



To: Development Services Advisory Committee
From: Caroline Cilek, LDC Manager
Date: Wednesday, December 28, 2016
Re: DSAC read-ahead for Wednesday, January 4, 2017 – **UPDATED December 30, 2016**

At the January 4th meeting, staff will be requesting a recommendation from DSAC on the following LDC amendments:

1. LDC section 2.03.09 Golf Course (GC) Zoning District. DSAC-LDR recommendations are noted in the LDC amendment document *and* on the attached Summary Sheet.
2. LDC section 3.05.07 Preserve Requirements (re Conservation Collier). Staff will request DSAC-LDR finalize their recommendations. Draft recommendations are provided on the LDC amendment document *and* on the attached Summary Sheet.
3. LDC section 10.03.06 Public Notice and Required Hearings for Land Use Petitions. This amendment complements a previously reviewed amendment regarding golf course conversions.

Staff will also request the Subcommittee's approval of draft minutes from the November 29, 2016, DSAC-LDR Subcommittee meeting (attached).

All proposed amendments are included in this packet.

Please let me know if you have any questions.

Sincerely,
Caroline

carolinecilek@colliergov.net
239-252-2485

2016 Cycle LDC Amendments

Summary Sheet with Advisory Board and Board Recommendations

LDC Section(s)	Proposed Amendment Overview	DSAC-LDR Subcommittee Recommendation September 12, September 19, October 19, November 3, November 16, November 29, December 19	DSAC Recommendation December 7, January 4
Board Directed Amendments			
<p>Origin: Board of County Commissioners Author: Growth Management Staff Sections: 2.03.06 Planned Unit Development Standards, 5.05.15 Conversion of Golf Courses (New Section)</p>	<p>This amendment 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.</p>	<p>The subcommittee reviewed the proposed amendment on November 3rd, November 16th, November 29th, and December 7th. 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:</p> <ul style="list-style-type: none"> • 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, play) on the greenway because it is not land they own or have a right to use currently. 	<p>The Committee supported the recommendation of the DSAC-LDR Subcommittee on 12/7/16.</p>

2016 Cycle LDC Amendments Summary Sheet with Advisory Board and Board Recommendations

<p>Origin: Board of County Commissioners Author: Growth Management Staff Section: 2.03.09 Open Space Zoning Districts - Golf Course and Recreational Use District "GC".</p>	<p>This amendment establishes certain compatible recreational uses as permitted or conditional uses within the Golf Course zoning district.</p>	<p>No changes, approved unanimously on 12/19.</p>	
<p>Origin: Board of County Commissioners Author: Growth Management Staff Section: 10.03.06 Public Notice and Required Hearings for Land Use Petitions</p>	<p>This amendment complements LDCA 5.05.15 Conversion of Golf Courses.</p>		
<p>Origin: Board of County Commissioners Author: Growth Management Staff Section: 3.05.07 Preservation Standards (Conservation Collier)</p>	<p>This amendment modifies the requirements for off-site vegetation retention. The amendment modifies the monetary payment and land donation processes and clarifies several provisions related to off-site native vegetation retention.</p>		
<p>Requested by the Growth Management Department</p>			

**2016 Cycle LDC Amendments
Summary Sheet with Advisory Board and Board Recommendations**

<p>Origin: Growth Management Department Author: Growth Management Staff Sections: 6.05.01 Water Management Requirements, 6.05.03 Stormwater Plans for Single-Family Dwelling Units, Two-Family Dwelling Units, and Duplexes (New Section)</p>	<p>This amendment expands the requirement for a stormwater plan to all new buildings, additions, or redevelopment of single-family dwellings, two-family dwellings, and duplexes (with some exceptions). The amendment also modifies the design requirements for stormwater plans.</p>	<p>No changes, approved unanimously on 11/29.</p>	<p>No changes, approved unanimously on 12/7/16.</p>
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November 29, 2016

MINUTES OF THE COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE LAND DEVELOPMENT REVIEW
SUBCOMMITTEE

Naples, Florida, November 29, 2016

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee – Land Development Review Subcommittee in and for the County of Collier, having conducted business herein, met on this date at 3:00 PM in a REGULAR SESSION at the Growth Management Department Building, Room 609/610 2800 N. Horseshoe Drive, Naples, FL with the following persons present:

Blair Foley
Robert Mulhere
Clay Brooker
Blair Foley
Stan Chrzanowski
Marco Espinar
Jeremy Sterk
Dalas Disney

ALSO PRESENT: Caroline Cilek, LDC Manager
Jeremy Frantz, Senior Planner
Richard Henderlong, Principal Planner
Jack McKenna, County Engineer
Alexandra Sulecki, Conservation Collier Coordinator
Summer Araque, Principal Environmental Specialist

Any persons in need of the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Division – Planning and Regulation building –Contact Mr. Evy Ybaceta at 239-252-2400.

1. Call to order

Mr. Foley called the meeting to order at **3:00pm**.

2. Approve agenda

Mr. Espinar moved to approve the Agenda. Second by Mr. Chrzanowski. Carried unanimously 7 – 0.

3. Approve meeting minutes

a. November 3rd, 2016

Mr. Espinar moved to approve the minutes of the November 3, 2016 meeting as presented. Second by Mr. Chrzanowski. Carried unanimously 7 – 0.

4. Review revised LDC amendments

a. 3:05 pm – Stormwater Plans (*Mr. Foley (Chairman), Mr. Disney, Mr. Brooker, Mr. Mulhere, Mr. Mitchell, Mr. Chrzanowski and Mr. Dunnivant.*)

i. Subcommittee recommendation

Staff presented the most recent draft for the amendment to *Land Development Code (LDC) Sections 6.05.01 Water Management Requirements; 6.05.03 Stormwater Plans for Single-Family Dwelling Units, Two-Family Dwelling Units and Duplexes; and Section 4.M. Stormwater Plan of the Administrative Code* for review. Staff noted:

- The allowance for “owner builders” to submit Type I Stormwater plans was eliminated.
- Section 6.05.03 G has been modified based on the Subcommittee’s input and will be modified again after consulting with the additional staff regarding the code enforcement process.

Discussion of owner builder requirements

Mr. Disney noted he was not present at the previous meeting where this was determined and expressed concern that the allowance was struck from the proposed amendment noting it adds unnecessary costs to the project.

Staff and Subcommittee Members noted the basis to remove the allowance revolved around:

- The owner builder may not have the expertise to prepare the plans wasting Staff time on reviews and multiple plan rejections.
- Without the proper expertise, they may cause unintended damage such as violating the requirements for a drilled well or septic system setback (on their own parcel or an adjacent parcel), causing water to flow onto neighbor’s property, etc.
- A consultant will be required to prepare a septic system plan and the additional expense for preparing a stormwater plan should be nominal.

Discussion occurred noting a solution may be to allow certain owner builders to submit the plan if they can demonstrate past experience in preparing similar plans. The criteria for a determination on the ability to prepare the plan could be handled through a Building Block or

the application process, given incorporating into the allowance into the Land Development Code would make it more onerous to change in the future.

Mr. Brooker moved to recommend the Development Services Advisory Committee to recommend the Board of County Commissioners approve the proposed amendment as presented by Staff subject to allowing owner builders to submit Type I Stormwater plans if they meet specific criteria. Said criteria to be incorporated into the application process. Second by Mr. Chrzanowski. Carried unanimously 7 - 0.

Staff reported they would amend the draft amendment for review to the Subcommittee in advance of the full Development Services Advisory Committee meeting to be held on December 7, 2016 when the item is scheduled to be heard.

- b. 3:35 pm – Conservation Collier** (*Mr. Brooker (Chairman), Mr. Sterk, Mr. Foley, Mr. Mulhere, Mr. Disney and Mr. Espinar*).

Ms. Cilek provided the latest draft of the proposed amendment to Section 3.05.07.H.1 - Preservation Standards for review. She noted staff is still working on final changes to the proposed amendment.

Mr. Espinar expressed concern the process is deviating from the original direction given by the Board of County Commissioners to ensure long term management costs are available to manage the preserves. He cited the Conservation Collier Land Acquisition Advisory Committee's (CCLAAC) recommendation of now requiring lands to be donated at a ratio of 4:1, etc.

Staff reported the CCLAAC is addressing concerns raised by the Collier County Planning Commission regarding incentivization of off-site mitigation for urban area preserves and ensuring the land donation costs is equal to the value of the developed lands in the urban area. Two recommendations will be moving forward, DSAC's and CCLAAC's. DSAC's recommendation incorporates a 1:1 land donation ratio.

Mr. Mulhere moved to recommend the Development Services Advisory Committee retain their original recommendation (\$50,000/acre costs for monetary donations and a \$17,400/acre cost for a management endowment for land donations). Second by Mr. Foley. Carried unanimously 5 – 0. Mr. Espinar abstained.

Staff reported they will be revising the “narrative section” and return it to the Subcommittee for review.

i. Update on amendment schedule

Ms. Cilek reported the proposed amendments are scheduled to be heard by the Planning Commission in January of 2017 and the Board of County Commissioners in March of 2017.

ii. Public Comments

None

c. **4:15 pm – Golf Course Conversions** (*Mr. Brooker (Chairman), Mr. Foley and Mr. Mulhere*).

i. **Update on amendment schedule**

Ms. Cilek reported the proposed amendment is scheduled to be heard by the Planning Commission in January of 2017 and the Board of County Commissioners by April of 2017 before the moratorium expires.

ii. **Subcommittee recommendation regarding LDC section 5.05.15**

Mr. Mulhere will be abstaining from the item as he has a conflict of interest.

Staff provided latest proposed draft of LDC Sections 2.03.09 - Open Space Zoning Districts; 5.05.15 Golf Courses Conversion process – Administrative Code, and; The support document titled “*Requirements for Stakeholder Outreach Meeting for Golf Course Conversions.*”

The Subcommittee reviewed the proposed amendment with comments on the following Sections:

- Section 5.05.15 A – Discussion occurred on the requirement of defining Stakeholders as property owners within 1,000 feet of a golf course or who own property within a golf course master planned community. The Subcommittee suggested that the requirement may be too large and would be very costly. Instead consider a distance of 500 feet which is sufficient for other rezones.
- Additional discussion occurred on the prospect of eliminating the requirement of a Neighborhood Information Meeting (NIM) if the applicant is required the Stakeholder Outreach Meetings, which are similar to a NIM. This would eliminate duplicative costs to the applicant for mailings and holding the meetings. Staff noted that a NIM may still be warranted given the meetings are held after the design of the development has been completed and the layout of buildings and infrastructure has been identified. **Staff reported they would review the concept and report back at a future meeting.**
- Section 5.05.15 A.2 – Consider revising the language from “*Further, the applicant is encouraged to incorporate input provided by stakeholders into the development proposal*” to “*Further, the applicant is encouraged to incorporate **reasonable** input provided by stakeholders into the development proposal.*” The change to “reasonable” should apply to any other sections citing this standard as well.
- Section 5.05.15 B.1 and 2 – Consider revising the language to cite golf course developments “***in any zoning district***” and eliminate citing PUD’s, non PUD, and SRA’s. **Staff reported they will review and provide an update at a future meeting.**
- Section 5.05.15 C.1 – Consider eliminating the applicant’s requirement to provide an “ownership encumbrance report.”
- Section 5.05.15 C.1 – Clarify the use of the term “***context***” in any section it appears.
- Section 5.05.15 C.3.iii – The current language states, “*This section shall not require the County to purchase any land.*” Consider adding the statement “*the owner shall not be required to donate any lands.*” Staff confirmed the intention was that a donation would not be required; if anything, it would be a sale of lands by the applicant. **Staff reported that they are working on changes to this requirement.**
- Section 5.05.15 D – Discussion occurred regarding the language “*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.*” The Subcommittee asked how the requirements would be applied given that different areas within a

development may contribute to meeting the required open space at the time a project is approved, and it may not be clear how many acres of the golf course are dedicated to open space requirements. ***Staff reported they will review the concept and report back at a future meeting.***

- Section 5.05.15 D.2.e. – The Subcommittee expressed concern regarding the language: “Existing trees and understory (shrubs and groundcover) shall be preserved and maintained within the greenway.” At times vegetation may need to be removed in the greenway to promote the allowed uses. They recommended the requirement state, “Limited clearing or vegetation removal may be permitted to advance the intent of the Greenway,” or similar language.
- Section 5.05.15 D.2.h – Consider removing the requirement for the applicant to record a restrictive covenant in the County’s official records describing the use and maintenance of the greenway. The Subcommittee noted that this would take place during the rezone process.
- Section 5.05.15 G 2 – Discussion occurred regarding the requirement to provide usable open space on the greenway. The amendment’s general purpose is to maintain the adjacent landowner’s view and the Subcommittee expressed concern that it is promoting access to lands that were previously not open to the public.
- General – The Subcommittee recognized the proposed amendment is being developed at the direction of the Board of County Commissioners. However, the Subcommittee noted that the Board’s concerns could be adequately addressed through the current rezone process.

Staff reported they would review the Subcommittee’s comments and provide an updated draft at a future meeting.

5. Public comments

None

6. Next meeting date

a. December 2016 – TBD

There being no further business for the good of the County, the meeting was adjourned by the order of the Chair at 5:24PM.

**COLLIER COUNTY DEVELOPMENT SERVICES
ADVISORY COMMITTEE - LAND DEVELOPMENT
REVIEW SUBCOMMITTEE**

These Minutes were approved by the Committee on _____, as presented _____, or as amended _____.

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:

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.

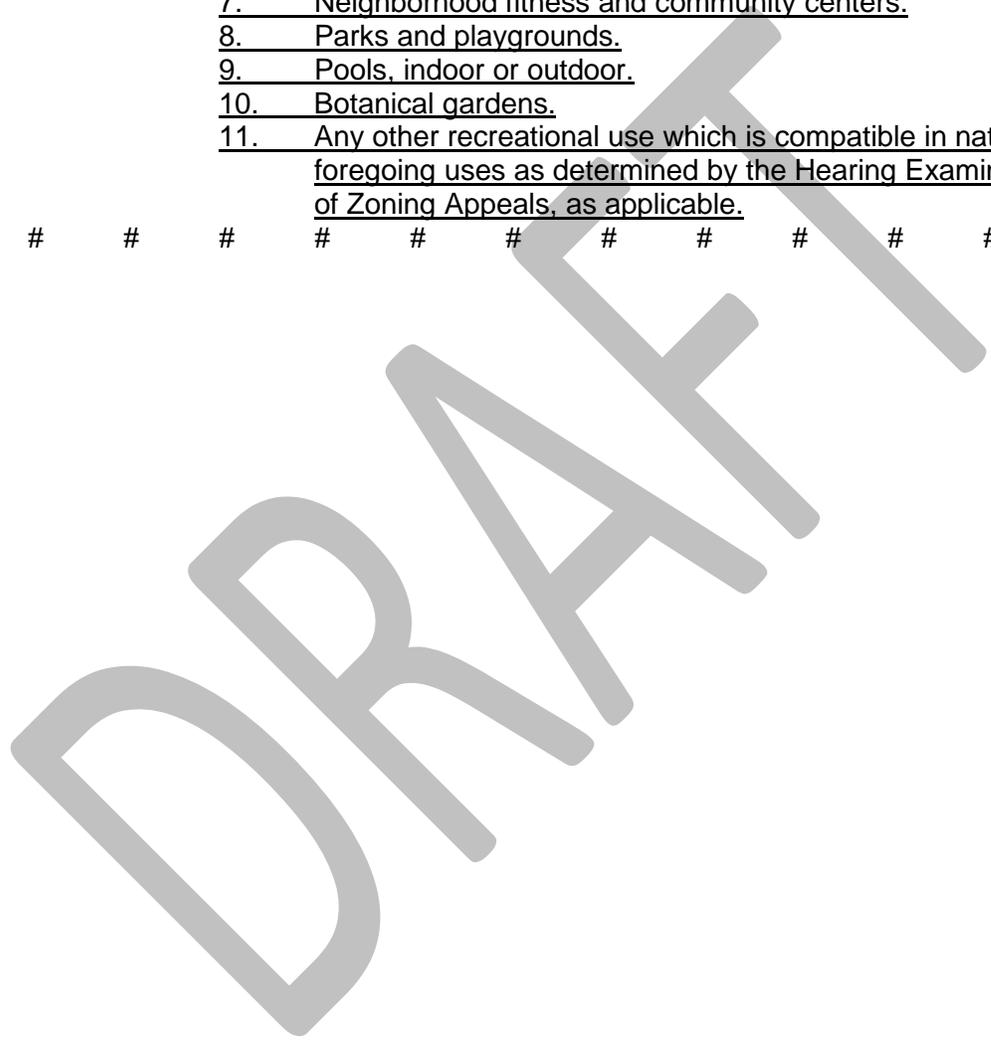
38 1. Commercial establishments oriented to the golf course ~~permitted~~
39 ~~uses of the district~~ including gift shops; pro shops with equipment
40 sales in excess of 1,000 square feet; **restaurants** with seating

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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- capacity of greater than 150 seats; cocktail lounges, and similar uses, primarily intended to serve patrons of the golf course.
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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Land Development Code Amendment Request

ORIGIN: Board of County Commissioners

AUTHOR: Growth Management Staff

DEPARTMENT: Growth Management

AMENDMENT CYCLE: 2015 LDC Amendment Cycle 2

LDC SECTION(S): 3.05.07 Preservation Standards

CHANGE: This amendment modifies the requirements for off-site native vegetation retention. The amendment modifies the monetary payment and land donation processes and clarifies several provisions related to off-site native vegetation retention.

REASON:

Amendment History

Currently LDC section 3.05.07 H.1.f establishes several options for compliance with the County's native vegetation retention requirements:

- 1) On-site preservation; or
- 2) Off-site preservation through one of the following methods:
 - a. Monetary payment with an exotics maintenance endowment, or
 - b. Land donation with an exotics maintenance endowment.

On July 7, 2015, Conservation Collier staff made several preliminary recommendations to the Board of County Commissioners (Board) for guidance prior to establishing more detailed changes to the program. The Board directed a review of these recommendations with the Conservation Collier Land Acquisition Advisory Committee (CCLAAC) and Development Services Advisory Committee (DSAC) to provide recommendations to increase the land management endowment, beyond seven years, for off-site native vegetation retention preservation and to review the optional monetary donation amount as well.

On March 22, 2016, the Board directed staff to prepare and publicly vet an LDC amendment to modify formulas for determining the amount of the endowments associated with each of these options to ensure the formulas reflect the true costs to manage lands donated to Conservation Collier.

On May 25, 2016, separate recommendations from CCLAAC and DSAC were presented to the Collier County Planning Commission (CCPC) to increase the endowment for both the monetary payment and land donation options. The CCPC directed staff to revise the recommendations once again with the advisory committees to modify the proposed changes to incentivize and support on-site native preservation, and noted the following:

- Monetary donations should be larger to promote on-site retention, and when the off-site option is sought, support the completion of the Conservation Collier "targeted areas."

- The ratio of donated lands should be equal to the value of the to-be-developed parcel.
- The program should place more emphasis on encouraging the natural environment to be incorporated within urban developments, rather than utilizing the off-site options.

The following amendments to 3.05.07 H.1.f provide a purpose statement for the off-site alternative section, update and revise the applicability section to support the purpose section, and provide PUD deviation thresholds.

Growth Management Plan History

Off-site preserves

Off-site alternatives to the native vegetation retention requirement were added to the LDC in 2010 to allow for the purchase or donation of land off site in lieu of preservation of native vegetation on site. The criteria for determining when this alternative is allowed, is based on the provisions identified in CCME Policy 6.1.1 (10), which states the following:

“The County shall adopt land development regulations that allow for a process whereby a property owner may submit a petition requesting that all or a portion of the native vegetation preservation retention requirement to be satisfied by a monetary payment, land donation that contains native vegetative communities equal to or of a higher priority as described in Policy 6.1.1 (4) than the land being impacted, or other appropriate method of compensation to an acceptable land acquisition program, as required by the land development regulations. The monetary payment shall be used to purchase and manage native vegetative communities off-site. The land development regulations shall provide criteria to determine when this alternative will be considered. The criteria will be based upon the following provisions:

- a. The amount, type, rarity and quality of the native vegetation on site;
- b. The presence of conservation lands adjoining the site;
- c. The presence of listed species and consideration of Federal and State agency technical assistance;
- d. The type of land use proposed, such as, but not limited to, affordable housing;
- e. The size of the preserve required to remain on site is too small to ensure that the preserve can remain functional; and
- f. Right of Way acquisitions for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area.

The land development regulations shall include a methodology to establish the monetary value, land donation, or other appropriate method of compensation to ensure that native vegetative communities not preserved on-site will be preserved and appropriately managed off-site.”

Generally speaking, preserves which are smaller in size, or those located adjacent to more intense land uses, have a greater potential to become less viable over time due to fragmentation of the habitat and sensitivity of different types of native vegetation to changes in the environment. Depending on the type of development and uses on adjoining properties, plants, such as slash pine,

often die after a few years. It is in these instances where the off-site purchase or donation of land is recommended in lieu of preservation of native vegetation on site.

On-site preserves

The allowance for off-site preserves was added to the LDC in 2010 after the EAR-based GMP amendments were adopted to include the option for off-site preserves. However, due to the recession, the off-site preserve portion of the LDC is in its infancy and it has become apparent that certain portions of this LDC section need to be amended for clarity.

The purpose of the on-site preserve requirement is to retain, maintain, and protect existing native vegetation on site as provided for in the GMP's Conservation and Coastal Management Element. Accordingly, the purpose of LDC section 3.05.00 Vegetation Removal, Protection, and Preservation states:

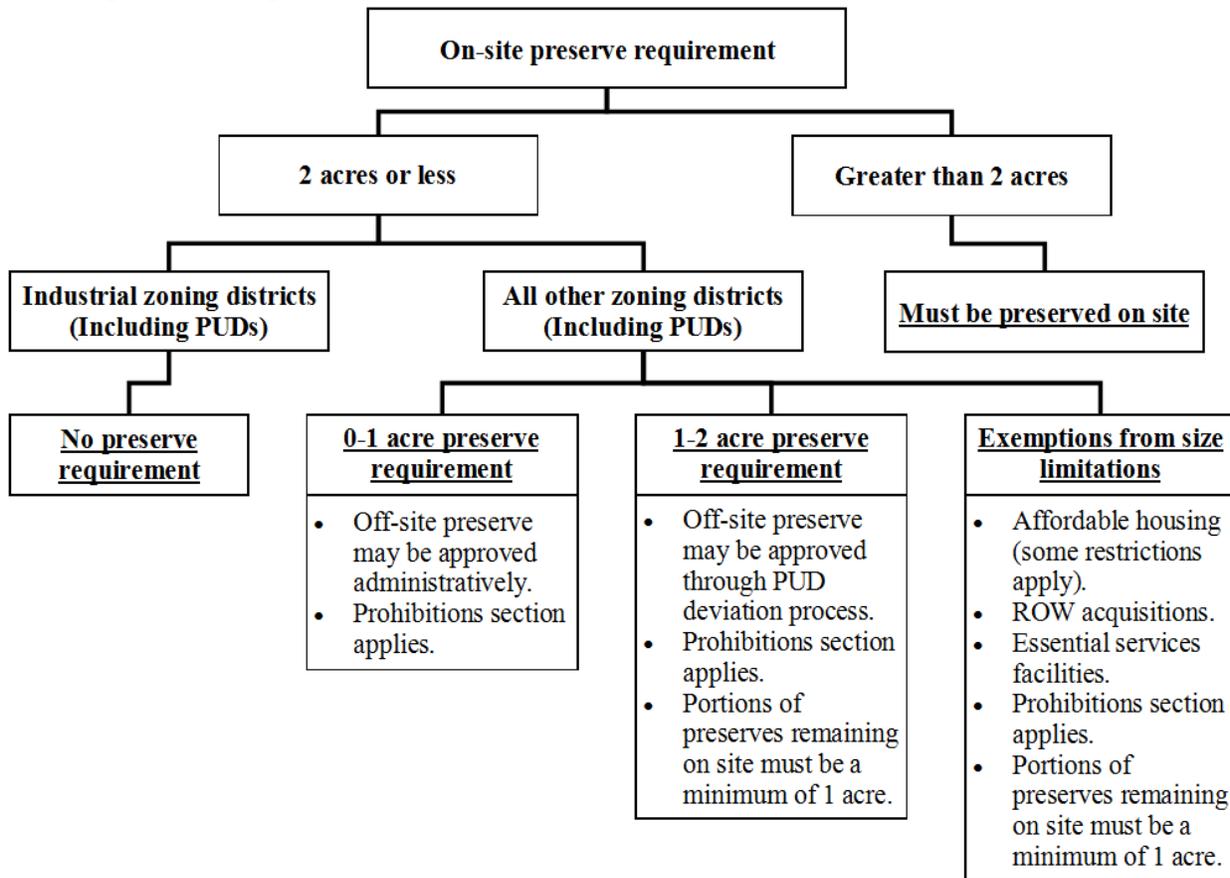
“The purpose of this section is the protection of vegetation within the County by regulating its removal; to assist in the control of flooding, soil erosion, dust, heat, air pollution, and noise; and to maintain property, aesthetic, and health values within the County; to limit the use of irrigation water in open space areas by promoting the preservation of existing plant communities; to limit the removal of existing viable vegetation in advance of the approval of land development plans; and to limit the removal of existing viable vegetation when no landscape plan has been prepared for the site.”

Additionally, at the May 25, 2016 meeting, the CCPC noted that the retention of native vegetation, even small areas, is valued by Collier County residents. As a result, the CCPC directed staff to incentivize the retention of native vegetation and open spaces in urban areas of the County.

Following the CCPC's direction, various revisions to LDC section 3.05.07 are proposed. First, preserves less than one acre which meet the applicability criteria and do not trigger any of the prohibitions will be able to take proposed preserves off site administratively. Second, required preserves ranging from one acre to two acres may request a PUD deviation as long as they do not trigger any of the prohibitions. Third, PUDs or other zoning project types with a native vegetation requirement greater than two acres for a proposed preserve do not qualify for the off-site preserve section of the LDC. Fourth, exceptions are provided for affordable housing, essential service facilities, and right-of-way acquisitions.

The flowchart on the following page demonstrates how LDC sections 3.05.07 H.1.f.i-iii apply to projects based on the preserve requirement.

On-site preserve requirement scenarios:



It is important to note that while this section allows for off-site preservation, preserves in the urban area still provide benefits to the community. Beyond native habitat, preserves also provide green space consisting of naturally existing vegetation in urban areas. A Tree Study done by the Nature Conservancy confirms that trees and other vegetation provide many benefits to people including: “aesthetic beauty, enhancement of property values, erosion prevention, stormwater management, and noise reduction.”¹ The Study also reiterates that trees sequester carbon which helps to alleviate the effects of climate change. Trees help to make the air healthier as “Dozens of studies now show that tree leaves filter out particulate matter from the atmosphere, along with many other air pollutants.”²

Preserves retained on site can be an amenity for residents. The LDC allows for boardwalks, pathways, benches, educational signs, and viewing platforms; staff encourages these uses so that residents can enjoy preserve areas. In addition, the Tree Study indicates that urban trees have been shown to have economic value, stating, “In general, the total economic value of a tree is frequently more than 20 times the value specifically for air quality, with stormwater mitigation and aesthetic value for property owners being especially important.”³

¹ McDonald, R., Kroeger, K., Boucher, T., Wang, L., Salem, R. (2016). Planting Healthy Air. Retrieved from <https://global.nature.org/content/healthyair?src=r.global.healthyair>. Pg. 2

² Ibid, Pg. 2.

³ Ibid, Pg. 22.

Changes to LDC sections 3.05.07 H.1.f.i-iii

Purpose section

The amendment proposes a purpose section to guide the off-site preserve program. This section clarifies the original intent of the program, identifying it is intended to apply to projects with a preserve requirement of one acre or less. There are exceptions for affordable housing, right-of-way acquisitions, and PUD deviation requests.

Applicability section

The amendment supports retaining existing County approved preserves unless they have dimensional constraints that do not support their viability. The applicability section reiterates the on-site preserve requirement may be satisfied off site where the preserve requirement is one acre or less and one of three scenarios applies. The three scenarios include:

1. New commercial and/or residential development. Industrial is not included because an exception in LDC section 3.05.07.B.2.h establishes that industrial zoned parcels which have a native vegetation retention requirement of 2 acres or less are exempt from the preserve requirement.
2. Existing portions of preserves that are located within a single family platted lot.
3. Existing preserves which do not meet the dimensional preserve standards established in 2010.

Exceptions to the 1 acre or less threshold include:

- The essential services facilities provision has been moved to the list of exceptions to the 1 acre or less threshold.
- The affordable housing project provision has been modified to be an exception to the one acre threshold and is proposed to be more conservative in how much acreage is allowed off site.. This change is due to a change in County policy. Previously, the County policy was for developments to provide a low percentage of affordable housing and the remainder at market rate. There is no longer a policy for affordable housing and recent affordable housing projects have provided 100 percent affordable housing, leaving no preserve on site. Therefore, this change supports the notion that all types of development should be able to enjoy preserve areas.
- County right-of-way (ROW) projects. There are no changes are suggested to this section.

Several provisions were removed, including:

- The criterion allowing properties zoned commercial with an on-site preserve requirement of less than 2 acres was removed. This was transitioned to the PUD deviation request section which allows an applicant to request satisfying the preserve requirement off site when the preserve requirement is 2 acres or less.
- The criterion allowing park sites with an on-site preserve requirement of less than one acre in size was removed because the purpose of the section is to support preserves in parks and park-like uses are already allowed in preserves.
- The criterion allowing for preserves less than one acre was removed as it has been qualified under the provision allowing a new commercial and/or residential project to take an acre off site.
- The criterion allowing existing or proposed preserves with 75 percent or more exotic vegetation coverage was removed because it does not provide a cap on acreage and is in

conflict with the definition of native vegetation. For example, a site with 75 percent coverage of the Downy Rosemyrtle shrub with a canopy of native trees could all be taken off site due to the exotic shrubs, but could also count as part of the native vegetation for the preserve calculation. Further, this section does not promote property owners being good land stewards as they can take the preserve off site if it becomes filled with exotic vegetation due to poor maintenance.

- The criterion allowing for created preserves which do not meet the success criteria in LDC section 3.05.07 H.1.e.viii or where preserves have not been planted in a manner which mimics a natural plant community was removed because it does not support applicants maintaining or cultivating a viable created preserve.

Changes to the Restrictions section include:

Identifying the section as prohibitions to make it clear that no deviations can be requested or allowed that are inconsistent with the criteria. Further, the section clarifies that preserves within flowways should be retained as these are important native vegetation areas that provide multiple functions.

PUD deviations section

This provision is introduced to allow for projects with a preserve requirement up to 2 acres to request deviations at the onset of their project. No deviation requests shall be allowed for required preserves that are greater than 2 acres, or where a preserve was identified on an approved Site Development Plan (SDP) or Final Subdivision Plat (PPL).

Changes to LDC sections 3.05.07 H.1.f.iv

DSAC and CCLAAC provided separate recommendations related to monetary payments and endowments for land donations in LDC section 3.05.07 H.1.f.iv. These recommendations are described in the following sections.

Monetary Payment

Currently, the monetary payment is based on the location of the land to be impacted and must be equal to 125 percent of the average cost of land purchased by Conservation Collier in the urban designation or of the average cost of all other designations, as applicable. The DSAC-LDR Subcommittee and CCLAAC have provided the following recommendations regarding changes to the monetary payment:

DSAC Recommendation

DSAC recommends minor changes to LDC section 3.05.07 H.1.f.iii.a to identify that the monetary payment amount shall be established in the *Collier County Growth Management Department Development Services Fee Schedule*. The fee recommended by DSAC is \$50,000 per acre and based on the following assumptions:

	Per Acre Costs
Average cost to purchase land for Conservation Collier:	\$32,800
Land management endowment (see discussion below):	\$13,200
Initial exotic vegetation removal costs:	\$4,000
Total	\$50,000

The land management endowment assumes annual maintenance costs will be reduced after five years due to the consolidation of parcels maintained by Conservation Collier. Therefore, DSAC assumed the annual maintenance costs to be \$558 per acre for the first five years, and \$141 per acre for each year thereafter. Additionally, assuming 2.25% annual interest and 3.0% inflation, a land management endowment of \$13,200 provides sufficient funds for land management for over 50 years.

CCLAAC Recommendation

CCLAAC recommends codifying a formula to determine the monetary payment amount in LDC section 3.05.07 H.1.f.iv.a. The recommended formula requires an appraisal of the post-development value of the acreage required to meet on-site preservation requirement. A one-time fee of \$16,000 is also required for initial exotic vegetation removal. This fee was determined to be sufficient to pay for the removal of exotics on up to four acres as the number of acres to be purchased by Conservation Collier with this monetary payment may vary.



The following examples are of lots with varying native vegetation retention requirements and post-development land values and demonstrate potential outcomes of CCLAAC’s recommendation.

Examples:

Required preserve area (acres)	x	Appraised Post-Development Land Value	x	125%	=	Land Management Cash Endowment	+	Initial Exotic Vegetation Removal Fee	=	Total Monetary Payment Amount
.455	x	\$17,000	x	125%	=	\$9,669	+	\$16,000	=	\$25,669
.50	x	\$300,000	x	125%	=	\$187,500	+	\$16,000	=	\$203,500
.91	x	\$17,000	x	125%	=	\$19,338	+	\$16,000	=	\$35,338
1.0	x	\$300,000	x	125%	=	\$375,000	+	\$16,000	=	\$391,000

This formula would be included in LDC section 3.05.07 H.1.f.iv.a and will require an LDC amendment if the calculation was modified in the future.

Cash Endowment for Land Donation

When an applicant chooses to donate land for off-site preservation, rather than to make a monetary payment, LDC section 3.05.07 H.1.f.iii.b-c requires that a land management endowment must be included with the monetary payment in order to maintain the property in perpetuity. Currently, a \$4,000 cash endowment is provided along with land donations, regardless of the number of acres donated. This endowment has been insufficient for long-term management of these properties due to a relatively higher maintenance cost. DSAC-LDR Subcommittee and CCLAAC have provided the following recommendations regarding changes to the endowment for land donations:

DSAC Recommendation

DSAC did not make any changes to its previous recommendation regarding endowments for land donations. DSAC determined that the current process and recommended fees already incentivize on-site preservation for the following reasons:

- If the cost of the monetary payment is significantly higher than the cost of off-site mitigation, developers will be more likely to use the off-site mitigation process.
- Limiting the areas that can be donated to the Conservation Collier acquisition area has increased the value of the lots in those areas, making it less likely that the off-site mitigation option will be used.
- There is already a cap on the acreage that can be mitigated off site.
- Developers frequently donate more land than is required to be preserved. On-site preservation requirements are small (sometimes as small as one-tenth of an acre), but the mitigation parcels are generally 1.5 to 2.5 acres because lots in the estates cannot be split and the entire lot is donated.

As a result, DSAC's recommendation includes minor changes to LDC sections 3.05.07 H.1.f.iii.b-c to identify that the endowment amount shall be established in the *Collier County Growth Management Department Development Services Fee Schedule*. The fee recommended by DSAC is \$17,200 per acre and based on the following assumptions:

	Per Acre Costs
Land management cash endowment (see discussion below):	\$13,200
Initial exotic vegetation removal costs:	\$4,000
Total	\$17,200

As with DSAC's monetary payment donation, the land management endowment assumes annual maintenance costs will be reduced after five years due to the consolidation of parcels maintained by Conservation Collier. Therefore, DSAC assumed the annual maintenance costs to be \$558 per acre for the first five years, and \$141 per acre for each year thereafter. Additionally, assuming 2.25% annual interest and 3.0% inflation, a land management endowment of \$13,200 provides sufficient funds for land management for over 50 years.

CCLAAC Recommendation

CCLAAC recommends modifying LDC sections 3.05.07 H.1.f.iii.b-c to establish a management endowment fee of \$50,000 per acre and applied at a ratio of 4:1, consistent with the CCPC’s May 25, 2016, direction. This means that for every 1 acre of required native vegetation retention proposed to be provided off site, the per acre cost for land management shall be multiplied by 4. The \$50,000 aligns with DSAC’s recommended monetary payment amount. In addition, a one-time \$16,000 initial exotic vegetation fee shall also be paid by the applicant.

	Per Acre Costs	Applied at 4:1 ratio
Land management endowment (See discussion below):	\$50,000	
Initial exotic vegetation removal (see discussion below):	\$16,000	
Total	\$66,000	

The following examples of lots with varying native vegetation retention requirements demonstrate potential outcomes of CCLAAC’s recommendation.

Examples:

Required preserve area (acres)	4:1 Ratio	Land Management Endowment	Initial Exotic Vegetation Removal Fee	Total Land Donation Endowment Amounts
.455	x 1.82	x \$50,000	+ \$16,000	= \$57,405
.50	x 2.0	x \$50,000	+ \$16,000	= \$66,000
.91	x 3.64	x \$50,000	+ \$16,000	= \$181,620
1.0	x 4.0	x \$50,000	+ \$16,000	= \$216,000

Although the specific formulas used to determine the required monetary payment and land donation endowments recommended by DSAC and CCLAAC differ significantly, both advisory committees recommended that the formulas should be re-evaluated every three years.

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:

Amend the LDC as follows:

1 **3.05.07 Preservation Standards**

2 * * * * *

3 H. Preserve standards.

4 * * * * *

5 1. Design standards.

6 * * * * *

7 f. ~~Off-site vegetation retention.~~ Purpose and intent. The purpose of
8 this section is to identify the criteria to satisfy on-site preserve
9 requirements off site. The intent of the on-site preserve
10 requirement is to retain, maintain, and protect existing **native**
11 vegetation on site as provided for in the GMP's Conservation and
12 Coastal Management Element. However, a certain on-site
13 preserve may be less viable as a functional preserve because it is
14 one acre or less and isolated. Therefore, in limited situations,
15 providing for a preserve off site can achieve the goals of the GMP.

16 i. ~~Applicability. A property owner may request that all or a~~
17 ~~portion of the Collier County on-site native vegetation~~
18 ~~preservation retention requirement be satisfied for only the~~
19 ~~following situations and subject to the restrictions listed~~
20 ~~below.~~

21 i. Applicability. The on-site preserve requirement may be met
22 off site where the preserve requirement is one acre or less
23 for only the following situations and subject to the
24 prohibitions and PUD deviation requirements listed below.
25 The preserve requirement shall be based on the total
26 acreage for the PUD; if the project is not within a PUD, then
27 the preserve requirement shall be based on the total
28 acreage for the applicable development order, including all
29 phases, consistent with LDC section 3.05.07 H.1.a.

- 30 a) Commercial and/or residential projects where
31 preserves have not been approved by the County.
32 Properties zoned commercial where the on-site
33 preserve requirement is less than 2 acres in size.
- 34 b) Existing portions of preserves located within single-
35 family platted **lots**. Park sites where the on-site
36 preserve requirement is less than one acre in size.
- 37 c) Existing preserves which do not meet the current
38 minimum dimensional requirements as established
39 in Ord. No 2010-23 for on-site vegetation retention
40 established in this section. Essential service
41 facilities other than parks, for any size preserves.

42 d) Exceptions. Where the on-site preserve
43 requirement is greater than one acre, the preserve
44 requirement may be satisfied off site in only the
45 following situations:

- 46 1) Essential service facilities other than parks,
47 where the on-site preserve requirement is
48 any size.
- 49 2) Affordable housing projects. Affordable
50 housing projects may request approval from
51 the Board of County Commissioners prior to
SDP or final plat and construction plans

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approval to satisfy the on-site preserve requirement off site at a rate of 50 percent of affordable housing units provided, not to exceed 3 acres. For example, if 50 percent of the units provided are affordable housing, the applicant may request to preserve up to 25 percent of the required preserve off site so long as the total off-site preserve acreage did not exceed three acres.

2) **Right-of-way** acquisitions to be conveyed, or in the process of being conveyed, to the County by non-governmental entities for all purposes necessary for roadway construction, including ancillary **drainage facilities**, and including utilities within the right of way acquisition area.

- d) ~~Preserves less than one acre in size~~
- e) ~~**Affordable housing** projects. The maximum percent of **native vegetation** retention allowed offsite shall be equal to the percent of **affordable housing** units, without limitation as to size of the preserve.~~
- f) ~~Existing or proposed preserves with 75 percent or more coverage with exotic vegetation. Existing preserves not previously overrun with this type vegetation and which arrive at this state due to lack of management of the preserve shall mitigate off site at a ratio of 2 to 1.~~
- g) ~~Created preserves which do not meet the success criteria in 3.05.07 H.1.e.viii or where preserves have not been planted in a manner which mimics a natural plant community.~~
- h) ~~Preserves which do not meet the minimum dimensional requirements of this section.~~
- f) ~~Portions of preserves located within platted single-family lots.~~
- j) ~~Right of Way acquisitions to be conveyed or in the process of being conveyed to the County by non-governmental entities for all purposes necessary for roadway construction, including ancillary drainage facilities, and including utilities within the right of way acquisition area.~~
- k) ~~All criteria listed for created preserves.~~

ii. PUD deviations. Requests for deviations from the on-site native vegetation retention requirement may only be granted where the preserve requirement for the PUD is less than two acres. Additionally, no deviations shall be approved to preserves identified on an approved SDP or final plat and construction plans, except as provided for in LDC sections 3.05.07 H.1.f.i. b) and c) above. The **applicant** shall provide justification for the requested

1 deviations and explain the unique situation for exceeding
2 the thresholds in LDC section 3.05.07 H.1.f.i above.
3 Deviations shall be processed pursuant to LDC section
4 10.02.13.

5 ~~ii.iii.~~ Prohibitions. Restrictions, when Where one or more of the
6 following situations occur it shall be prohibited to satisfy the
7 on-site preserve requirement off site.

8 a) Xeric scrub and hardwood hammocks which are
9 one acre or more in size, mangrove (excluding
10 mangrove fringes less than 40 feet in width on
11 artificially created **shorelines**), coastal **dune** and
12 strand environments, and listed species habitat or
13 corridors per the requirements or recommendations
14 of the FFWCC or USFWS, shall not be allowed to
15 have the on-site **native vegetation** preservation
16 retention requirement provided offsite.

17 b) Preserves shall remain on-site if located within
18 or contiguous to natural flowways required to be
19 retained per the requirements of the SFWMD,
20 natural water bodies, estuaries, government
21 required preserves (not meeting the offsite
22 preservation criteria herein), NRPAs, or contiguous
23 to property designated for purchase by
24 Conservation Collier or purchased by Conservation
25 Collier, or contiguous to properties containing listed
26 species nests, **buffers**, corridors and foraging
27 habitat per the requirements or recommendations
28 of the FFWCC or USFWS. For the purpose of this
29 section, natural **flowways** shall also include those
30 identified during **wetland** permitting with applicable
31 State and Federal agencies, regional drainage
32 studies, or surface water management permits.

33 c) Remaining portions of on-site preserves must be a
34 minimum of one acre in size and shall not meet the
35 offsite criteria of sub-section 3.05.07 H.1.f.i.(f) and
36 (g) above, unless preserved with higher quality
37 habitat not qualifying for the off-site **native**
38 **vegetation** retention alternative.

39 ~~iii.iv.~~ Off-site Alternatives. Off-site **native vegetation** retention
40 requirements may be satisfied met by monetary payment
41 or by land donation.

42 a) Monetary payment alternative. Applicants shall
43 make monetary payment to Collier County. Such
44 funds ~~will~~ shall be used by the County for the
45 purchase and management of off-site conservation
46 lands within the county. The monetary
47 payment amount shall be per acre as established
48 by resolution in the Collier County Growth
49 Management Department Development Services
50 Fee Schedule. based on the location of the land to
51 be impacted and be equal to 125 percent of the

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~~average cost of land in the Urban Designation or 125 percent of the average cost for all other Designations, as applicable, as defined by the FLUE, purchased by Collier County, through the Conservation Collier program. This monetary payment shall be made prior to the preconstruction meeting for the SDP or final plat and construction plans.~~

b) Land donation alternative. In lieu of monetary payment, applicants may choose to donate land for conservation purposes to Collier County or to another government agency. In the event of donation to Collier County, the applicant may acquire and subsequently donate land within the project boundaries of Winchester Head, North Golden Gate Estates Unit 53, by another multi-**parcel** project or any other land designated Conservation Collier donation acceptance procedures.

e)j) **Applicants** who choose to donate land shall be required to demonstrate that the land to be donated contains **native vegetation** communities equal to or of higher priority (as described in LDC subsection 3.05.07 A.) than the land required to be preserved on site. In no case shall the acreage of land donated be less than the acreage of land required to be preserved on site. Land donated to satisfy the off-site vegetation retention requirement must be located entirely within Collier County. Donations of land for preservation shall be made to a federal, state or local government agency established or authorized to accept lands for the conservation and management of land in perpetuity, subject to the policies and procedures of the receiving entity. Lands donated to Collier County must include a cash endowment payment for management of the land. The endowment amount shall be per acre as established by resolution in the Collier County Growth Management Department Development Services Fee Schedule. ~~The amount of this payment shall be equal to 25 percent of the average cost of land in the Urban Designation or 25 percent of the average cost in all other Designations, as applicable, as defined by the FLUE, purchased by Collier County, through the Conservation Collier program.~~



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Applicants shall provide evidence that donations of land for preservation and endowments for management have been accepted by and donated to the entity stated above, at the time of the preconstruction meeting for the SDP or final plat and construction plans. Exotics shall be removed in accordance with the time frames provided in LDC section 3.05.07 H.2. State and Federal agency requirements for mitigation, remediation and monitoring for the donated land shall be the responsibility of the **applicant**.

iv-v. PUD zoning. Where the off-site **native vegetation** retention alternative is used for portions of preserves not identified on a PUD master plan, a PUD amendment is not required. Preserves or portions of preserves identified on a PUD master plan shall require an amendment to the PUD master plan to use the **native vegetation** retention alternative, subject to 10.02.13 E, unless the option to use the off-site **native vegetation** retention alternative is included in the PUD.

#



LDC Amendment Request

ORIGIN: Growth Management Department

AUTHOR: Growth Management Department Staff

DEPARTMENT: Growth Management

AMENDMENT CYCLE: 2016 LDC Amendment Cycle

LDC SECTION(S): 10.03.06 Public Notice and Required Hearings for Land Use Petitions

CHANGE: To include notice provisions for the conversion of golf courses.

REASON: This is a companion LDC amendment to LDC section 5.05.15 Conversion of Golf Courses.

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:

Amend the LDC as follows:

1 **10.03.06 Public Notice and Required Hearings for Land Use Petitions**

2 * * * * *

3 W. Conversion of golf courses pursuant to LDC section 5.05.15.

4 1. The following notice procedures are required for the intent to convert application:

5 a. Mailed notice sent by the **applicant** after the intent to convert application
6 is approved and at least 20 days prior to the first Stakeholder Outreach
7 Meeting. For the purposes of this application, all mailed notices shall be
8 sent to property owners within 1,000 feet of the property lines of the
9 subject property.

10 b. Posting of a sign after intent to convert application is approved and at
11 least 20 days prior to the first Stakeholder Outreach Meeting.

12 2. The following notice procedures are required for each required Stakeholder
13 Outreach Meeting:

14 a. Newspaper advertisement at least 15 days prior to the Stakeholder
15 Outreach Meeting.

16 b. Mailed notice sent by the **applicant** at least 15 days prior to the required
17 Stakeholder Outreach Meetings. For the purposes of this application, all
18 mailed notices shall be sent to property owners within 1,000 feet of the
19 property lines of the subject property. This mailed notice may include both

Text underlined is new text to be added
~~Strikethrough text is current text to be deleted~~
Bold text indicates a defined term

1 required Stakeholder Outreach Meeting dates. All mailed notices shall
2 include the web address to participate in the required online visual
3 survey.
4 # # # # # # # # # # # #