

ORDINANCE NO. 17 – 10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, AMENDING ORDINANCE NUMBER 04-41, AS AMENDED, THE COLLIER COUNTY LAND DEVELOPMENT CODE, WHICH INCLUDES THE COMPREHENSIVE LAND REGULATIONS FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY PROVIDING FOR: SECTION ONE, RECITALS; SECTION TWO, FINDINGS OF FACT; SECTION THREE, ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE, MORE SPECIFICALLY AMENDING THE FOLLOWING: CHAPTER TWO – ZONING DISTRICTS AND USES, INCLUDING SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 2.03.09 OPEN SPACE ZONING DISTRICTS, MORE SPECIFICALLY, TO ADD USES TO THE LIST OF PERMITTED AND CONDITIONAL USES IN THE GOLF COURSE (GC) ZONING DISTRICT; CHAPTER THREE – RESOURCE PROTECTION, INCLUDING SECTION 3.05.07 PRESERVATION STANDARDS; CHAPTER FIVE – SUPPLEMENTAL STANDARDS, ADDING SECTION 5.05.15 CONVERSION OF GOLF COURSES; CHAPTER TEN – APPLICATION, REVIEW, AND DECISION-MAKING PROCEDURES, INCLUDING SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS; SECTION FOUR, CONFLICT AND SEVERABILITY; SECTION FIVE, INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE; AND SECTION SIX, EFFECTIVE DATE.

Recitals

WHEREAS, on October 30, 1991, the Collier County Board of County Commissioners adopted Ordinance No. 91-102, the Collier County Land Development Code (hereinafter LDC), which was subsequently amended; and

WHEREAS, the Collier County Board of County Commissioners (Board) on June 22, 2004, adopted Ordinance No. 04-41, which repealed and superseded Ordinance No. 91-102, as amended, the Collier County Land Development Code, which had an effective date of October 18, 2004; and

WHEREAS, the LDC may not be amended more than two times in each calendar year unless additional amendment cycles are approved by the Collier County Board of Commissioners pursuant to Section 10.02.09 A. of the LDC; and

WHEREAS, this amendment to the LDC is part of the first amendment cycle for the calendar year 2016; and

WHEREAS, on March 18, 1997, the Board adopted Resolution 97-177 establishing local requirements and procedures for amending the LDC; and

WHEREAS, all requirements of Resolution 97-177 have been met; and

WHEREAS, the Board of County Commissioners, in a manner prescribed by law, did hold advertised public hearings on March 14, 2017 and March 28, 2017, and did take action concerning these amendments to the LDC; and

WHEREAS, the subject amendments to the LDC are hereby determined by this Board to be consistent with and to implement the Collier County Growth Management Plan as required by Subsections 163.3194 (1) and 163.3202 (1), Florida Statutes; and

WHEREAS, this ordinance is adopted in compliance with and pursuant to the Community Planning Act (F.S. § 163.3161 *et seq.*), and F.S. § 125.01(1)(t) and (1)(w); and

WHEREAS, this ordinance is adopted pursuant to the constitutional and home rule powers of Fla. Const. Art. VIII, § 1(g); and

WHEREAS, all applicable substantive and procedural requirements of the law have otherwise been met.

NOW, THEREFORE BE IT ORDAINED by the Board of County Commissioners of Collier County, Florida, that:

SECTION ONE: RECITALS

The foregoing Recitals are true and correct and incorporated by reference herein as if fully set forth.

SECTION TWO: FINDINGS OF FACT

The Board of Commissioners of Collier County, Florida, hereby makes the following findings of fact:

1. Collier County, pursuant to § 163.3161, *et seq.*, F.S., the Florida Community Planning Act (herein after the "Act"), is required to prepare and adopt a comprehensive plan.

2. After adoption of the Comprehensive Plan, the Act and in particular § 163.3202(1), F.S., mandates that Collier County adopt land development regulations that are consistent with and implement the adopted comprehensive plan.

3. Section 163.3201, F.S., provides that it is the intent of the Act that the adoption and enforcement by Collier County of land development regulations for the total unincorporated area shall be based on, be related to, and be a means of implementation for, the adopted comprehensive plan.

4. Section 163.3194(1)(b), F.S., requires that all land development regulations enacted or amended by Collier County be consistent with the adopted comprehensive plan, or element or portion thereof, and any land regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent.

5. Section 163.3202(3), F.S., states that the Act shall be construed to encourage the use of innovative land development regulations.

6. On January 10, 1989, Collier County adopted the Collier County Growth Management Plan (hereinafter the "Growth Management Plan" or "GMP") as its comprehensive plan pursuant to the requirements of § 163.3161 *et seq.*, F.S.

7. Section 163.3194(1)(a), F.S., mandates that after a comprehensive plan, or element or portion thereof, has been adopted in conformity with the Act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such comprehensive plan, or element or portion thereof shall be consistent with such comprehensive plan or element or portion thereof.

8. Pursuant to § 163.3194(3)(a), F.S., a development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

9. Section 163.3194(3)(b), F.S., states that a development approved or undertaken by a local government shall be consistent with the comprehensive plan if the land uses, densities or intensities, capacity or size, timing, and other aspects of development are compatible with, and further the objectives, policies, land uses, densities, or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

10. On October 30, 1991, Collier County adopted the Collier County Land Development Code, which became effective on November 13, 1991. The Land Development Code adopted in Ordinance 91-102 was recodified and superseded by Ordinance 04-41.

11. Collier County finds that the Land Development Code is intended and necessary to preserve and enhance the present advantages that exist in Collier County; to encourage the most appropriate use of land, water and resources consistent with the public interest; to overcome present handicaps; and to deal effectively with future problems that may result from the use and development of land within the total unincorporated area of Collier County and it is intended that this Land Development Code preserve, promote, protect and improve the public health, safety, comfort, good order, appearance, convenience and general welfare of Collier County; to prevent the overcrowding of land and avoid the undue concentration of population; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing and other requirements and services; to conserve, develop, utilize and protect natural resources within the jurisdiction of Collier County; to protect human, environmental, social and economic resources; and to maintain through orderly growth and development, the character and stability of present and future land uses and development in Collier County.

12. It is the intent of the Board of County Commissioners of Collier County to implement the Land Development Code in accordance with the provisions of the Collier County Comprehensive Plan, Chapter 125, Fla. Stat., and Chapter 163, Fla. Stat., and through these amendments to the Code.

SECTION THREE: ADOPTION OF AMENDMENTS TO THE LAND DEVELOPMENT CODE

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SUBSECTION 3.A. AMENDMENTS TO SECTION 2.03.06 PLANNED UNIT DEVELOPMENT DISTRICTS

Section 2.03.06 Planned Unit Development Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

2.03.06 Planned Unit Development Districts

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

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SUBSECTION 3.B. AMENDMENTS TO SECTION 2.03.09 OPEN SPACE ZONING DISTRICTS

Section 2.03.09 Open Space Zoning Districts, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Section 2.03.09 Open Space Zoning Districts

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

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

a. *Permitted uses.*

1. Golf courses.

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

3. **Passive recreation areas.**

4. Disc golf.

b. ***Accessory ~~U~~uses.***

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

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

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

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

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

6. ~~Golf m~~Maintenance buildings.

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

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

2. Cemeteries and memorial gardens.

3. Equestrian facilities, including any trails, no closer than 500 feet to residential uses.

4. Museums.

5. Water related activities, including non-motorized boating, boat ramps, docks, and fishing piers.

6. Courts, including bocce ball, basketball, handball, pickle ball, tennis, and racquetball.

7. Neighborhood fitness and community centers.

8. Parks and playgrounds.

9. Pools, indoor or outdoor.

10. Botanical gardens.

11. Any other recreational use which is compatible in nature with the foregoing uses as determined by the Hearing Examiner or Board of Zoning Appeals, as applicable.

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SUBSECTION 3.C. AMENDMENTS TO SECTION 3.05.07 PRESERVATION STANDARDS

Section 3.05.07 Preservation Standards, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Section 3.05.07 Preservation Standards

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H. Preserve standards.

1. Design standards.

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e. Created preserves. Although the primary intent of GMP CCME Policy 6.1.1 is to retain and protect existing **native vegetation**, there are situations where the application of the retention requirements of this Policy is not possible. In these cases, creation or restoration of vegetation to satisfy all or a portion of the **native vegetation** retention requirements may be allowed. In keeping with the intent of this policy, the preservation of **native vegetation** off site is preferable over creation of preserves. Created Preserves shall be allowed for parcels that cannot reasonably accommodate both the required on-site preserve area and the proposed activity.

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i. Applicability. Criteria for determining when a **parcel** cannot reasonably accommodate both the required on-site preserve area and the proposed activity include:

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(e) When small isolated areas (of less than ½ acre in size) of **native vegetation** exist on site. In cases where retention of **native vegetation** results in small isolated areas of ½ acre or less, preserves may be planted with all three strata; using the criteria set forth in Created Preserves and shall be created **adjacent** existing **native vegetation** areas on site or contiguous to preserves on **adjacent** properties. This exception may be granted, regardless of the size of the project. Created preserves may exceed the ½ acre size limitation for golf course conversion applications in accordance with LDC section 5.05.15.

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SUBSECTION 3.D. ADDING SECTION 5.05.15 CONVERSION OF GOLF COURSES

Section 5.05.15 Conversion of Golf Courses, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby added as follows:

Section 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, hereafter collectively referred to as "conversion applications," shall be subject to LDC section 5.05.15. A conversion application shall be required when an **applicant** seeks to change a constructed 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 where the proposed use is not permitted, **accessory**, or **conditional** in the zoning district or **tract** for which a zoning change is sought. Zoning actions seeking a PUD rezone shall be subject to the minimum area requirements for

PUDs established in LDC section 4.07.02; however, the proposed PUD shall not be required to meet the contiguous acres requirement so long as the PUD rezone does not include lands other than the constructed golf course subject to the conversion application.

2. Stewardship Receiving Area Amendments. This section applies to a golf course constructed on lands within a Stewardship Receiving Area where the proposed use is not 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. **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 used to engage stakeholders at the Stakeholder Outreach Meetings, as established below.

b. Public Notice. The **applicant** shall be responsible for meeting the requirements of LDC section 10.03.06.

2. Developer’s Alternatives Statement requirements. The purpose of the Developer’s Alternatives Statement (DAS) is to serve as a tool to inform stakeholders and the County about the **applicant’s development** options and intentions. It is intended to encourage communication, cooperation, and consensus building between the **applicant**, the stakeholders, and the County.

b. Alternatives. The DAS shall be prepared by the **applicant** and shall clearly identify the goals and objectives for the conversion project. The DAS shall address, at a minimum, the three alternatives noted below. The alternatives are not intended to be mutually exclusive; the conceptual

development plan described below may incorporate one or more of the alternatives in the conversion project.

- i. No conversion: The **applicant** shall examine opportunities to retain all or part of the golf course. The following considerations are to be assessed:
 - a) Whether any of the existing property owners' association(s) reasonably related to the golf course are able to purchase all or part of the golf course; and
 - b) Whether any of the existing property owners' association(s) and/or any new association reasonably related to the golf course can coordinate joint control for all or part of the golf course.
- ii. County purchase: The **applicant** shall coordinate with the County to determine if there is interest to donate, purchase, or maintain a portion or all of the property for a public use, such as a public park, **open space**, civic use, or other public facilities. This section shall not require the County to purchase any lands, nor shall this require the property owner to donate or sell any land.
- iii. Conceptual **development** plan: The **applicant** shall prepare one or more proposed conceptual **development** plans, consistent with the **development** standards established in LDC section 5.05.15 G, depicting the proposed conversion. The **applicant** shall share the conceptual **development** plan with the stakeholders at the Stakeholder Outreach Meetings as described below. The conceptual **development** plan shall include a narrative describing how the plan implements and is consistent with the goals and objectives identified in the DAS. The conceptual **development** plan shall depict the retained and proposed land uses, including residential, non-residential, and preserve areas; existing and proposed roadway and pedestrian systems; existing and proposed trees and landscaping; and the proposed location for the greenway, including any **passive recreational** uses. The narrative shall identify the intensity of the proposed land uses; how the proposed conversion is compatible with the existing surrounding land uses and any methods to provide benefits or

mitigate impacts to the stakeholders. Visual exhibits to describe the conceptual **development** plan and amenities, including the greenway, shall also be provided.

3. Stakeholder Outreach Meetings (SOMs) for conversion applications. The SOMs are intended to engage the stakeholders early in the conversion project and inform the **applicant** as to what the stakeholders find important in the neighborhood, what the stakeholders consider compatible with the neighborhood, and what types of land uses they would support to be added to the neighborhood. An assigned County planner shall attend the SOM and observe the process. The following is required of the **applicant**:
 - a. The Administrative Code shall establish the procedure and application submittal requirements.
 - b. The **applicant** shall conduct a minimum of two in-person SOMs and a minimum of one web-based visual survey on the proposed conceptual **development** plan(s). The web-based survey web address shall be incorporated in the mailings notifying the stakeholders of the in-person SOMs.
 - c. At the SOMs, the **applicant** shall provide information to the stakeholders about the purpose of the meeting, including a presentation on the goals and objectives of the conversion project, the conceptual **development** plan, the greenway concept, and the measures taken to ensure **compatibility** with the existing surrounding neighborhood. A copy of the full Developer's Alternative Statement shall also be made available at each SOM. The **applicant** shall facilitate discussion on these topics with the stakeholders using one or more public outreach method(s) identified in the Administrative Code.
 - d. SOM report for conversion applications. After completing the SOMs the **applicant** shall prepare a SOM report. The report shall include a list of attendees, a description of the public outreach methods used, photos from the meetings demonstrating the outreach process, results from outreach methods, and copies of the materials used during the SOMs. The **applicant** shall also include a point-counterpoint list, identifying input from the stakeholders and how and why it was or was not incorporated in the conversion application. The report shall be organized such that the

issues and ideas provided by the stakeholders are clearly labeled by the **applicant** in the list and the conversion application.

4. Conversion application procedures. An **applicant** shall not submit a conversion application (e.g. rezone, PUDA, SRAA, **Compatibility** Design Review) until the Intent to Convert application is deemed completed by County staff and the SOMs are completed. Thereafter, the **applicant** may proceed by submitting a conversion application with the County as follows:

a. Zoning actions. For projects subject to 5.05.15 B.1., the **applicant** shall file a PUDA or rezone application, including the SOM report. Deviations to LDC section 5.05.15 shall be prohibited; further, deviations to other sections of the LDC shall be shared with the stakeholders at a SOM or NIM.

b. Stewardship Receiving Area Amendments. For projects subject to 5.05.15 B.2., the **applicant** shall file a Stewardship Receiving Area Amendment application, including the SOM report. Deviations to LDC section 5.05.15 shall be prohibited; further, deviations to other sections of the LDC shall be shared with the stakeholders at a SOM or NIM.

c. **Compatibility** Design Review. For projects subject to 5.05.15 B.3., the **applicant** shall file a **Compatibility** Design Review application, including the SOM report.

D. Criteria and staff report for conversion applications. In addition to the requirements established in LDC sections 10.02.08, 10.02.13 B., or 4.08.07, as applicable, the staff report shall evaluate the following:

1. Whether the **applicant** has met the requirements established in this section and **development** standards in the LDC. In particular, that the proposed design and use(s) of the **greenway**, as applicable, meet the purpose as described 5.05.15 G.2.

2. Whether the SOM report and point-counterpoint list described above reflect the discussions that took place at the SOMs.

3. Whether the **applicant** incorporated reasonable input provided by the stakeholders to address impacts of the golf course conversion on stakeholders' real property.

4. Whether the **applicant** provided an explanation as to why input from the stakeholders was not incorporated into the conceptual **development** plan.

- E. Supplemental review and approval considerations for zoning actions and Stewardship Receiving Area Amendments. The report and recommendations of the Planning Commission and Environmental Advisory Council, if applicable, to the Board shall show the Planning Commission has studied and considered the staff report for conversion applications, reasonable input from the stakeholders, the criteria established in LDC section 5.05.15 D, as well as the criteria established in LDC sections 10.02.08 F, 10.02.13 B, or 4.08.07, as applicable. In particular, the Planning Commission shall give attention to the design of the greenway and how it mitigates impacts to real property. Further attention shall be given to who can use the greenway. The Board shall consider the criteria in LDC section 5.05.15 D, as well as the criteria established in LDC sections 10.02.08 F, 10.02.13 B, or 4.08.07, as applicable, and Planning Commission report and recommendation.
- F. **Compatibility** Design Review. For projects subject to 5.05.15 B.3., this section is intended to address the impact of golf course conversion on real property by requiring the conceptual **development** plan to be reviewed for **compatibility** with the existing surrounding uses. The following is required:
1. Application. The Administrative Code shall establish the submittal requirements for the compatibility design review application.
 2. Public Notice. The **applicant** shall be responsible for meeting the requirements of LDC section 10.03.06.
 3. **Compatibility** Design Review. The Planning Commission shall review the staff report as described in 5.05.15 D, the **Compatibility** Design Review application, and make a recommendation to the Board based on the following criteria:
 - a. Whether the **applicant** has met the applicable requirements established in this section and reasonably addressed the concepts identified in LDC section 5.05.15 D.2. – D.4.
 - b. Whether the conceptual design is compatible with the existing surrounding land uses.
 - c. Whether a view of **open space** is provided that mitigates impacts to real property for the property owners that surround the golf course.
 - d. Whether **open space** is retained and available for passive recreation.
 4. The Board shall consider the criteria in LDC section 5.05.15 F.3., above, the staff report and the Planning Commission report and approve, approve with conditions, or deny the application. Upon approval of the application, the

applicant shall obtain approval of any additional required **development order**, such as a SDP, construction plans, or **conditional use**.

G. **Development** standards. The following are additional minimum design standards for zoning actions and Stewardship Receiving Area Amendments. The **Compatibility Design Review** process shall only be subject to LDC section 5.05.15 G.6.

1. Previously approved **open space**. Golf course acreages utilized to meet the minimum **open space** requirements for a previously approved project shall be retained as **open space** and shall not be included in **open space** calculations for any subsequent conversion projects.
2. Greenway. The purpose of the greenway is to retain an **open space** view for stakeholders, support **passive recreational** uses, and support existing wildlife habitat. For the purposes of this section the greenway shall be identified as a continuous strip of land set aside for **passive recreational** uses, such as: **open space**, nature trails, parks, playgrounds, golf courses, **beach frontage**, disc golf courses, exercise equipment, and multi-use paths. The Board may approve other **passive recreational** uses that were vetted at the Stakeholder Outreach Meetings. The greenway shall not include required **yards (setbacks)** of any individual **lots**.
 - a. The greenway shall be contiguous to the existing residential properties surrounding the golf course and generally located along the perimeter of the proposed **development**. The Board may approve an alternative design that was vetted at the Stakeholder Outreach Meetings, as provided for in LDC section 5.05.15 C.3.
 - b. A minimum of 35 percent of the gross area of the conversion project shall be dedicated to the greenway. The greenway shall have a minimum average width of 100 feet and no less than 75 feet at any one location.
 - c. Maintenance of the greenway shall be identified through the zoning or and Stewardship Receiving Area Amendment process.
 - d. The greenway may be counted towards the **open space** requirement for the conversion project as established in LDC section 4.02.00 except as noted in G.1. above.
 - e. Existing trees and understory (shrubs and groundcover) shall be preserved and maintained within the greenway, except where minimal improvements are needed that provide a **passive recreational** use. At a minimum, canopy trees shall be provided at a ratio of 1:2,000 square feet

- within the greenway. Existing trees may count toward the ratio; however, trees within preserves shall be excluded from the ratio.
- f. A wall or fence is not required between the greenway and the proposed **development**; however, should a wall or fence be constructed, the fence shall provide habitat connectivity to facilitate movement of wildlife in and around the greenway.
 - g. A portion of the greenway may provide stormwater management; however, the greenway shall not create more than 30 percent additional lake area than exists pre-conversion in the greenway. Any newly developed lake shall be a minimum of 100 feet wide.
 - h. The **applicant** shall record a restrictive covenant in the County's official records describing the use and maintenance of the greenway as described in the zoning action or SRA Amendment.
3. Preserve requirements. The following preserve standards supplement those established in LDC section 3.05.07.
- a. Where small isolated areas (of less than ½ acre in size) of **native vegetation** (including planted areas) exist on site they may be consolidated into a created preserve that may be greater than ½ acre in size in the aggregate to meet the preserve requirement.
 - 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, and 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.

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SUBSECTION 3.E. AMENDMENTS TO SECTION 10.03.06 PUBLIC NOTICE AND REQUIRED HEARINGS FOR LAND USE PETITIONS

Section 10.03.06 Public Notice and Required Hearings for Land Use Petitions, of Ordinance 04-41, as amended, the Collier County Land Development Code, is hereby amended to read as follows:

Section 10.03.06 Public Notice and Required Hearings for Land Use Petitions

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V. Nonconforming Use Change pursuant to 9.03.02 D and Nonconforming Use Alteration, pursuant to LDC section 9.03.03 B.5.

1. The following advertised public hearings are required:
 - a. One Hearing Examiner or BZA hearing.
2. The following notice procedures are required:
 - a. Mailed Notice prior to the advertised public hearing.
 - b. Newspaper Advertisement prior to the advertised public hearing.
 - c. Posting of a sign prior to the advertised public hearing.

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 has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and Stakeholder Outreach Meetings, and at least 20 days prior to the first Stakeholder Outreach Meeting. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property.
 - b. Posting of a sign after Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and Stakeholder Outreach Meetings, and at least 20 days prior to the first Stakeholder Outreach Meeting.

X. Stakeholder Outreach Meeting, pursuant to LDC section 5.05.15 C.3.

1. The following notice procedures are required:
 - a. Newspaper advertisement at least 15 days prior to the Stakeholder Outreach Meeting.
 - b. Mailed notice sent by the **applicant** at least 15 days prior to the required Stakeholder Outreach Meetings. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property. This mailed notice may include both required Stakeholder Outreach Meeting dates. All mailed notices shall

include the web address to participate in the required web-based visual survey.

Y. Compatibility Design Review, pursuant to LDC section 5.05.15 F.

1. The following advertised public hearings are required.

a. One Planning Commission hearing.

b. One BCC hearing.

2. The following notice procedures are required:

a. Newspaper advertisement at least 15 days prior to the advertised public hearing.

b. Mailed notice sent by the **applicant** at least 15 days prior to the required public hearings. For the purposes of this application, all mailed notices shall be sent to property owners within 1,000 feet of the property lines of the subject property.

* * * * *

SECTION FOUR: CONFLICT AND SEVERABILITY

In the event that any provisions of this ordinance should result in an unresolved conflict with the provisions of the Land Development Code (LDC) or Growth Management Plan (GMP), the applicable provisions of the LDC or GMP shall prevail. In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION FIVE: INCLUSION IN THE COLLIER COUNTY LAND DEVELOPMENT CODE

The provisions of this Ordinance shall become and be made a part of the Land Development Code of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

SECTION SIX: EFFECTIVE DATE

This Ordinance shall become effective upon filing with the Florida Department of State.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 28th day of March, 2017.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: *Dwight E. Brock*
Deputy Clerk
Attest as to Chairman's
signature only.

By: *Penny Taylor*
PENNY TAYLOR, Chairman

Approved as to form and legality:

Scott A. Stone

Scott A. Stone
Assistant County Attorney

04-CMD-01077/1752 (3/28/17)

This ordinance filed with the
~~Secretary of State's Office~~ the
30th day of March 2017
and acknowledgement of that
filing received this 30th day
of March 2017
By: *Dwight E. Brock*
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 30, 2017

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann P. Jennejohn, Deputy Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 17-10, which was filed in this office on March 30, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb