Fears Going Palm Coast's way. *FlaglerLive.com*. Retrieved from <https://flaglerlive.com/51471/ocean-palm-golf-club/>
2. Ryan, S. (2016) Ocean Palm Golf Course to reopen Saturday in Flagler Beach. *The Daytona Beach News-Journal*. Retrieved from <http://www.news-journalonline.com/entertainment/20160603/ocean-palm-golf-club-to-reopen-saturday-in-flagler-beach>



## 5. Vista Golf Course, Vero Beach, Indian River County

### Overview:

- The developer sold the property in 1989 and placed protective covenants on the property “for the purpose of enhancing and protecting the value, desirability and attractiveness of the condominium communities.”
- Additionally, the covenants included that the land be operated as a 27-hole golf course and that the “land shall, for a period of time ... be held, sold, conveyed, leased, mortgaged and otherwise dealt with only as a single parcel...”
- In 2008 the property owners sued the resident association to allow the golf course land to be used for condominiums. The property owners claimed that maintaining it as a 27-hole golf course “constituted undue oppression.”
- The trial courts found that the golf course could not be required to operate as a golf course business but that it could not operate as anything else and that the Unity of Title Covenant was unreasonable.
- The appeals court affirmed that the Unity of Title Covenant was unreasonable.

### Resources:

1. Elliott, J. (2012). Dispute over Vista golf course finally headed to court in Indian River County. *TCPalm*. Retrieved from <http://archive.tcpalm.com/news/dispute-over-vista-golf-course-finally-headed-to-court-in-indian-river-county-ep-382159630-343074352.html>
2. *Vista Golf, LLC v. Vista Royale Prop. Owners Ass'n.*, 164 So. 3d 140 (Fla. 4th DCA 2015)

## 6. Presidential Country Club Resort Community

### Overview:

- In 2015, the City of West Palm Beach approved the conversion of a course within the Presidential Country Club Resort Community, a golf course master planned community.
- The approval followed several public meetings. According to City staff, the neighboring residents and the developer were able to reach consensus through the public meeting process (J. Roach, Principal Planner, personal communication, August 18, 2016).
- The developer agreed to provide views of open space, create a large lake system that would enhance the views, and provide separation from the proposed resort development.

### Resources:

1. City of West Palm Beach City Commission. (2015). *2300 Presidential Way and 3100-3200 North Congress Avenue, Sea Palm Resort (formerly PCC) Resort, Major Planned Development Amendment and Major Sub division (3)*. Staff report. Retrieved from <https://onedrive.live.com/?authkey=%21AliGmwiq6sikoAQ&id=2A630568D6D3EB34%216841&cid=2A630568D6D3EB34>

## 3. Changes and additions to the LDC amendment text

Changes are highlighted in yellow and deletions were made where appropriate.





#### 4. Overview of dark sky concepts

This research will be provided prior to the Planning Commission on Thursday, January 19<sup>th</sup>.

#### 5. Visual survey

To provide an example, staff compiled a basic visual survey using SurveyMonkey®. The survey will be available by close of business on Friday, December 30, 2016: Please access the survey here:

[www.colliergov.net/currentldcas](http://www.colliergov.net/currentldcas)



## **LDC Amendment Request**

**ORIGIN:** Board of County Commissioners

**AUTHOR:** Growth Management Department Staff

**DEPARTMENT:** Growth Management

**AMENDMENT CYCLE:** 2016 LDC Amendment Cycle

**LDC SECTION(S):** 2.03.09 Open Space Zoning Districts

**CHANGE:** This amendment expands the list of permitted and conditional uses within LDC section 2.03.09 A Golf Course (GC) zoning district to include low intensity recreational uses as permitted or conditional uses. To reflect the addition of recreational uses, the district is renamed the “Golf Course and Recreational Use District.”

**REASON:** This amendment follows Board direction on April 12, 2016, to pursue an LDC amendment to allow for additional compatible uses in the GC zoning district. The Board discussed several issues and concerns related to golf course conversions which are addressed in the companion LDC amendment adding LDC section 5.05.15 Conversion of Golf Courses.

Currently, the only permitted use in the GC district is a golf course. The proposed permitted and conditional uses include several open space uses that are, on occasion, already provided on golf courses in Collier County and are also permitted in the Conservation and Rural Fringe Mixed-Use zoning districts. Research was conducted to identify additional non-golf course recreational uses that are allowed by other communities in Florida. The proposed uses are consistent with the low intensity recreational uses allowed in these communities.

The proposed uses are intended to be compatible with residential uses as many golf course are surrounded by single-family and multi-family homes. Further, the amendment requires all uses to comply with the design standards in LDC section 5.05.15 H for lighting and setbacks, however, they will not be required to comply with the additional procedural requirements established in other provisions in LDC section 5.05.15.

The proposed changes also provide awareness to property owners that surround a GC zoned golf course that it may be redeveloped to a non-golf course recreational use by right or through a conditional use process. In addition, the proposed uses provide a golf course property owner additional uses should a conversion prove nonviable.

**DSAC-LDR SUBCOMMITTEE RECOMMENDATIONS:** No changes, approved unanimously on December 19, 2016.

**DSAC RECOMMENDATION:** To be reviewed by DSAC on January 4, 2017.

**FISCAL & OPERATIONAL IMPACTS:** There are no anticipated fiscal or operational impacts associated with this amendment.

**RELATED CODES OR REGULATIONS:** Proposed LDC section 5.05.15 Golf Course Conversions

**GROWTH MANAGEMENT PLAN IMPACT:** There are no anticipated Growth Management Plan impacts associated with this amendment.

**OTHER NOTES/VERSION DATE:**

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**Amend the LDC as follows:**

1  
2 **2.03.09 Open Space Zoning Districts**

3 A. Golf Course and Recreational Use District "GC". The purpose and intent of "GC" district  
4 is to provide lands for golf courses, recreational uses, and normal **accessory uses** ~~to~~  
5 ~~golf courses~~; including certain uses of a commercial nature. Recreational uses should be  
6 compatible in scale and manner with residential land uses. The GC district shall be in  
7 accordance with the urban mixed use district and the agricultural/rural mixed use district  
8 of the future land use element of the Collier County GMP. All uses shall be subject to  
9 design standards established in LDC section 5.05.15 H, and other applicable LDC  
10 standards.

11 1. The following subsections identify the uses that are permissible by right and the  
12 uses that are allowable as **accessory** or **conditional uses** in the GC district.

13 a. *Permitted uses.*

14 1. Golf courses

15 2. Hiking trails, walkways, multi-use paths and observation decks.

16 3. **Passive recreation areas.**

17 4. **Disc golf.**

18 b. **~~Accessory~~ Uses.**

19 1. Uses and **structures** that are accessory and incidental to uses  
20 permitted as of right in the GC district.

21 2. Recreational facilities that serve as an integral part of a golf  
22 course ~~the permitted use~~, including but not limited to clubhouse,  
23 community center **building**, practice driving range, shuffleboard  
24 courts, swimming pools and tennis facilities, snack shops and  
25 restrooms.

26 3. Pro shops with equipment sales, no greater than 1,000 square  
27 feet, associated with a golf course.

28 4. **Restaurants**, associated with a golf course, with a seating  
29 capacity of 150 seats or less provided that the hours of operation  
30 are no later than 10:00 p.m.

31 5. A maximum of two residential **dwelling units** for use by golf  
32 course employees in conjunction with the operation of the golf  
33 course.

34 6. ~~Golf maintenance~~ Maintenance **buildings.**

35 c. **Conditional uses.** The following uses are permissible as **conditional uses** in  
36 the GC district, subject to the standards and provisions established in LDC  
37 section 10.08.00.

38 1. Commercial establishments oriented to the golf course ~~permitted~~  
39 ~~uses of the district~~ including gift shops; pro shops with equipment  
40 sales in excess of 1,000 square feet; **restaurants** with seating  
41 capacity of greater than 150 seats; cocktail lounges, and similar  
42 uses, primarily intended to serve patrons of the golf course.

Text underlined is new text to be added.  
Text strikethrough is current text to be deleted.  
**Bold** text indicates a defined term.

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2. Cemeteries and memorial gardens.
3. Equestrian facilities, including any trails, no closer than 500 feet to residential uses.
4. Museums.
5. Water related activities, including non-motorized boating, boat ramps, **docks**, and fishing piers.
6. Courts, including bocce ball, basketball, handball, pickle ball, tennis, and racquetball.
7. Neighborhood fitness and community centers.
8. Parks and playgrounds.
9. Pools, indoor or outdoor.
10. Botanical gardens.
11. Any other recreational use which is compatible in nature with the foregoing uses as determined by the Hearing Examiner or Board of Zoning Appeals, as applicable.

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DRAFT

## **Land Development Code Amendment Request**

**ORIGIN:** Board of County Commissioners

**AUTHOR:** Growth Management Department

**DEPARTMENT:** Development Review Division

**AMENDMENT CYCLE:** 2016 LDC Amendment Cycle

**LDC SECTION(S):** 2.03.06 Planned Unit Development Standards  
5.05.15 Conversion of Golf Courses (new section)

**CHANGE:** This amendment introduces a new section in the LDC to assess and mitigate the conversion of golf courses to a non-golf course use. LDC section 5.05.15 Conversion of Golf Courses contains two main elements. First, it requires the applicant to conduct public outreach to property owners within 1,000 feet of the golf course prior to submitting a conversion application to the County. The public outreach requirement, identified as Stakeholder Outreach Meetings, is intended to engage the property owners, hereafter referred to as “stakeholders,” to cultivate consensus on the proposed development. Second, the section presents several design standards for the proposed development to support compatibility with the existing residential uses.

The proposed standards take into account the large number and wide variety of golf courses in the County. See Attachment 1 for an overview of the golf courses across the County. See Tables 1-3 below for an overview of golf course statistics in the County. For the purpose of this LDC amendment staff did not include the golf courses located in the City of Naples or the City of Marco Island because they would not be subject to the County’s conversion procedures.

Some of the golf courses in the County are standalone facilities while others were developed as part of a residential project. Due to the large number and ranges in size, there is not a one-size-fits-all solution to development standards to address golf course conversion. Therefore, the stakeholder outreach process is integral to addressing the specific needs of the existing residential property owners and allows the applicant to vet alternative designs through a regulatory approach. Ultimately, the combination of design standards and community outreach is intended to provide compatibility for existing residential stakeholders regardless of the golf course layout.

To assist with the public outreach requirement proposed by this new section, staff has prepared the *Collier County Guide to Golf Course Conversions (Guide)*, which is a document created to outline different types of public outreach, such as focus groups, charrettes, polling, etc. that will provide the stakeholders and the applicant an understanding of what is required while conducting the outreach. The *Guide* will be adopted by reference.

To support this section, three Administrative Code for Land Development sections will be prepared to support this new LDC section. Two of the Administrative Code sections will provide submittal requirements for new applications introduced in this section and the third section will provide standards and notice requirements for the Stakeholder Outreach Meetings. In addition,

LDC section 2.03.09 Open Space Zoning Districts will be amended to introduce additional uses to the golf course zoning district and LDC section 10.03.06 regarding public notices will be updated to reflect new notice requirements established by this section.

**Table 1**

<b>Number of Golf Courses by Golf Holes in Collier County</b>	
<b>Number of Courses</b>	<b>Number of Holes on the Golf Course</b>
<b>3</b>	9
<b>58</b>	18
<b>5</b>	27
<b>11</b>	36
<b>Total</b>	<b>69</b>
Note: The number of golf holes were identified by accessing golf club websites, GIS aerials, and by telephone conversation with the golf club administrative offices.	

**Table 2**

<b>Golf Courses by Zoning District in Collier County</b>	
<b>Zoning District</b>	<b>Number of Golf Courses</b>
<b>Golf Course (GC)</b>	9
<b>Golf Course (GC) / RMF-6/ RMF-16</b>	1
<b>Golf Course (GC) / RSF-3</b>	1
<b>PUD</b>	47
<b>RFMUD-PUD</b>	3
<b>RFMUD-A</b>	1
<b>RFMUD-A-CU</b>	4
<b>A-MHOI-RLSAO</b>	1
<b>RMF-16</b>	1
<b>PUD-RFMUD</b>	1
Note: Golf courses zoning was confirmed using GIS aerials provided by the Collier County Property Appraiser and reviewing the County zoning maps. Golf courses zoned PUD were further verified by reviewing individual PUD ordinances.	

**Table 3**

<b>Type of Courses by Acreage and Number in Collier County</b>		
<b>Acreage Range</b>	<b>Type</b>	<b>Number of Golf Courses</b>
<b>10-50</b>	Par 3 - Driving Range	7
<b>50-99</b>	Executive	5
<b>100-220</b>	Championship or	45
<b>240 or greater</b>	Regulation	20
Note: Utilized golf course acreage totals to determine golf course types. Muirhead, D. & Rando G. (1994) <i>Golf Course Development and Real Estate</i> . Urban Land Institute.		

It is important to note two caveats regarding the establishment of this LDC Amendment for the conversion of golf courses. First, the adoption and codification of LDC provisions for golf course conversion shall not imply that a golf course will receive approval from the Board to convert to a

different use. Second, the proposed framework is a method to support community involvement and consensus building. However, the public participation and hearing processes will only provide steps to build consensus; the individual parties will dictate whether consensus may be achieved.

## **REASON:**

### ***Board direction***

This amendment follows Board direction on April 12<sup>th</sup> to pursue an LDC amendment to address golf course conversions. The Board discussed the following issues and concerns related to the existing residential property owners who live around the golf course (meeting minutes pg. 85-97):

- The Growth Management Plan supports preserving open space areas and the loss of open space would negatively impact the community.
- Open space can provide stormwater management for surrounding communities.
- Property owners who purchased homes with a golf course view had an expectation the view was worth a monetary value and paid a premium price for their homes. They also experienced higher taxes compared to a home without a golf course view.
- There will be a diminution of property values for homes located around the golf course if the green space is lost.
- Providing more uses in the golf course zoning district that are compatible by right may mitigate the need to convert golf courses in the future.
- Allowing for additional compatible uses in the golf course zoning district would inform future property owners with a golf course view that other uses are allowed, not just a golf course.
- Require the property owner of the golf course to show they are no longer economically viable as a golf course.
- Importance of involving the neighborhood in the conversion process.
- Legal encumbrances on golf courses should be brought to light.

In addition, it is important to note that golf courses are a local community asset. Golf courses provide neighborhoods with nearby social and recreational opportunities for family and friend outings, business networking opportunities, and places for high school teams to play, as well as bringing visitors to the county for professional tournaments. Further, golf courses provide open space within the built environment and are often a cornerstone of social interaction for surrounding neighborhoods.

Following the April 12<sup>th</sup> meeting, the Board instituted a six month moratorium on the acceptance, processing, and consideration of applications for development orders involving the conversion of lands zoned for golf course use. On September 27, 2016, the moratorium was extended to April 11, 2017, to provide additional time to prepare and publically vet the proposed amendments.

With the extension request staff presented research that had been conducted on golf course conversion across the state of Florida and the nation. The proposed amendment implements the concepts that were presented in the research paper. To review the research paper discussion points, please visit [www.colliergov.net/currentldcas](http://www.colliergov.net/currentldcas). The research on golf course conversions in Florida and the nation provided insight into what land use and planning principles supported the approval of a conversion project by a local jurisdiction. Staff found the projects that received approval had

two overarching themes: some level of stakeholder participation and the developer maintaining an open space view for the existing residential property owners. The proposed amendment focuses on these two concepts.

### ***Purpose and intent of the golf course conversion section***

The purpose and intent of this amendment is to “assess and mitigate the impact of golf course conversions on real property by requiring outreach with stakeholders during the design phase of the conversion project and specific development standards to ensure compatibility with existing land uses.” As discussed by the Board, the intention of the new requirement is to address concerns stemming from residential property owners purchasing a home along a golf course with the anticipation that the golf course would remain in perpetuity. Further, homes along golf courses are often purchased at a premium price due to the views from the house of the golf course. Moreover, many property owners may have purchased homes with the anticipation their real estate value would rise over time with open space view.

### ***Applicability of the golf course conversion standards***

The LDC amendment will apply to three scenarios, explained below. The golf course conversion section *will not* apply to courses repurposed for a different use listed in the permitted, accessory, or conditional uses in the Golf Course zoning district. This LDC section is also proposed to be amended to allow for other similar open space uses, such as hiking trails, walkways, and disc golf facilities. More intense uses, such as cemeteries and memorial gardens, museums, and ball courts (bocce ball, basketball, handball, pickle ball, tennis and racquetball) are proposed as conditional uses.

### ***Approval of Land Uses***

1. A golf course located in any zoning district and where the property owner wants to convert to a non-golf course use that is not currently permitted, accessory, or conditional in the zoning district or tract.
  - a. Example: A golf course is located in a PUD tract established for only a golf course, however, the property owner wants to build a residential development. In this case, the property owner would proceed with the conversion process and a PUDA.
2. A golf course within a Stewardship Receiving Area and where the property owner wants to convert to a use that is not currently permitted, accessory or conditional in a context zone (generally speaking a context zone is a zoning district in a Stewardship Receiving Area. See LDC section 4.08.07 J.2 d for a description).
  - a. Example: A golf course is located in a Stewardship Receiving Area and the property owner seeks to build a commercial development, however, the Stewardship Receiving Area doesn't allow this use. In this case, the property owner would need to proceed with a Stewardship Receiving Area Amendment.



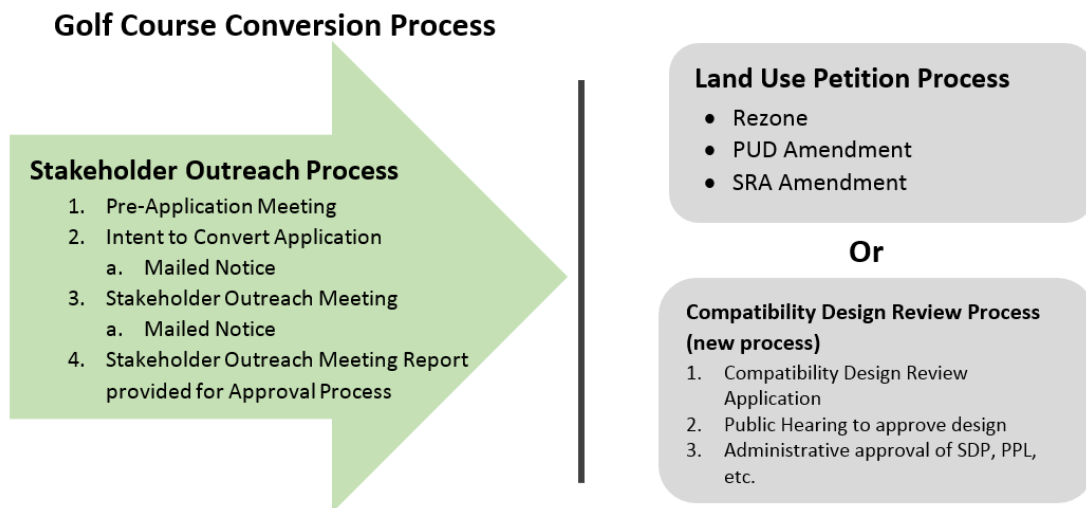
### *Approval of compatibility measures*

3. A golf course that allows for a non-golf course use by right and the property owner seeks to construct an allowed use. In this case, the design of the use would be reviewed for compatibility with the surrounding properties.
  - a. Example: A golf course is zoned Rural Agricultural and the property owners seek to convert it to agricultural activities, e.g. livestock raising, then a compatibility design review application would be required.

### ***The application process for golf course conversions***

The proposed conversion process is structured to occur before a traditional land use petition process. See Figure 1 for a graphic representation of the process. This way, the stakeholders and the applicant are engaged in conversation early in the design process and hopefully the main goals of the project are aligned between the two parties prior to a rezoning, PUDA, Stewardship Receiving Area Amendment, or a compatibility review application is submitted to the County.

**Figure 1**



The conversion process starts with the applicant requesting a pre-application meeting with County staff and submitting an Intent to Convert application to the County. One of the requirements of the Intent to Convert application is a mailed notice to all of the stakeholders informing them of the property owner's intention to convert the golf course to a non-golf course use. The mailed notice will give stakeholders awareness that a community outreach program exists and to look for subsequent letters regarding meeting times and locations. The Intent to Convert application must be deemed complete by County staff prior to conducting any Stakeholder Outreach Meetings.

The Intent to Convert application requires the applicant complete the following:

The first requirement that **a title opinion or title commitment that identifies the current owner of the property and all encumbrances against the property** prevent the land from being developed as proposed. This will require due diligence on the part of the applicant prior to submitting the

application. The burden is placed on the applicant, rather than staff, to determine if there are any restrictions on converting the property.

The second requirement, the Developer's Alternative Statement, is designed to provide all parties the ability to consider alternatives for the golf course. At a minimum the following three alternatives must be considered: no conversion, County purchase, and a conceptual development plan. The three alternatives are not intended to be mutually exclusive; for example, all three alternatives could be part of a finalized development plan. The Developer's Alternative Statement plays an important role in allowing the property owner, the stakeholders, and the County to see how each option would play out. It should be noted that it is entirely feasible that a golf course may be profitable and still pursue a non-golf course use because converting the golf course will enable it to achieve the highest and best use of the property for the property owner. County staff recognize that it is within the bundle of rights as a property owner to sell and develop land within the parameters of county codes. As such, the development standards that are introduced in this section are vital to creating a compatible development with existing residential developments surrounding the golf course.

Ultimately, the Developer's Alternative Statement is designed to encourage communication, cooperation, and consensus building between the applicant, the stakeholders, and the County.

The third requirement is a general plan for the Stakeholder Outreach Meetings. The applicant will outline the public outreach methods that will be used to engage the stakeholders at the Stakeholder Outreach Meetings consistent with the *Collier County Guide to Golf Course Conversions*. Further, an overview of a web-based survey will be required to be approved by staff. All of the application requirements will be listed in the Administrative Code for Land Development's Intent to Convert and the Stakeholder Outreach Meeting sections.

#### ***Stakeholder Outreach Meeting requirements***

Stakeholder Outreach Meetings are intended to provide open communication and feedback between the applicant and the stakeholders. Several SOM meetings are required so that the applicant is able to incorporate any feedback into the conceptual plans for the development. The internet provides the opportunity to reach out to more people which can benefit the applicant in better understanding the neighborhood, such as seasonal residents. For example, the requirement for the web based survey provides an opportunity for individuals who cannot attend the in-person Stakeholder Outreach Meetings to still participate in a constructive manner.

The Stakeholder Outreach Meetings, which are facilitated by the applicant, are encouraged to be collaborative events where all parties cooperate. However, they will also serve to hold the stakeholders and applicant accountable for their actions. Should consensus not be achieved and either party pursue litigation, the Stakeholder Outreach Meeting requirements will be helpful in demonstrating that one or more of the parties was uncooperative or unreasonable. Similar to a traditional NIM, the SOMs will be recorded and commitments made by the applicant for the project will be included in subsequent reports. A County staff member will also be present.

Following the Stakeholder Outreach Meetings, a report will be provided by the applicant to County staff. The report has the primary goal of identifying and answering questions and concerns from

the stakeholders. It also supports a transparent process, benefiting the applicant and stakeholders –highlighting the importance of reasonable input by the stakeholders and reasonable incorporation of the input by the applicant into the conversion project. To do this, a point-counterpoint list, identifying the input from the stakeholders and identifying how and why reasonable input was or was not included in the conceptual plan will be helpful for the stakeholders, staff, and the decision makers so all understand the issues involved in the conversion project.

Stakeholders will need to recognize it is important to support and participate in a collaborative process with the applicant. Should one development proposal not work out, there is a chance that another developer may pursue development of the golf course in the future and may not be as willing to compromise or be as collaborative as the initial development team. Stakeholders need to understand that land uses change over time and participating in the process will provide the best opportunity to be part of the outcome.

### ***Land Use Petitions***

Once the Stakeholder Outreach Meetings have been completed the applicant may proceed with a conversion application, such as a rezone, Planned Unit Development Amendment, Stewardship Receiving Area Amendments, or a compatibility design review.

### ***Staff Report***

Consistent with current land use petition procedures, County staff will prepare a staff report for the Planning Commission, and EAC as applicable, or Hearing Examiner and Board. In addition to existing requirements, the staff report will also address whether the applicant meets all the requirements in LDC section 5.05.15, whether the Stakeholder Outreach Meetings report and point-counterpoint list are accurate, and whether reasonable input from the stakeholders was included in the land use petition application. These additional criteria are designed to ensure consistency throughout the process.

As such, the amendment requires that the Planning Commission and the Environmental Advisory Council, as applicable, consider the stakeholder engagement process and whether reasonable input was included in the proposed project. The provision calls special attention to the greenway design, as this is the most important compatibility measure introduced in the amendment. Additionally, attention should also be given to who can use the greenway as it is intended to provide passive recreational benefits and would be a great amenity for future residents of the once golf course land.

### ***Compatibility design review***

The compatibly design review process will be required when PUDs or other projects seek to use a non-golf course use that is already a permitted, accessory or conditional use for the district or tract. The review of compatibly measures is designed to address situations where, for example, the permitted use was approved a long time ago and would be incompatible with residential development without appropriate measures in place. **This process requires the procedural components of LDC section 5.05.15 and only the soil and groundwater testing standards established in LDC section 5.05.15 G.6 (e.g. no greenway or stormwater assessment required).** The compatibility design review process does not address the proposed land uses as they are already allowed by right. The approval process for a compatibility design review application consists of a review and recommendation from the **Planning Commission** to the Board.

### ***Development standards for rezones, PUDA and Stewardship Receiving Area Amendments***

In addition to standard LDC development requirements, there are several new design standards introduced in this section. The design standards are supported by research from other jurisdictions that have also assessed the impacts from golf course conversions. The design requirements are not required for projects subject to the compatibility design review as the uses have already been established as a permitted, accessory or conditional use and can suggest their own compatibility measures to mitigate any impacts to existing surrounding property owners.

#### *Open space*

The first design standard requires that golf courses lands utilized to meet the minimum open space requirements for a prior project need to be either retained as open space and/or the plans updated to demonstrate an alternative method to meet the minimum open space requirements. For example, if a PUD establishes that 20 acres of the golf course was used to meet the 60 percent minimum open space requirement for a residential PUD, then 20 acres of the golf course would need to remain open space or the PUD amended to reflect other open space lands are available to meet the minimum requirement.

#### *Greenway*

The second design standard is the introduction of a greenway. A greenway is a continuous strip of undeveloped land that is set aside for passive recreational uses, including but not limited to: open space, nature trails, parks, playground, golf courses, beaches, disc golf courses, exercise equipment and multi-use paths. The greenway is designed to be a buffer along the perimeter of the proposed development and adjacent to the existing residential properties that line the golf course. The goal of the greenway is to provide an open space view for stakeholders and support existing wildlife habitat. A general overview of the details includes requiring that a minimum of 35 percent of the conversion project be dedicated as a greenway, with an average minimum width of 100 feet (no less than 75 feet at any one point). See Attachment 2 for a collection of aerials depicting a 100-foot greenway on several golf courses across the County.

Existing trees and understory are meant to be retained in the greenway, however, they can be removed to accommodate a multi-use path or the like. This is intended to promote retaining the existing trees and understory that are currently within the viewshed of existing residences. Further, a tree count is provided to support a shaded area in the greenway. Another provision addresses walls and fences. A wall or fence is not required between the two developments, however, if a wall is desired by either party it will need to accommodate the movement of wildlife by providing habitat connectivity.

The greenway may also play an important role in providing stormwater management for the existing and/or new development and the proposed code section supports this concept. However, the greenway is not intended to be made up entirely of lake area and a percentage cap is established to prevent the greenway from becoming a series of large lakes.

Standard preservation requirements pursuant to LDC section 3.05.07 will be required for any conversion project. Two supplemental provisions are introduced in the section to support the integration of preserves with the greenway. The first takes into account conversion projects that

have isolated preserves that are less than ½ acre (including planted areas) which meet LDC section 3.05.07 A.4 and supports the ability to recreate the preserve areas in the greenway. In addition, to support the retention of existing preserves and the open space and habitat they provide, all preserves that were previously approved with the golf course shall be retained and 50 percent of the total acreage can be counted towards the required preservation amount if located in the greenway and made available for passive recreational uses allowed by the LDC.

#### *Stormwater and Floodplain compensation*

The provision also takes into account potential stormwater impacts. As discussed in prior reports provided to the Board, golf courses often provide stormwater management by design of the project or because over time they have provided that service to the neighboring land uses. The proposed standards would require a pre- versus post-development stormwater runoff analysis. The objective is to ensure that property owners that surround the golf course would not be adversely affected by additional stormwater runoff after the conversion of the golf course. Further, Floodplain compensation, a concept that requires offsetting any loss to flood storage capacity on a given project, may need to be addressed on a case-by-case basis. This may be particularly important if the golf course has flooded during past heavy rain events.

#### *Soil and/or Groundwater testing*

The LDC currently recognizes that golf courses apply chemicals to provide a level of service to customers and over time soil and/or groundwater may become polluted and needs to be mitigated prior to conversion. The proposed language closes a gap because the current standards do not address the full range of potentially harmful pollutants previously or currently used on golf courses, including petroleum products. Should any of the soil and groundwater sampling results exceed state standards, the County will notify the Department of Environmental Protection who oversees the mitigation requirements.

#### *Design standards for lands converted from a golf course*

The design standards are to be applied to any golf course that converts or to any use listed in the golf course zoning district. There are two design requirements, lighting and setbacks to apply.

The goal of the lighting requirement is to reduce light pollution, by requiring lighting to be directed away from neighboring properties and to require light fixtures to be shielded to prevent glare and light trespass. This is intended to the benefit of the existing property owners, future property owners, and wildlife. For example, if walking paths with light poles were constructed in the greenway this provision would ensure there was no light pollution impacting the existing residential properties.

The goal of the setback requirement is to ensure there is sufficient distance between the proposed use and existing property owners around the golf course. For example, if a golf course was repurposed to a disc golf course a minimum average 50 foot setback would be required to provide a buffer between the two uses. In another example, if the golf course was converted to residential housing and an alternative design for the greenway was employed, there would still be a minimum average 50-foot setback applied to the new uses.

**DSAC-LDR SUBCOMMITTEE RECOMMENDATIONS:** The subcommittee reviewed the proposed amendment on November 3<sup>rd</sup>, November 16<sup>th</sup>, November 29<sup>th</sup>, and December 7<sup>th</sup>. The Subcommittee stated a fundamental objection to the imposition on property rights, that the current rezone process is sufficient for golf course conversion, and opposes the over-reach of the government and onerous process established in this amendment. However, if the amendment moves forward, the Committee provided the following comments:

- The standard rezone process is sufficient for the conversion of golf courses. It is not necessary to require additional procedures or design standards.
- The requirement to send mailers and engage stakeholders within 1,000 feet is not necessary. The 500 foot requirement/1,000 foot requirement established in the Administrative Code is sufficient.
- Objects to the requiring an ownership encumbrance report from the applicant because the County does not enforce or abide by civil restrictions.
- There is no need or benefit to requiring financial information from a property owner. It is within a property owners rights to develop his property without the government oversight of financial records or consideration.
- There should be more flexibility with the design of the greenway. Logistically it may be very difficult to garner sufficient support from the stakeholders to get an alternative greenway approved by the Board.
- Consider allowing a mailing instead of the NIM requirement during the rezone or PUDA requirement. The mailing would inform the stakeholders of any changes to the project and send them to a website where they could access materials for the rezone or PUDA.
- Opposes the contemplation in the proposed text and findings that existing property owners that surround the golf course may be able to use (e.g. walk, run, and play) on the greenway because it is not land they own or have a right to use currently.

**DSAC RECOMMENDATIONS:** The Committee supported the recommendation of the DSAC-LDR Subcommittee on 12/7/16.

**FISCAL & OPERATIONAL IMPACTS:** There are no anticipated fiscal or operational impacts associated with this amendment.

**RELATED CODES OR REGULATIONS:** None.

**GROWTH MANAGEMENT PLAN IMPACT:** There are no anticipated Growth Management Plan impacts associated with this amendment.

**OTHER NOTES/VERSION DATE:** prepared by Caroline Cilek, December 1, 2016, December, 7, 2016.

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**Amend the LDC as follows:**

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**2.03.06 Planned Unit Development Standards**

\* \* \* \* \*

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

1 # # # # # # # # # # # # # #

2  
3 **5.05.15 Conversion of Golf Courses**

4  
5 A. Purpose and Intent. The purpose of this section is to assess and mitigate the impact of  
6 golf course conversion on real property by requiring outreach with stakeholders during  
7 the design phase of the conversion project and specific **development** standards to  
8 ensure **compatibility** with the existing land uses. For the purposes of this section,  
9 property owners within 1,000 feet of a golf course shall hereafter be referred to as  
10 stakeholders.

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

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

21 B. Applicability. The following zoning actions, Stewardship Receiving Area Amendments,  
22 and compatibility design review petitions, collectively referred to as “conversion  
23 applications” hereafter, shall be subject to LDC section 5.05.15. A conversion application  
24 shall be required when an **applicant** seeks to change a developed golf course to a non-  
25 golf course use. However, where a **permitted, accessory, or conditional use** is sought  
26 for a golf course zoned Golf Course and Recreational Uses (GC), the **applicant** shall be  
27 exempt from this section except for LDC section 5.05.15 H.

28 1. Zoning actions. This section applies to a golf course developed in any zoning  
29 district for a use that is not currently **permitted, accessory, or conditional** in the  
30 zoning district or tract for which a zoning change is sought.

31 2. Stewardship Receiving Area Amendments. This section applies to a golf course  
32 developed on lands within a Stewardship Receiving Area for a use that is not  
33 currently **permitted, accessory, or conditional** in the context zone for which the  
34 change is sought.

35 3. **Compatibility** design review. This section applies to a golf course developed in  
36 any zoning district or designated as a Stewardship Receiving Area that utilize a  
37 non-golf course use which is a **permitted, accessory or conditional use** within  
38 the existing zoning district or designation. Permitted **conditional uses** shall also  
39 require **conditional use** approval subject to LDC section 10.08.00.

40 C. Application process for conversion applications.

41 1. Intent to Convert application. The **applicant** shall submit an “Intent to Convert”  
42 application to the County prior to submitting a conversion application. The  
43 following is required of the **applicant**:

44 a. Application. The Administrative Code shall establish the procedure and  
45 application submittal requirements, including: a title opinion or title  
46 commitment that identifies the current owner of the property and all  
47 encumbrances against the property; the Developer’s Alternatives  
48 Statement, as provided for below; and the public outreach methods to be  
49 used to engage stakeholders at the Stakeholder Outreach Meetings  
50 consistent with the *County’s Guide to Golf Course Conversion* as  
51 established below.

- 1           b. Public Notice. The **applicant** shall be responsible for meeting the  
2           requirements of LDC section 10.03.06.
- 3       2. Developer's Alternatives Statement requirements. The purpose of the  
4       Developer's Alternatives Statement (DAS) is to serve as a tool to inform  
5       stakeholders and the County about the **applicant's development** options and  
6       intentions. It is intended to encourage communication, cooperation, and  
7       consensus building between the **applicant**, the stakeholders, and the County.
- 8           b. Alternatives. The DAS shall be prepared by the **applicant** and shall  
9           clearly identify the goals and objectives for the conversion project. The  
10          DAS shall address, at a minimum, the three alternatives noted below. The  
11          alternatives are not intended to be mutually exclusive; the conceptual  
12          **development plan** described below may incorporate one or more of the  
13          alternatives in the conversion project.
- 14           i. No conversion: The **applicant** shall examine opportunities to  
15           retain all or part of the golf course. The following considerations  
16           are to be assessed:
- 17           a) Whether the existing home owner's association(s)  
18           surrounding the golf course are able to purchase all or part  
19           of the golf course; and
- 20           b) Whether the existing home owner's association(s) and any  
21           new association can coordinate joint control for all or part  
22           of the golf course.
- 23           ii. County purchase: The **applicant** shall coordinate with the  
24           [County] to determine if there is interest to donate, purchase, or  
25           maintain a portion or all of the property for a public use, e.g.,  
26           public park, **open space**, civic use, or other public facilities. This  
27           section shall not require the County to purchase any lands, nor  
28           shall this require the property owner to donate or sell any land.
- 29           iii. Conceptual development plan: The **applicant** shall prepare one or  
30           more proposed conceptual development plans, consistent with the  
31           **development** standards established in section LDC section  
32           5.05.15 G, depicting the proposed conversion to share with the  
33           stakeholders at the Stakeholder Outreach Meetings as described  
34           below. The conceptual development plan shall include a narrative  
35           describing how the plan implements and is consistent with the  
36           goals and objectives identified in the DAS. The conceptual plan  
37           shall depict the retained and proposed land uses, including  
38           residential, non-residential, and preserve areas; existing and  
39           proposed roadway and pedestrian systems; existing and proposed  
40           trees and landscaping; and the proposed location for the  
41           greenway, including any **passive recreational** uses. The  
42           narrative shall identify the intensity of the proposed land uses;  
43           how the proposed conversion is compatible with the existing  
44           surrounding land uses and any methods to provide benefits or  
45           mitigate impacts to the stakeholders. Visual exhibits to describe  
46           the conceptual development plan and any amenities, including the  
47           greenway, shall also be provided.
- 48       3. Stakeholder Outreach Meetings (SOMs) for conversion applications. The SOMs  
49       are intended to engage the stakeholders early in the conversion project and  
50       inform the **applicant** as to what the stakeholders find important in the  
51       neighborhood, what the stakeholders consider compatible with the neighborhood.



- 1 and what types of land uses they would support to be added to the  
2 neighborhood. The **applicant** shall utilize *Collier County's Guide to Golf Course*  
3 *Conversion: Public Outreach Methods and Usable Open Space Concepts* to  
4 conduct the SOMs. An assigned County planner shall attend the SOM and  
5 observe the process. The following is required of the applicant:
- 6 a. The Administrative Code shall establish the procedure and application  
7 submittal requirements.
  - 8 b. The **applicant** shall conduct a minimum of two in-person SOMs and a  
9 minimum of one web-based visual survey on the proposed conceptual  
10 plan(s). The web-based survey web address shall be incorporated in the  
11 mailings notifying the stakeholders of the in-person SOMs.
  - 12 c. At the SOM, the **applicant** shall provide information to the stakeholders  
13 about the purpose of the meeting, including a presentation on the goals  
14 and objectives of the conversion project, the alternatives established in  
15 the Developer's Alternative Statement, the greenway concept, as required  
16 in subsection D, and the measures taken to ensure **compatibility** with  
17 the existing surrounding neighborhood. The **applicant** shall facilitate  
18 discussion on these topics with the stakeholders using one or more public  
19 outreach method(s) identified in the *County's Guide to Golf Course*  
20 *Conversion*.
  - 21 d. SOM report for conversion applications. After completing the SOMs the  
22 **applicant** shall prepare a SOM report. The report shall include a list of  
23 attendees, a description of the public outreach methods used, photos  
24 from the meetings demonstrating the outreach process, results from  
25 outreach methods (as described in the *County's Guide to Golf Course*  
26 *Conversion*), and copies of the materials used during the SOMs. The  
27 **applicant** shall also include a point-counterpoint list, identifying  
28 reasonable input from the stakeholders and how and why it was or was  
29 not incorporated in the conversion application. The report shall be  
30 organized such that the issues and ideas provided by the stakeholders  
31 are clearly labeled by the **applicant** in the list and the conversion  
32 application.
- 33 4. Conversion application procedures. An **applicant** shall not submit a conversion  
34 application (e.g. rezone, PUDA, SRAA, compatibility design review) until the  
35 Intent to Convert application is deemed completed by County staff and the SOMs  
36 are completed. Thereafter, the **applicant** may proceed by submitting a  
37 conversion application with the County as follows:
- 38 a. Zoning actions. For projects subject to 5.05.15 B.1, the **applicant** shall  
39 file a PUDA or rezone application, including the SOM report. No  
40 deviations to LDC section 5.05.15 shall be approved; further, deviations  
41 to other sections of the LDC shall be shared with the stakeholders at a  
42 SOM or NIM.
  - 43 b. Stewardship Receiving Area Amendments. For projects subject to  
44 5.05.15 B.2, the **applicant** shall file a Stewardship Receiving Area  
45 Amendments application, including the SOM report. No deviations to LDC  
46 section 5.05.15 shall be approved; further, deviations to other sections of  
47 the LDC shall be shared with the stakeholders at a SOM or NIM.
  - 48 c. Compatibility design review. For projects subject to 5.05.15 B.3, the  
49 **applicant** shall file a compatibility design review application, including the  
50 SOM report. No deviations to LDC section 5.05.15 shall be approved.

- 1 D. Staff report for conversion applications. In addition to the requirements established in  
2 LDC sections 10.02.08, 10.02.13 B.3, or 4.08.07, as applicable, the staff report shall  
3 evaluate the following:
- 4 1. Whether the **applicant** has met the requirements established in this section and  
5 **development** standards in the LDC. In particular, that the proposed design and  
6 use(s) of the greenway, as applicable, meet the purpose as described 5.05.15 D.
  - 7 2. Whether the SOM report and point-counterpoint list described above reflect the  
8 discussions that took place at the SOMs.
  - 9 3. Whether the **applicant** incorporated reasonable input provided by the  
10 stakeholders to address impacts of the golf course conversion on stakeholder  
11 real property.
  - 12 4. Whether the **applicant** provided an explanation as to why reasonable input from  
13 the stakeholders was not incorporated into the conceptual development plan.
- 14 E. Supplemental review and approval considerations for zoning actions and Stewardship  
15 Receiving Area Amendments. The report and recommendations of the Planning  
16 Commission and Environmental Advisory Council, if applicable, to the Board shall show  
17 the Planning Commission has studied and considered the staff report for conversion  
18 applications, reasonable input from the stakeholders, and the findings established in  
19 LDC sections 10.02.08 E, 10.02.13 B, or 4.08.07, as applicable. In particular, the  
20 Planning Commission shall give attention to the design of the greenway and how it  
21 mitigates impacts to real property. Further attention shall be given to who can use the  
22 greenway. The staff report for the Board shall include the Planning Commission's  
23 findings.
- 24 F. Compatibility design review. For projects subject to 5.05.15 B.3, this section is intended  
25 to address the impact of golf course conversion on real property by requiring the  
26 conceptual development plan to be reviewed for **compatibility** with the existing  
27 surrounding uses. The land use is not subject to review. The following is required:
- 28 1. Application. The Administrative Code shall establish the submittal requirements  
29 for the compatibility design review application.
  - 30 2. Public Notice. The **applicant** shall be responsible for meeting the requirements  
31 of LDC section 10.03.06.
  - 32 3. Review. The **Planning Commission** shall review the staff report as described in  
33 5.05.15 D, the compatibility design review application as follows, and make a  
34 recommendation to the Board.
    - 35 a. Whether the **applicant** has met the applicable requirements established  
36 in this section and reasonably addressed the concepts identified in LDC  
37 section 5.05.15 D.2 – D.4.
    - 38 b. Whether the conceptual design is compatible with the existing  
39 surrounding land uses.
    - 40 c. Whether a view of **open space** is provided that mitigate impacts to real  
41 property for the property owners that surround the golf course.
    - 42 d. Whether **open space** is retained and available for passive recreation.
  - 43 4. The Board shall consider the staff report and **Planning Commissioner's report**  
44 and approve, approve with conditions, or deny application. Upon approval of the  
45 application, the applicant shall obtain approval of any additional required  
46 **development order**, such as SDP, construction plans, or **conditional use**.
- 47 G. **Development** standards. The following are additional minimum design standards for  
48 zoning actions and Stewardship Receiving Area Amendments. **The Compatibility design**  
49 **review process shall be subject to LDC section 5.05.15 G.6.**
- 50 1. Previously approved **open space**. Golf course acreages **utilized** to meet the  
51 minimum **open space** requirements for a previously approved project shall be

- 1 retained as **open space** and shall not be included in **open space** calculations for  
2 any subsequent conversion projects.
- 3 2. Greenway. The purpose of the greenway is to retain an **open space** view for  
4 stakeholders, support **passive recreational uses**, and support existing wildlife  
5 habitat. For the purposes of this section the greenway shall be identified as a  
6 continuous strip of undeveloped land set aside for **passive recreational uses**,  
7 such as: **open space**, nature trails, parks, playgrounds, golf courses, **beach**  
8 **frontage**, disc golf courses, exercise equipment, and multi-use paths. The Board  
9 may approve other **passive recreational** uses that were vetted at the  
10 Stakeholder Outreach Meetings and are supported by the stakeholders. The  
11 greenway shall not include required **yards (setbacks)** of any individual **lots**.
- 12 a. The greenway shall be contiguous to the existing residential properties  
13 surrounding the golf course and generally located along the perimeter of  
14 the proposed development. The Board may approve an alternative  
15 design that was vetted at the Stakeholder Outreach Meetings, as  
16 provided for in LDC section 5.05.15 C.3 and is supported by the  
17 stakeholders.
- 18 b. A minimum of 35 percent of the gross area of the conversion project shall  
19 be dedicated to the greenway. The greenway shall have a minimum  
20 average width of 100 feet and no less than 75 feet at any one location.
- 21 c. Maintenance of the greenway shall be identified through the zoning or  
22 and Stewardship Receiving Area Amendment process.
- 23 d. The greenway may be counted towards the **open space** requirement for  
24 the conversion project as established in LDC section 4.02.00 except as  
25 noted in G.1 above.
- 26 e. Existing trees and understory (shrubs and groundcover) shall be  
27 preserved and maintained within the greenway, except where minimal  
28 improvements are needed that provide a **passive recreational use**. At a  
29 minimum, canopy trees shall be provided at a ratio of 1:2,000 square feet  
30 within the greenway. Existing trees may count toward the ratio; however,  
31 trees within preserves shall be excluded from the ratio.
- 32 f. A wall or fence is not required between the greenway and the proposed  
33 **development**; however, should a wall or fence be constructed, the fence  
34 shall provide habitat connectivity to facilitate movement of wildlife in and  
35 around the greenway.
- 36 g. A portion of the greenway may provide stormwater management;  
37 however, the greenway shall not create more than 30 percent additional  
38 lake area than what exists pre-conversion. Any newly developed lake  
39 shall be a minimum of 100 feet wide.
- 40 h. The **applicant** shall record a restrictive covenant in the County's official  
41 records describing the use and maintenance of the greenway.
- 42 3. Supplemental preserve provisions.
- 43 a. Conversion projects with sporadic vegetation, e.g. isolated preserves less  
44 than ½ acre and/or areas of **native vegetation** retention less than ½  
45 acre (including planted areas) which meet the criteria established in LDC  
46 section 3.05.07 A.4 may recreate up to 100 percent of required preserve  
47 area if located within the greenway.
- 48 b. The existing required preservation areas for a golf course shall be  
49 retained and maintained as established in LDC section 3.05.07 B.1;  
50 however, 50 percent of the areas may be counted towards the required  
51 preserve area for the conversion project if located within the greenway

- 1                                    and made available for **passive recreation uses** as allowed for in LDC  
2                                    section 3.05.07 H.1.h.  
3        4.        Stormwater management requirements. The **applicant** shall demonstrate that  
4                                    the stormwater management for the surrounding uses will be maintained at an  
5                                    equivalent or improved **level of service**. This shall be demonstrated by a pre  
6                                    versus post **development** stormwater runoff analysis.  
7        5.        Floodplain compensation. In accordance with LDC section 3.07.02 floodplain  
8                                    compensation shall be provided.  
9        6.        Soil and/or groundwater sampling. In addition to the soil and/or ground water  
10                                   sampling requirements established in LDC section 3.08.00 A.4.d, the **applicant**  
11                                   shall conduct soil and/or groundwater sampling for the pollutants as follows:  
12                                   Managed turf, chemical storage/mixing areas, and maintenance areas (i.e.  
13                                   equipment storage and washing areas, fueling and fuel storage areas) shall be  
14                                   tested for organophosphate, carbamate, triazine pesticides, or chlorinated  
15                                   herbicides. In addition, maintenance areas, as described above, shall be tested  
16                                   for petroleum products. The County shall notify the Department of Environmental  
17                                   Protection where contamination exceeding applicable Department of  
18                                   Environmental Protection standards is identified on site or where an  
19                                   Environmental Audit or Environmental Assessment has been submitted.  
20        7.        All other **development** standards. The conversion of golf courses shall be  
21                                   consistent with the **development** standards in the LDC, as amended. Where  
22                                   conflicts arise between the provisions in this section and other provisions in the  
23                                   LDC, the more restrictive provision shall apply.  
24        H.        Design standards for lands converted from a golf course or for a permitted use within the  
25                                   GC zoning district shall be subject to the following design standards.  
26                                   1.        Lighting. All lighting shall be designed to reduce light pollution. At a minimum,  
27                                   lighting shall be directed away from neighboring properties and all light fixtures  
28                                   shall be full cutoff with flat lenses.  
29                                   2.        **Setbacks**. All non-golf course uses, except for the greenway, shall provide a  
30                                   minimum average 50-foot **setback** from lands zoned residential or with  
31                                   residential uses, however the **setback** shall be no less than 35 feet at any one  
32                                   location.  
33        #        #        #        #        #        #        #        #        #        #        #        #