

January 11, 2017

Dear Planning Commissioners,

There are two LDC amendments for your review and consideration at the January 19, 2017, meeting:

1. **LDC section 3.05.07 Preservation Standards.** 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.
Note: There are two recommendations provided, one from DSAC and one from CCLAAC for a portion of the amendment. Staff will walk through the recommendations at the meeting.
2. **LDC sections 2.03.06, 3.05.07, 5.05.15 & 10.03.06 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. *This amendment has been reviewed by the CCPC on December 19, 2016, and January 5, 2017. Amendments are proposed to two additional sections and other updates have been made to this amendment to address issues raised during previous meetings. Most changes are highlighted in yellow – deletions were simply removed from the text. Additionally, this packet begins with a description of dark sky standards as requested during the previous review of this amendment.*

Following the hearing on January 19, 2017, there is one additional CCPC hearing scheduled for review of LDC amendments on 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
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(239) 252-2485



Dark Skies: Reducing light pollution through lighting standards

Overview

The campaign to reduce light pollution through lighting standards is known as the dark-sky movement. The movement is spearheaded by the [International Dark Sky Association](http://darksky.org) (IDA) which advocates for lighting standards that makes more stars visible at night, reduces sky glow, and improves that quality of life for humans and wildlife. Collier County has recently begun to introduce lighting standards that incorporate dark sky concepts and the Board of County Commissioners has provided direction to continue this effort.

1. International Dark Sky Association

The IDA is the leading authority for dark sky lighting standards. The organization promotes, supports, and provides technical assistance to policy makers. The IDA's goals are:

- Advocate for the protection of the night sky,
- Educate the public and policymakers about night sky conservation,
- Promote environmentally responsible outdoor lighting, and
- Empower the public with tools and resources to help bring back the night¹.



Figure 1 – Light Pollution. Source: IDA Intro to Lighting PowerPoint. Slide 8. (2016)
Retrieved from: <http://darksky.org/resources/public-outreach-materials/#pp>

The IDA recognizes outdoor lighting is an essential function but advocates that it should be used wisely². The term “dark sky lighting” or “dark sky compliant” refers to IDA guidelines that reduce ambient lighting waste.

¹International Dark Sky Association. (2017). Retrieved from: <http://darksky.org/about/>

²International Dark Sky Association. (2017). Retrieved from: <http://darksky.org/lighting/lighting-basics/>



2. How do IDA darks sky lighting standards work?

Dark sky lighting standards support practices within a community that remove excessive *glare*, *light trespass*, or *sky glow*. The IDA worked with the Illuminating Engineering Society of North America (IESNA) to prepare a [Model Lighting Ordinance \(MLO\)](#)³. The MLO identifies three main concepts, lighting zones, amount of light for a land use and the current rating classification system for luminaires. Generally, to be dark sky compliant means the light source is shielded, below the maximum wattage limit, within the specified color temperature range, and the lighting is guided by the illumination levels and uniformity ratios of the. The following are some of the ways to implement dark sky concepts found in the IDA's MLO:

A. Lighting Zone Classifications

Table 1, below, is a composite of information from the IDA's MLO, which includes a User's Guide⁴. It designates a lighting zone for different categories of land uses. The lighting zones reflect the base light level for each land use type. IDA recommends that the lower lighting level be assigned to a zoning district, with exceptions noted for specific land use types (i.e. gas stations and car dealerships). The IDA recommends that lighting zones are considered as an overlay to a zoning district. Lighting zones can also be modified and adapted to particular uses to ensure compatibility through established public procedures. For example, a church going through a conditional use near residential properties could be assessed for lighting compatibility through the public hearing process.

Similar to the Growth Management Plans Future Land Use Map, the lighting zones are to be assigned to the desired future land use. In addition, lighting zones may be assigned vertically. For example, the lighting zones within a mixed use building may be different at the street level than at the residential levels above.

IDA recognizes that outlining exemptions is important. The User's Guide suggests making special provisions for streetlights, signs, special uses, thresholds for repairs, temporary uses, emergency conditions, etc.

³ IDA and the Illuminating Engineering Society of North America. (2017). "Joint IDA – IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011." Retrieved from: <http://darksky.org/our-work/public-policy/mlo/>

⁴ Ibid.



Table 1.

Lighting Zones	Applicable Areas	Site and Structure Classifications
<p>LZ0 No Ambient Lighting</p>	<p>Where the natural environment will be seriously and adversely affected by lighting or where occupants have expressed a strong desire that light trespass be strictly limited. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. The vision of human residents and users is adapted to total darkness, and they expect to see little or no lighting.</p>	<p>Recommended default zone for wilderness areas, parks and preserves, and undeveloped rural areas.</p> <p>Includes protected wildlife areas and corridors.</p>
<p>LZ1 Low Ambient Lighting</p>	<p>Where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety, security and/or convenience but it is not necessarily uniform or continuous.</p>	<p>Recommended default zone for rural and low density residential areas.</p> <p>Includes residential single or two family; agricultural zone districts; rural residential zone districts; business parks; open space include preserves in developed areas.</p>
<p>LZ2 Moderate Ambient Lighting</p>	<p>Of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety, security and/or convenience but it is not necessarily uniform or continuous.</p>	<p>Recommended default zone for light commercial business districts and high density or mixed use residential districts.</p> <p>Includes neighborhood business districts; churches, schools and neighborhood recreation facilities; and light industrial zoning with modest nighttime uses or lighting requirements.</p>
<p>LZ3 Moderately High Ambient Lighting</p>	<p>Of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous.</p>	<p>Recommended default zone for large cities' business district.</p> <p>Includes business zone districts; commercial mixed use; and heavy industrial and/or manufacturing zone districts</p>
<p>LZ4 High Ambient Lighting</p>	<p>Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline.</p>	<p>Not a default zone.</p> <p>Includes high intensity business or industrial zone districts.</p>

B. Methods for limiting the amount of light

IDA describes the two methods to limit the amount of light:

The first method is the prescriptive method and it outlines detailed and certifiable standards for luminaire light output, as well as fixture designs that limit glare, uplight, and light trespass. It also establishes the total site lumen limit and can specifically address light trespass. The IDA states that the prescriptive method does not require engineering expertise. The prescriptive method identifies the “initial luminaire lumen” that consistent with a lighting zone. The IDA make note that the values provided are not for foot-candles, but for “initial luminaire lumens” which includes variables such as



efficiency of the light source, spreading of the light, etc. so the number is not equal to foot-candles. The IDA reports that “initial luminaire lumens” are identified on the photometric data and can be shared by an applicant through the application process.

The second method is referred to as the performance method and it allows for more flexibility in meeting the intent of the ordinance, but it is more complicated and it does not have the same easily verifiable requirements as the prescriptive method.

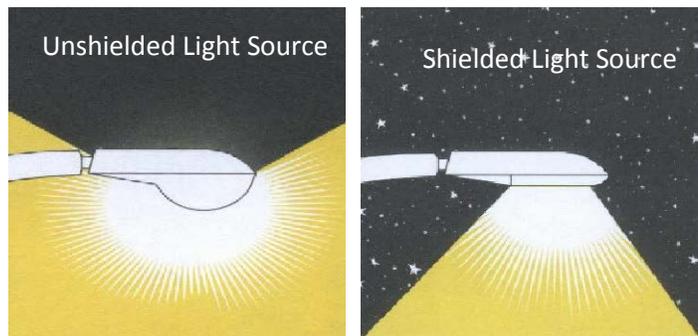
Depending on the complexity of a land use category, both the prescriptive and performance methods can be used to create lighting regulations.⁵

C. Light Rating Systems

The IDA reports that the Illuminating Engineering Society’s (IES) original rating system for roadways used terms such as: full cutoff, cutoff, semi-cutoff and non-cutoff. These terms and the corresponding designs were intended to address brightness and glare for street lighting. However, with interest in uplight and light trespass, the IES conducted research and upgraded to a new system called BUG. BUG stands for Backlight, Uplight, and Glare. The BUG rating system is more comprehensive in controlling light pollution. Today, luminaires have a BUG rating that is comprised of the luminaire design, what direction(s) the light is aimed, and the initial luminaire lumen. The BUG system is designed so it is fast and easy to compare lights. The BUG system also includes the distance the light is installed from a property line based on multiple of the mounting height. More information about the BUG rating system is shared on the IDA’s [Specifier Bulletin](#).⁶

D. Shielded Luminaries

Where the BUG rating system cannot be applied, the second best option is to address shielding. The following graphics depict what the light fixtures look like with shielding and how shielded sources can reduce glare and uplighting. Shielded light points downward and full cut-off shielding blocks upward light above 90 degrees.



Figures 2. Shielded light fixtures. Source: Intro to Lighting PowerPoint. 2017. IDA. Retrieved from: <http://darksky.org/resources/public-outreach-materials/#pp>

⁵ Ibid.

⁶ Architectural Area Lighting. (2017) Retrieved from: http://www.aal.net/content/resources/files/BUG_rating.pdf



Figure 3. Shielded light fixtures at a commercial docking facility. Source: Intro to Lighting PowerPoint. (2017). IDA. Retrieved from: <http://darksky.org/resources/public-outreach-materials/#pp>

E. Other Lighting Standards

The IDA recommends using other types of lighting standards to achieve the goals of dark skies, including:

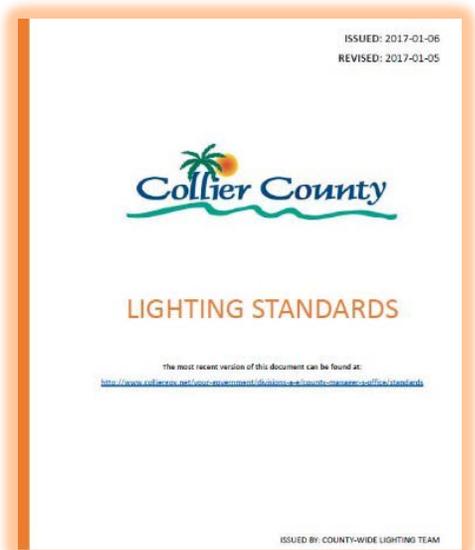
- *Automatic switching requirements* – technology to turn lights off when there is enough sun to provide sufficient lighting.
- *Automatic lighting reduction requirements* – curfews as to when all outdoor lighting shall be reduced. For example, using less lighting during off-peak hours between 10 pm – 6 am.

3. Status of dark sky lighting standards in Collier County

On November 15, 2016, the BCC directed staff to establish best practices for interior and exterior lighting for County owned and/or maintained sites and structures. A preliminary draft of the proposed standards has been prepared and is under review by the County Manager's Office. It will be available online for review by the public prior to publication at the end of February 2017.

The Growth Management Department is tasked with establishing lighting standards for private property. It is anticipated the LDC Amendment process will begin in 2017 and conclude in late 2018.

Starting in FY 2018 county departments are tasked to start developing plans to accelerate the adoption of LED lighting technology that meet the newly adopted County lighting standards.



4. Recommendations for golf course conversions projects

1. Support the BCC in adopting lighting standards, dark sky concepts and the BUG rating system.
2. Require the following within LDC section 5.05.15:
 - a. Provide general guidance that lighting should be designed to reduce light pollution by limiting excessive glare, light trespass and sky glow.
 - b. Require lighting is directed away from neighboring residential properties and light fixtures should be full cutoff with flat lenses.
 - c. Light poles within the greenway shall be no taller than 12.5 feet.
 - d. Require that lighting to be reviewed and analyzed through the Stakeholder Outreach Meetings and public hearing process, where applicable.
 - e. Comply with future outdoor lighting standards as established by the County.



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:

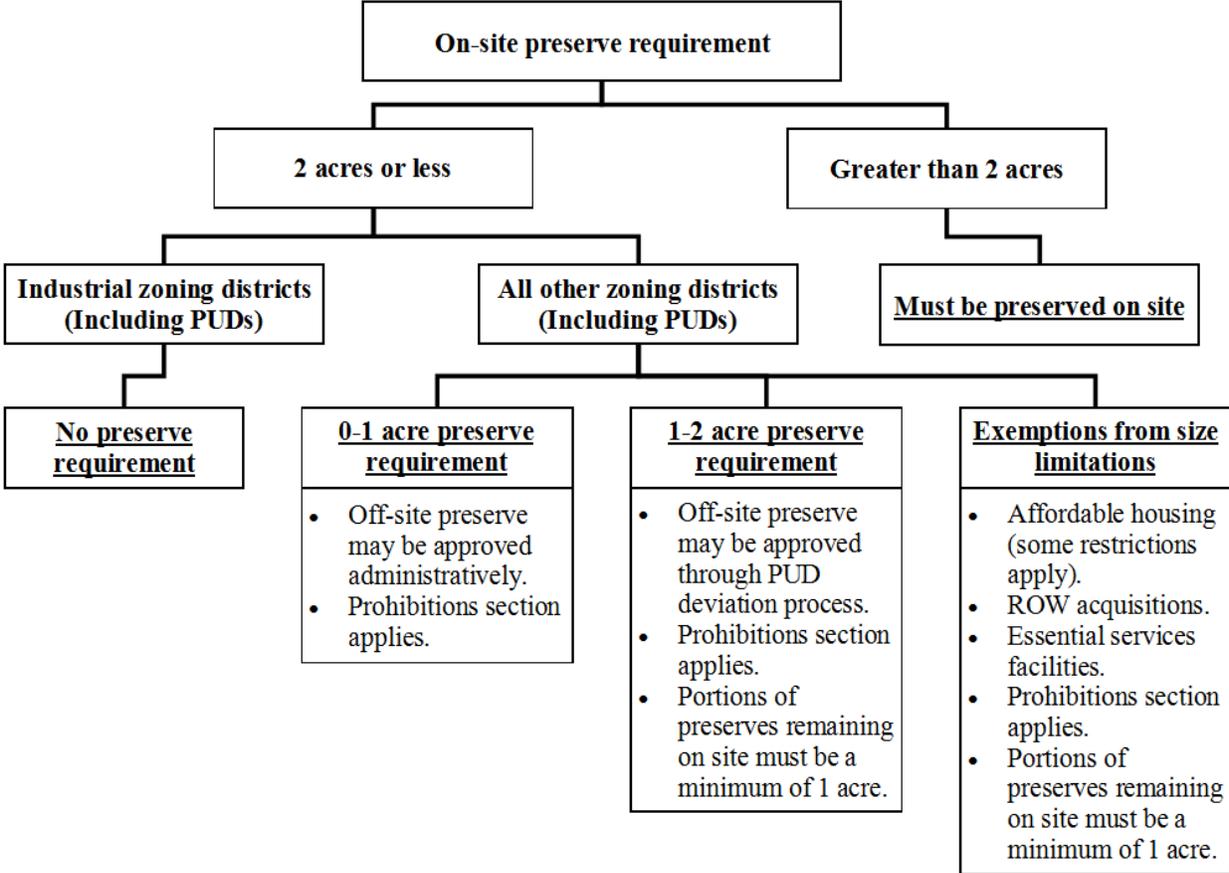
“The purpose of this section is the protection of vegetation within the County by regulating its removal; to assist in the control of flooding, soil erosion, dust, heat, air pollution, and noise; and to maintain property, aesthetic, and health values within the County; to limit the use of irrigation 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.”⁷ 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.”⁸

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.”⁹

⁷ 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

⁸ Ibid, Pg. 2.

⁹ 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 acres or less. There are exceptions for essential services, 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:

- Non-residential and residential development where no preserve has been approved by the County. This provision is designed for new projects, not redevelopment projects or portions of a redevelopment project. It is important to note there is an exception for industrial in LDC section 3.05.07.B.2.h which establishes that industrial zoned parcels which have a native vegetation retention requirement of 2 acres or less are exempt from the preserve requirement.
- Existing portions of preserves that are located within a single family platted lot.
- Existing preserves which do not meet the dimensional preserve standards established as of this ordinance.

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 provides a balance of allowing off-preserves but limits the amount that can go off site.
- County right-of-way (ROW) projects are to be exempted as is allowed for in the GMP.

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 non-residential and residential projects that do not have an approved preserve 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 several important functions to the ecosystem.

PUD deviations section

This provision is introduced to prohibit projects with a preserve requirement of 2 acres or more from requesting a deviation to take more than 2 acres off-site. 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
<u>Initial exotic vegetation removal costs:</u>	<u>\$4,000</u>
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)		Appraised Post-Development Land Value			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
<u>Initial exotic vegetation removal costs:</u>	<u>\$4,000</u>
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. 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 in acres	4:1 Ratio	Total Acres to be Donated	Land Management Endowment	Initial Exotic Vegetation Removal Fee	Total Land Donation Endowment Amounts
(0.455 x 4)	=	1.82	x \$50,000	+ \$16,000	= \$107,000
(0.50 x 4)	=	2.0	x \$50,000	+ \$16,000	= \$116,000
(0.91 x 4)	=	3.64	x \$50,000	+ \$16,000	= \$198,000
(1.0 x 4)	=	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 1. Design standards.

5 * * * * *

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

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

20 i. Applicability. The on-site preserve requirement may be met
21 off site where the preserve requirement is one acre or less
22 for only the following situations and subject to the
23 prohibitions and PUD deviation requirements listed in LDC
24 section 3.05.07 H.1.f.ii, below. The preserve requirement
25 shall be based on the total acreage for the PUD; if the
26 project is not within a PUD, then the preserve requirement
27 shall be based on the total acreage for the applicable
28 development order, and not based on an individual phase
29 or phases of a development, consistent with LDC section
30 3.05.07 H.1.a.

31 a) Non-residential and residential projects where
32 preserves have not been identified on an approved
33 development order by the County.

34 ~~Properties zoned commercial where the on-site~~
35 ~~preserve requirement is less than 2 acres in size.~~

36 b) Existing portions of preserves located within single-
37 family **platted lots**. ~~Park sites where the on-site~~
38 preserve requirement is less than one acre in size.

39 c) Existing preserves which do not meet the minimum
40 dimensional requirements for on-site preserves
41 established in LDC section 3.05.07 as of the
42 effective date of Ord. No. [2017-XX]. ~~Essential~~
43 service facilities other than parks, for any size
44 preserves.

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

49 1) Essential service facilities other than parks,
50 where the on-site preserve requirement is
51 any size.

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2) Affordable housing projects. Affordable housing projects may request approval from the Board of County Commissioners prior to SDP or final plat and construction plans 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 does not exceed three acres.

- 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. Preserves less than one acre in size. **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. 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. 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. Preserves which do not meet the minimum dimensional requirements of this section. Portions of preserves located within platted single-family lots. 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. All criteria listed for created preserves.

ii. PUD deviations. Requests for deviations from the on-site native vegetation retention requirement shall be prohibited where the preserve requirement for the PUD is greater 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 deviations and explain the unique situation for exceeding the thresholds in LDC section 3.05.07 H.1.f.i above.

1 Deviations shall be processed pursuant to LDC section
2 10.02.13.

3 iii. Exemptions. **Right-of-way** acquisitions to be conveyed, or
4 in the process of being conveyed, to the County by non-
5 governmental entities for all purposes necessary for
6 roadway construction, including ancillary **drainage**
7 **facilities**, and including utilities within the right-of-way
8 acquisition area shall be exempted from meeting any
9 preserves requirements.

10 ii.iv. ~~Prohibitions. Restrictions, when~~ Where one or more of the
11 following situations occur it shall be prohibited to satisfy the
12 on-site preserve requirement off site.

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

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

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

44 **DSAC Recommendation:**

45 iii.iv. Off-site Alternatives. Off-site **native vegetation** retention
46 requirements may be satisfied ~~met~~ by monetary payment
47 or by land donation.

48 a) Monetary payment alternative. **Applicants** shall
49 make monetary payment to Collier County. Such
50 funds ~~will~~ shall be used by the County for the
51 purchase and management of off-site conservation

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lands within the county. The monetary payment amount shall be per acre as established by resolution in the Collier County Growth Management Department Development Services Fee Schedule. ~~based on the location of the land to be impacted and be equal to 125 percent of the 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) **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

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~~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.~~ **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.

CCLAAC Recommendation:

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

- a) Monetary payment alternative. **Applicants** shall make monetary payment to Collier County. Such funds ~~will~~ shall be used by the County for the purchase and management of off-site conservation lands within the county. The monetary payment amount shall be based on the post development appraisal value per acre multiplied by the preserve requirement, then multiplied by 1.25 to establish the endowment amount. The appraisal shall be performed by an appraiser from the County's Certified Appraiser List, as amended. For example, if the land appraisal was value was \$300,000 and the preserve requirement was 1 acre, the calculation would be: \$300,000 x 1 x 1.25 = \$375,000. In addition, the fee for initial exotic vegetation removal shall be paid by the applicant as established in the Collier County Growth Management Department Development Services Fee Schedule. ~~based on the location of the land to~~

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~~be impacted and be equal to 125 percent of the 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 at a ratio of 4:1 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.

⇒ i) **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 cash endowment amount shall be established in the Collier County Growth Management Department Development Services Fee Schedule and shall be at a ratio of 4:1. For example, if the applicant developed one acre they would donate four acres and provide a cash endowment as follows: \$50,000 x 4 acres = \$200,000. The amount of this payment shall be equal to 25 percent of the average cost

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~~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.~~
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**.

ivv. 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.

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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
3.05.07 Preservation Standards
5.05.15 Conversion of Golf Courses (new section)
10.03.06 Public Notice and Required Hearings for Land Use Petitions

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

Number of Golf Courses by Golf Holes in Collier County	
Number of Courses	Number of Holes on the Golf Course
3	9
58	18
5	27
11	36
Total	69
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

Golf Courses by Zoning District in Collier County	
Zoning District	Number of Golf Courses
Golf Course (GC)	9
Golf Course (GC) / RMF-6/ RMF-16	1
Golf Course (GC) / RSF-3	1
PUD	47
RFMUD-PUD	3
RFMUD-A	1
RFMUD-A-CU	4
A-MHOI-RLSAO	1
RMF-16	1
PUD-RFMUD	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

Type of Courses by Acreage and Number in Collier County		
Acreage Range	Type	Number of Golf Courses
10-50	Par 3 - Driving Range	6
50-99	Executive	4
100-220	Championship or	40
240 or greater	Regulation	19
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 12th 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 12th 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. 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.

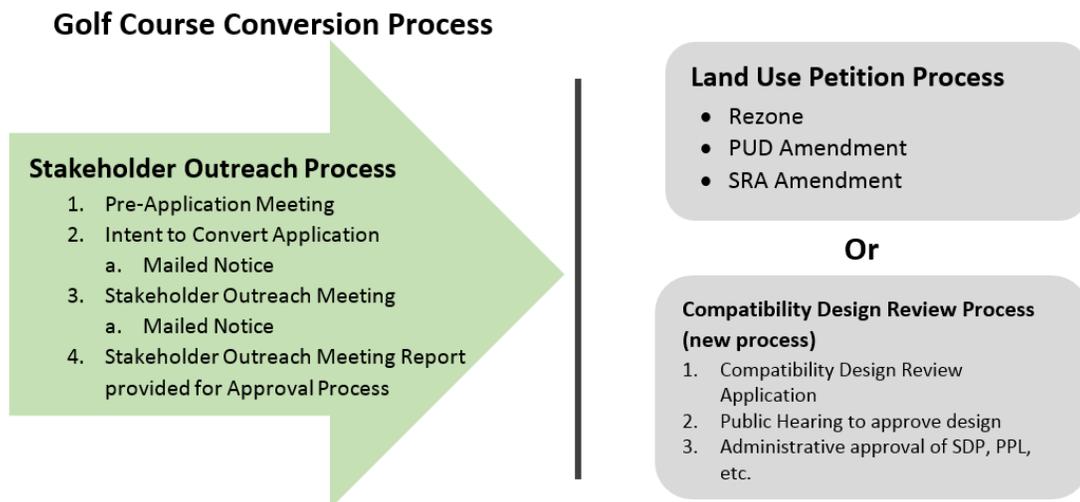
Approval of compatibility measures

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 is a title opinion or title commitment that identifies the current owner of the property and all encumbrances against the property that can 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 Stakeholder Outreach 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 Stakeholder Outreach Meetings 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 compatibility 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 compatibility 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.

Additional preserve standards

Standard preservation requirements pursuant to LDC section 3.05.07 will be required for any conversion project. Two additional provisions are introduced in the section to address existing native vegetation. The first takes into account conversion projects that have isolated areas of native vegetation that are less than ½ acre (including planted areas) which meet LDC section 3.05.07 A.1-2. Staff supports the ability for the applicant to combine these isolated areas into one larger preserve area. This provision allows the applicant to exceed the ½ acre limitation and recreate up to their preserve acreage requirement.

The second provision addresses existing preserves and aims to retain all County approved preserves. Conventionally zoned golf courses may utilize the retained preserve to meet their preserve requirement because it is only connected to the golf course and not to any other use. However, golf courses within PUDs shall only be able to use preserves acreage in excess of the minimum and will likely be required to provide additional preserve acreage to support a new development.

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. Because new lighting can be a sensitive issue, it is proposed that lighting

standards be vetted with stakeholders through the Stakeholder Outreach Meetings and public hearings.

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 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:

- 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. Revised January 11, 2017.

Amend the LDC as follows:

1
2 **2.03.06 Planned Unit Development Standards**

3 * * * * *
4 H. Conversion of Golf Courses. Golf courses constructed within a PUD shall adhere to the
5 process established in LDC section 5.05.15 prior to converting to another use.

6 # # # # # # # # # # # # # #

7
8 **3.05.07 Preservation Standards**

9 * * * * *
10 H. Preserve standards.
11 1. Design standards.
12 * * * * *
13 e. Created preserves. Although the primary intent of GMP CCME Policy
14 6.1.1 is to retain and protect existing **native vegetation**, there are
15 situations where the application of the retention requirements of this
16 Policy is not possible. In these cases, creation or restoration of vegetation
17 to satisfy all or a portion of the **native vegetation** retention requirements
18 may be allowed. In keeping with the intent of this policy, the preservation
19 of **native vegetation** off site is preferable over creation of preserves.
20 Created Preserves shall be allowed for parcels that cannot reasonably
21 accommodate both the required on-site preserve area and the proposed
22 activity.
23 * * * * *
24 i. Applicability. Criteria for determining when a **parcel** cannot
25 reasonably accommodate both the required on-site preserve area
26 and the proposed activity include:
27 * * * * *
28 (e) When small isolated areas (of less than ½ acre in size)
29 of **native vegetation** exist on site. In cases where
30 retention of **native vegetation** results in small isolated
31 areas of ½ acre or less, preserves may be planted with all
32 three strata; using the criteria set forth in Created
33 Preserves and shall be created **adjacent** existing **native**
34 **vegetation** areas on site or contiguous to preserves
35 on **adjacent** properties. This exception may be granted,
36 regardless of the size of the project. Created preserves
37 may exceed the ½ acre size limitation for golf course

conversion applications in accordance with LDC section 5.05.15.

#

5.05.15 Conversion of Golf Courses

- A. Purpose and Intent. The purpose of this section is to assess and mitigate the impact of golf course conversion on real property by requiring outreach with stakeholders during the design phase of the conversion project and specific **development** standards to ensure **compatibility** with the existing land uses. For the purposes of this section, property owners within 1,000 feet of a golf course shall hereafter be referred to as stakeholders.
1. Stakeholder outreach process. The intent is to provide a process to cultivate consensus between the **applicant** and the stakeholders on the proposed conversion. In particular, this section is designed to address the conversion of golf courses surrounded, in whole or in part, by residential uses or lands zoned residential.
 2. **Development** standards. It is the intent of the specific **development** standards contained herein to encourage the **applicant** to propose a conversion project with land uses and amenities that are compatible and complementary to the existing neighborhoods. Further, the **applicant** is encouraged to incorporate reasonable input provided by stakeholders into the **development** proposal.
- B. Applicability. The following zoning actions, Stewardship Receiving Area Amendments, and compatibility design review petitions, collectively referred to as “conversion applications” hereafter, shall be subject to LDC section 5.05.15. A conversion application shall be required when an **applicant** seeks to change a developed golf course to a non-golf course use. However, where a **permitted, accessory, or conditional use** is sought for a golf course zoned Golf Course and Recreational Uses (GC), the **applicant** shall be exempt from this section except for LDC section 5.05.15 H.
1. Zoning actions. This section applies to a golf course **constructed** in any zoning district for a use that is not currently **permitted, accessory, or conditional** in the zoning district or tract for which a zoning change is sought.
 2. Stewardship Receiving Area Amendments. This section applies to a golf course **constructed** on lands within a Stewardship Receiving Area for a use that is not currently **permitted, accessory, or conditional** in the context zone for which the change is sought.
 3. **Compatibility** design review. This section applies to a golf course **constructed** in any zoning district or designated as a Stewardship Receiving Area that utilize a non-golf course use which is a **permitted, accessory or conditional use** within the existing zoning district or designation. Permitted **conditional uses** shall also require **conditional use** approval subject to LDC section 10.08.00.
- C. Application process for conversion applications.
1. Intent to Convert application. The **applicant** shall submit an “Intent to Convert” application to the County prior to submitting a conversion application. The following is required of the **applicant**:
 - a. Application. The Administrative Code shall establish the procedure and application submittal requirements, including: a title opinion or title commitment that identifies the current owner of the property and all encumbrances against the property; the Developer’s Alternatives Statement, as provided for below; and the public outreach methods to be

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

- 1 3. Stakeholder Outreach Meetings (SOMs) for conversion applications. The SOMs
2 are intended to engage the stakeholders early in the conversion project and
3 inform the **applicant** as to what the stakeholders find important in the
4 neighborhood, what the stakeholders consider compatible with the neighborhood,
5 and what types of land uses they would support to be added to the
6 neighborhood. The **applicant** shall utilize *Collier County's Guide to Golf Course*
7 *Conversion: Public Outreach Methods and Usable Open Space Concepts* to
8 conduct the SOMs. An assigned County planner shall attend the SOM and
9 observe the process. The following is required of the applicant:
- 10 a. The Administrative Code shall establish the procedure and application
11 submittal requirements.
- 12 b. The **applicant** shall conduct a minimum of two in-person SOMs and a
13 minimum of one web-based visual survey on the proposed conceptual
14 plan(s). The web-based survey web address shall be incorporated in the
15 mailings notifying the stakeholders of the in-person SOMs.
- 16 c. At the SOM, the **applicant** shall provide information to the stakeholders
17 about the purpose of the meeting, including a presentation on the goals
18 and objectives of the conversion project, the alternatives established in
19 the Developer's Alternative Statement, the greenway concept, as required
20 in subsection D, and the measures taken to ensure **compatibility** with
21 the existing surrounding neighborhood. The **applicant** shall facilitate
22 discussion on these topics with the stakeholders using one or more public
23 outreach method(s) identified in the *County's Guide to Golf Course*
24 *Conversion*.
- 25 d. SOM report for conversion applications. After completing the SOMs the
26 **applicant** shall prepare a SOM report. The report shall include a list of
27 attendees, a description of the public outreach methods used, photos
28 from the meetings demonstrating the outreach process, results from
29 outreach methods (as described in the *County's Guide to Golf Course*
30 *Conversion*), and copies of the materials used during the SOMs. The
31 **applicant** shall also include a point-counterpoint list, identifying
32 reasonable input from the stakeholders and how and why it was or was
33 not incorporated in the conversion application. The report shall be
34 organized such that the issues and ideas provided by the stakeholders
35 are clearly labeled by the **applicant** in the list and the conversion
36 application.
- 37 4. Conversion application procedures. An **applicant** shall not submit a conversion
38 application (e.g. rezone, PUDA, SRAA, compatibility design review) until the
39 Intent to Convert application is deemed completed by County staff and the SOMs
40 are completed. Thereafter, the **applicant** may proceed by submitting a
41 conversion application with the County as follows:
- 42 a. Zoning actions. For projects subject to 5.05.15 B.1, the **applicant** shall
43 file a PUDA or rezone application, including the SOM report. Deviations to
44 LDC section 5.05.15 shall be prohibited; further, deviations to other
45 sections of the LDC shall be shared with the stakeholders at a SOM or
46 NIM.
- 47 b. Stewardship Receiving Area Amendments. For projects subject to
48 5.05.15 B.2, the **applicant** shall file a Stewardship Receiving Area
49 Amendments application, including the SOM report. **Deviations** to LDC
50 section 5.05.15 shall be **prohibited**; further, deviations to other sections of
51 the LDC shall be shared with the stakeholders at a SOM or NIM.

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

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

The recreated preserve acreage may exceed the 1/2 acre limitation as described in LDC section 3.05.07 H.1.e.i.(e).

b. Existing County approved preserve areas shall be considered as follows:

i. Golf courses within a conventional zoning district. All County approved preserve areas shall be retained and may be utilized to meet the preserve requirements for the conversion project.

ii. Golf courses within a PUD. All County approved preserve areas shall be retained. Preserve areas in excess of the PUD required preserve acreage may be used to meet the preserve requirement for the conversion project.

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

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

6. Soil and/or groundwater sampling. In addition to the soil and/or ground water sampling requirements established in LDC section 3.08.00 A.4.d, the **applicant** shall conduct soil and/or groundwater sampling for the pollutants as follows: Managed turf, chemical storage/mixing areas, and maintenance areas (i.e. equipment storage and washing areas, fueling and fuel storage areas) shall be tested for organophosphate, carbamate, triazine pesticides, or chlorinated herbicides. In addition, maintenance areas, as described above, shall be tested for petroleum products. The County shall notify the Department of Environmental Protection where contamination exceeding applicable Department of Environmental Protection standards is identified on site or where an Environmental Audit or Environmental Assessment has been submitted.

7. All other **development** standards. The conversion of golf courses shall be consistent with the **development** standards in the LDC, as amended. Where conflicts arise between the provisions in this section and other provisions in the LDC, the more restrictive provision shall apply.

H. Design standards for lands converted from a golf course or for a permitted use within the GC zoning district shall be subject to the following design standards.

1. Lighting. All lighting shall be designed to reduce excessive glare, light trespass and sky glow. At a minimum, lighting shall be directed away from neighboring properties and all light fixtures shall be full cutoff with flat lenses. Lighting for the conversion project shall be vetted with stakeholders during the SOMs and the public hearings, as applicable.

2. **Setbacks**. All non-golf course uses, except for the greenway, shall provide a minimum average 50-foot **setback** from lands zoned residential or with residential uses, however the **setback** shall be no less than 35 feet at any one location.

#

10.03.06 Public Notice and Required Hearings for Land Use Petitions

* * * * *

W. Intent to Convert, pursuant to LDC section 5.05.15 C.1.

1. The following notice procedures are required:

a. Mailed notice sent by the **applicant** after the intent to convert application is approved and at least 20 days prior to the first Stakeholder Outreach Meeting. For the purposes of this application, all mailed notices shall be

- 1 sent to property owners within 1,000 feet of the property lines of the
- 2 subject property.
- 3 b. Posting of a sign after intent to convert application is approved and at
- 4 least 20 days prior to the first Stakeholder Outreach Meeting.
- 5 X. Stakeholder Outreach Meeting, pursuant to LDC section 5.05.15 C.3.
- 6 1. The following notice procedures are required:
- 7 a. Newspaper advertisement at least 15 days prior to the Stakeholder
- 8 Outreach Meeting.
- 9 b. Mailed notice sent by the **applicant** at least 15 days prior to the required
- 10 Stakeholder Outreach Meetings. For the purposes of this application, all
- 11 mailed notices shall be sent to property owners within 1,000 feet of the
- 12 property lines of the subject property. This mailed notice may include both
- 13 required Stakeholder Outreach Meeting dates. All mailed notices shall
- 14 include the web address to participate in the required online visual
- 15 survey.
- 16 Y. Compatibility Design Review Meeting, pursuant to LDC section 5.05.15 F.
- 17 1. The following advertised public hearings are required.
- 18 a. One Planning Commission hearing.
- 19 b. One BCC hearing.
- 20 2. The following notice procedures are required:
- 21 a. Newspaper advertisement at least 15 days prior to the advertised
- 22 public hearing.
- 23 b. Mailed notice sent by the **applicant** at least 15 days prior to the required
- 24 public hearings. For the purposes of this application, all mailed notices
- 25 shall be sent to property owners within 1,000 feet of the property lines of
- 26 the subject property.
- 27
- 28 # # # # # # # # # # # #