



Development Services Advisory Committee Meeting

**Wednesday, February 7, 2024
3:00 pm**

**2800 N. Horseshoe Dr.
Naples, FL 34104
Growth Management Department
Conference Room 609/610**

**If you have any questions or wish to meet with
staff, please contact
Julie Chardon at 252-2413**



Development Services Advisory Committee

Agenda

Wednesday, February 7, 2024

3:00 pm

2800 N. Horseshoe Dr., Naples, FL 34104 Growth Management Community Development,
Conference Rooms 609/610

NOTICE:

Persons wishing to speak on any Agenda item will receive up to three (3) minutes unless the Chairman adjusts the time. Speakers are required to fill out a "Speaker Registration Form", list the topic they wish to address, and hand it to the Staff member before the meeting begins. Please wait to be recognized by the Chairman and speak into a microphone. State your name and affiliation before commenting. During the discussion, Committee Members may direct questions to the speaker.

Please silence cell phones and digital devices. There may not be a break in this meeting. Please leave the room to conduct any personal business. All parties participating in the public meeting are to observe Roberts Rules of Order and wait to be recognized by the Chairman. Please speak one at a time and into the microphone so the Hearing Reporter can record all statements being made.

1. Call to order - Chairman.
2. Approval of Agenda
3. Approval of Minutes:
 - a. DSAC Meeting – December 6th, 2023
4. Selection of Committee Chair and Vice Chair
5. Public Speakers
6. Staff Announcements/Updates
 - a. Development Review Division – [Jaime Cook]
 - b. Code Enforcement Division – [Thomas Iandimarino]
 - c. Community Planning & Resiliency Division- [Christopher Mason]
 - d. Building Review & Permitting Division- [Richard Long]
 - e. Public Utilities Department – [Matt McLean or designee]
 - f. Housing Policy & Economic Development Division. - [Cormac Giblin]

- g. Growth Management Dept. Transportation Engineering Division – [Jay Ahmad or designee]
 - h. Collier County Fire Review – [Michael Cruz, Assistant Chief, Fire Marshal]
 - i. North Collier Fire Review – [Chief Sean Lintz]
 - j. Operations & Regulatory Mgmt. Division – [Michael Stark]
 - k. Zoning Division – [Mike Bosi]
7. New Business
- a. PL20230012905 – Updates to Golf Course Conversion – Intent to Convert Process -[Requested by Eric Johnson]
 - b. PL20230018350 – Updates to Requirements for Removal of Prohibited Exotic Vegetation-[Requested by Eric Johnson]
8. Old Business
9. Committee Member Comments
10. Adjourn

FUTURE MEETING DATES:

March 6, 2024 – 3:00 pm

April 3, 2024 - 3:00 pm

May 1, 2024 – 3:00 pm

MINUTES OF THE COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE MEETING
Naples, Florida

December 6, 2023

LET IT BE REMEMBERED, the Collier County Development Services Advisory Committee, in and for the County of Collier, having conducted business herein, met on this date at 3 P.M. in REGULAR SESSION at the Collier County Growth Management Community Department Building, Conference Room #609/610, 2800 Horseshoe Drive North, Naples, Florida, with the following members present:

Chairman: William J. Varian
Vice Chairman: Blair Foley
James E. Boughton
Clay Brooker
Jeff Curl (excused)
David Dunnivant
John English
Marco Espinar
Norman Gentry
Mark McLean (excused)
Chris Mitchell
Robert Mulhere
Laura Spurgeon-DeJohn
Jeremy Sterk
Mario Valle
Hannah Roberts—AHAC non-voting
(excused)

ALSO PRESENT:

Jamie French, Department Head, GMCD
Jaime Cook, Director, Development Review
Michael Bosi, Director, Planning & Zoning
Thomas Iandimarino, Director, Code Enforcement
Drew Cody, Senior Project Manager, Utilities Planning
Joe Bellone, Finance Director, Public Utilities
Cormac Giblin, Director, Housing Policy & Economic Development
Jay Ahmad, Director, Transportation Engineering
Michael Stark, Director, Operations & Regulatory Mgt. Division
Richard Long, Director, Building Plan Review & Inspection, GMCD
Diane Lynch, Management Analyst II/Staff Liaison GMCD
Julie Chardon, Ops Support Specialist II, GMCD

Any persons needing the verbatim record of the meeting may request a copy of the audio recording from the Collier County Growth Management Community Department.

1. Call to Order – Chairman

Chairman Varian called the meeting to order at 3 p.m.

A quorum of 10 was present in the boardroom; three members joined later.

2. Approval of Agenda

Mr. Brooker moved to approve the agenda. Mr. Espinar seconded it. The motion passed unanimously, 10-0.

3. Approval of Minutes

a. DSAC Meeting – November 1, 2023

Mr. Mulhere made a motion to approve the November 1, 2023, DSAC meeting minutes.

Mr. Valle seconded it. The motion passed unanimously, 10-0.

b. DSAC-LDR Subcommittee Meeting – October 17, 2023

Vice Chair Foley made a motion to approve the October 17, 2023, DSAC-LDR

Subcommittee meeting minutes. Chairman Varian seconded it. The motion passed unanimously, 4-0.

c. DSAC-LDR Subcommittee Meeting – April 18, 2023

Chairman Varian made a motion to approve the April 18, 2023, DSAC-LDR

Subcommittee meeting minutes. DSAC-LDR Chairman Brooker seconded it. The motion passed unanimously, 4-0.

4. Public Speakers

(None)

5. Staff Announcements/Updates

a. Development Review Division – [Jaime Cook, Director]

Ms. Cook reported that:

- The planning manager and environmental manager positions have been filled.
- Craig Brown is now environmental manager. He was previously the environmental supervisor and before that, a senior. We'll be backfilling his supervisor position.
- Lisa Blackledge is our planning manager. She's done architecture review and site planning and is very reasonable to work with.
- Sign review is now under Development Review's purview.
- Turn lanes are part of the Right-of-Way Manual and are required prior to onsite construction. She's been receiving many complaints. Especially on major arterial roadways, Immokalee, Collier, Pine Ridge, if you're installing a turn lane, they need to go in before construction starts onsite.

A discussion ensued and the following points were made:

- Turn lanes are not optional. The county can discuss options for a small local road or something minor, but for major arterials, they are required to go in first.
- It's very important to have this at the pre-app meeting. It's required before you can clear a site and will impact a project's sequencing.
- The pre-app meeting comes well before initial design, so everybody will be aware of it.
- Staff will let you know when that's coming down at the pre-app meeting.
- Other alternative/temporary measures, such as moving a light pole or utility, to install a turn lane will be looked at on a case-by-case basis.

b. Code Enforcement Division – [Thomas Iandimarino, Director]

Mr. Iandimarino provided a November update:

- More than 400 contractor licensing licenses are still outstanding for the rest of the year. Contractor Licensing doesn't know if they'll get renewed or lapse.
- We've been doing a lot of annual refresher training and refreshers, such as officer safety and in-service training, today and tomorrow.

c. Community Planning & Resiliency Division [Chris Mason, Director]

(No report)

d. Public Utilities Department [Drew Cody, Senior Project Manager]

Mr. Cody provided an update:

- As we go into the holidays, please make sure you're sending emails to Utility Planning, not individual team members because some will be taking time off.
- There's been an uptick in FDEP comments, mostly due to an increase in volume. That hasn't translated into an equivalent percentage increase in time, which has only gone up slightly. You've doubled permits and we've gone up about 50% on time, so we're doing well.
- Going into November and December, you probably will see some delays with utility deviations. We fixed an issue where you immediately received individual comments from the first reviewer, and sometimes that meant you had to meet with the entire team because engineering and operations weren't agreeing. That was messy and not good.
- During the system process used to fix that, the developer turned off almost all system communications, not just the ones going to you, so now our team doesn't get notified when they go in. It takes a lot more prodding and manual effort on our part.
- We're working with the developer to get what we want communicated, such as "please review deviations" turned back on, but that may take six weeks, so in November and early December, you may see deviations increase slightly on our view time.

Mr. Mitchell noted that the deviation still goes to the general utility planning e-mail, so this is an internal problem?

Mr. Drew said it's an internal system the developer and our staff are having problems with. You don't have to do anything differently. What's occurring behind the scenes is not going as smoothly as it has in the past and it's slowing us down.

Joe Bellone, Public Utilities finance director, detailed the ongoing impact-fees rate study:

- He'll receive the Water & Sewer-Rate Study first draft later this week or next week.
- He and legal counsel will review it.
- After that, he wants a DSAC utility subcommittee to study it. That's what occurred during the last two studies.
- It will probably be ready in mid-January, or later.

Mr. Mulhere asked when he's retiring.

Mr. Bellone said June 6.

A discussion ensued and the following points were made:

- The last study was in 2019, became effective March 30, 2020, so we were three years out.
- It's a full study. We have a lot of upcoming capacity projects, including the Golden Gate Wastewater Plant and the Northeast Wastewater Plant.
- They're in the first 10-year window, so you're going to see some capacity expansion projects.
- We're in discussions about long-range planning for the southeast.
- We're probably going to focus the 10-year plan on central Golden Gate and Collier Boulevard.
- Collier Boulevard is getting crazy and the northeast is really starting to get going, so we need to focus on the wastewater plant on the edge of the 10-year plan.
- The Northeast Water Plant is in the AUIR.
- He'll work on getting that to the DSAC Subcommittee.

[DSAC Subcommittee members agreed they'd review the study; they later agreed that Mr. Valle, Vice Chair Foley and Mr. Mitchell would serve on the DSAC Utility Subcommittee.]

[Mr. Dunnivant and Mr. Gentry joined the meeting at 3:11 p.m.]

e. Housing Policy & Economic Development [Cormac Giblin, Director]

Mr. Giblin told the DSAC:

- There will be a Government Contractors Roundtable at 10 a.m. Thursday, January 18, in this room.
- Anyone interested in doing business with Collier County, the state or federal government is invited.
- County, state and federal procurement department representatives will be here to help you through the process to get on approved bidders lists, if you're looking for government work.

Mr. Mulhere asked if it would be construction related.

Mr. Giblin said it would involve all services.

f. GMD Transportation Engineering Division [Jay Ahmad, Director]

Mr. Ahmad provided an update on projects in design:

- Airport Road. Last night, we had 30% design stage for Airport Road. We're widening it from Vanderbilt Beach Road to Immokalee Road and adding a lane in the median. It will be three lanes like the rest of Airport Road, from south to U.S. 41. We received a grant for 2026, so we hope to be in construction that year.
- 16th Street Northeast Bridge and Roadway Improvements. It will connect from Golden Gate to the canal and all the way to Randall Boulevard. There will be a new bridge on Golden Gate, the main canal, and the roadway will have small shoulders and a sidewalk on the east side. The project is almost done, 100% design, and we hope to go to construction procurement early next year. It's tied to a grant, so by late 2024, we hope to be in construction.
- Vanderbilt Drive Sidewalk Project. The project goes from Vanderbilt Drive from Vanderbilt Beach Road to 111th Street. The 5-foot sidewalk will be on the east side, where it's close to the beach and there are a lot of pedestrians. January 10 is the tentative date for the Public Information Meeting. We hope to be in construction after that in March or April.

Mr. Ahmad detailed several projects under construction:

- The Whippoorwill signal is now on today.
- The connection from Pine Ridge is making an L-shape to Livingston. They're doing cleanup this afternoon or tomorrow morning.
- Once Quality Enterprises finishes the punch-list item on drainage, the roadway will be open, either today or tomorrow.
- The Golden Gate City bridge replacement is completed and open to traffic and it has a shiny railing on both sides from the MSTU.

A discussion ensued and the following points were made:

- Vanderbilt Beach Road is now at 30% design and construction stage. The project goes from Collier to 16th, about seven miles. We're building three lanes in each direction to Wilson, and from Wilson to 16th, about two miles, where it will be one lane in each direction. We have the right of way for six lanes. It may be four or six lanes in the future, but we're building two lanes.
- The contractors are doing well and are doing a lot of drainage. A lot of bank material is being brought to the site. The pond sites are taking shape. The Cypress Canal is being relocated from the north side to the south side, 1½ miles. It's almost 60-70% complete. The project is moving along very well.
- As you head to Golden Gate Parkway east, there's a light at the I-75 interchange where cars come off the ramp and a small green fence on the south/right side of Golden Gate Parkway gets knocked down all the time and the landscaping gets ripped up. It needs to be supported. It seems like the county is out there every Sunday morning after it gets knocked down. You see tire tracks there nearly every week.
- Mr. Ahmad said he'd pass along the information. It's handled by a private contractor for the FDOT.
- The county has the plans for the Vanderbilt Drive sidewalk project. It's designed and all in county rights of way.

g. Collier County Fire Review [Michael Cruz, Captain]

Capt. Cruz detailed the November report:

- We did 50 plan reviews and 395 fire permit reviews.
- All had two-day turnarounds.
- System projects: 95 were issued and 103 were finalized with fire alarms.
- Fire sprinklers: 1 outstanding and 11 completed.
- Current projects include a storage building on 10th Avenue and Collier Boulevard, a storage facility on Davis Boulevard and we're in the planning phase for the new Home Depot at the Hitching Post. The city is going to take six or seven parcels. It's a big deal and they're doing a lot of work.
- The Hampton Inn has already gone vertical.
- We have a new fee structure in place so North Collier and Greater Naples are similar. Chief Lintz will follow up with more information about it. It's in the testing phase and will go into effect around January 1. That's the biggest news.

Mr. Dunnivant asked if they were reducing fees.

Capt. Cruz said some fees are being reduced. It's several pages long and covers everything. It involved a lot of effort, so he applauds Chief Lintz and Chief Hanson for their work.

h. North Collier Fire Review [Sean Lintz, Chief]

Chief Lintz detailed the November report:

- 543 building fire reviews, with an average four-day turnaround.
- 48 plan and fire reviews, with an average two-day turnaround.
- We're very busy with inspections, about 1,400 monthly, due to new construction.
- Capt. Bryan Horbal is here. He'll be taking over my role in the Growth Management Department.
- Maggie and Linda are plan reviewers so please reach out. We need some help, so Capt. Horbal will help and probably will attend some of these meetings.

[Ms. DeJohn joined the meeting at 3:23 p.m.]

- Our new fee schedule takes effect January 1.
- GMD is now testing it out in CityView. The GMD team did an outstanding job helping us put it together with input from you, contractors and the public, and it's a great partnership.

i. Operations & Regulatory Management Division – [Michael Stark, Director]

Mr. Stark provided the November update:

- Our last discussion centered on the CityView software application testing feature enhancement with the May 2024 deadline. There's a purchase order in place and we're moving forward with that program.
- We also discussed CityView active submittal dates. That included some holidays and weekends, so we're still looking into that.
- We've developed a process to look at it from submittal to what it takes for a customer to reply to some of that information.

- The private-provider administrative fee went to the Board of County Commissioners on November 14 and was approved.

[He introduced Kirsten Wilke, the business center manager, and her supervisory team, Connie, Michelle and Tommy. They oversee the Call Center, information counter, permit intake, zoning front desk and client services. They're responsible for our exceptional customer service, clear communication and accurate reviews each business day. It takes an army to make it work.]

- The Business Center assisted 976 walk-in customers and the four satellite locations welcomed 133 walk-in customers.
- The Call Center received 4,880 calls to the main number; the average call lasted under three minutes.
- The department received 3,657 permit applications through the CityView software portal; 392 were permit applications related to Hurricane Ian. There were 125 permits in routing, which means the fees were paid and intake staff is working on 237 permits.
- Due to the last DSAC meeting, our process improvement group developed a Microsoft Power BI Report that will measure permit intake turnaround time for all applications.
- Staff averaged 0.9, or one business day, to complete the intake review.
- Applicants ranged from one to three business days. The top applications type that took the longest included AC replacements, carports/sheds, mechanical and demolition.
- Zoning front-desk staff resolved 1,246 survey conditions and are currently working through five survey conditions, four of which are CO holds.
- The department currently employs 320 full-time employees, with 21 positions in the hiring pipeline.
- Diane Lynch has been promoted to Management Analyst II and we're restructuring, so we want to ensure we continue with seamless service on those high-profile projects.

Chairman Varian noted that subcontractor forms have been changed and no notary is required. Are application forms going to be changing shortly?

Mr. Stark said yes.

Chairman Varian asked if that will include revision and correction forms, etc.

Mr. Stark said yes.

Mr. Dunnivant asked what the Milestone Building Inspections pie chart tells us.

Mr. Long said it's going to be a big lift in the beginning and then will taper back down. We're working through it.

A discussion ensued and the following points were made:

- Milestone Building Inspections are required by the state due to the Surfside condo collapse in 2021.
- They involve condos three stories and higher. If they're within three miles of the coast, it's 25 years from the CO date and anything past that is required after 30 years.
- The first lift is condos in arrears. The state gave them a two- or three-year grace period after the statute went into effect to get the initial report in.
- There are 490 due. We'll process those and after that, they're due every 10 years.

- Engineering reports by an engineer or an architect are required. It's a Level 1 inspection of all the building's structural components.
- If they find anything that kicks it to the next level, the engineer must provide another report, with timelines for repairs, etc.
- The HOA has a certain amount of time to implement that and get the work done.
- There are no county fees involved, just the HOA.
- In reality contractors and builders are paying for this with their fees.
- It falls on the local jurisdiction's building official to review, track, and enforce the reports. The county can only review what the engineer provides.
- If work is required, permits are needed. That's where the county could capture fees.
- Lisa Blacklidge is the best person to talk to about Milestone Inspections, but she no longer works for him. She put it together and was tracking it but handed it off to other staff to manage.
- We simplified the process as much as possible. It's loaded into the planning module and we track it from there.
- The county sent out initial notices about overdue reports and will send a follow-up notice. If we don't hear back, we'll hand it off to Code Enforcement to enforce it.
- If it takes a significant amount of time, it may be appropriate to set up a fee. The other option would be paying it through *ad valorem* tax dollars. Code Enforcement is paid for by *ad valorem* tax dollars and this is really an enforcement issue, so those are two options.
- There are about 960 total buildings; the initial list is 490.
- The county gets covered in the next step because if remedial action is needed, it will require inspections and a building permit.
- Employees spend one to two hours reviewing reports, which are prepared by a professional, and the county then makes recommendations if there are issues.
- This doesn't take away from reviewers' time. Admin staff are processing everything and the deputy building official or building official reviews the report.

j. Zoning Division – [Mike Bosi, Director]

Mr. Bosi reported that:

- At 3 p.m. Thursday, the Planning Commission will consider two land-use items, the Food Truck Parks, Wireless Communication Facilities and Scrivener's Errors. We appreciated the work and improvements the DSAC provided.
- The Wireless Communication Facilities land-use item was long overdue. Our code dates to the mid-90s and hasn't been substantially updated. This reduced separation requirements in many different areas; provides a lot more flexibility; and provides opportunities within areas where within the single-family zoning district, we do not even allow them to even ask for it to go through a conditional use process in their proposal, such as a stealth design. Those improvements are good.
- The Board of County Commissioners' Tuesday agenda is busy. We have seven items and about four will be on the regular agenda. The most important is the AUIR-CIE. For our Category A concurrency-management facilities, we have a \$2 billion, five-year plan that's 25% short. We haven't identified the revenue for it.
- The BCC chair brought the surtax issue up last month. Just for Category A facilities, half of our AUIR, we have about \$500 million in unfunded projects. Impact fees won't

cover those. The chair asked the Board of County Commissioners if they could discuss asking voters if they're interested in renewing the surtax. We hope it allows the board to make that decision to consider asking voters if they would like to self-tax and put the surtax on the ballot again.

- Business impact estimate: Florida's statutes have changed due to the legislature. Before a county can enact an ordinance, they must prepare a business-impact estimate and post it on the county website when we advertise for that item.
- We have to post a summary of the ordinance to our website that includes the public purpose; an estimate of the direct economic impact of the proposed ordinance on private, not-for-profit business in the county; an estimate of the direct compliance impact that businesses may reasonably incur for the ordinance if it's enacted; any new charges or fees associated with it; the estimate of the cost of regulatory to the county; and a good-faith estimate of the businesses that would be impacted by the ordinance.
- The kicker is it says this section doesn't apply to compliance with federal or state regulations, refinancing of debt, budget-to-budget amendments, ordinances that are required related to contracts, emergency ordinances, or Part 2 of Chapter 163, which is anything in growth management or zoning.
- The County Attorney's Office suggested we do it out of an abundance of caution. Mr. French discussed it with the county manager, and we don't think we have the capacity to do this. We don't have the expertise to make an estimate on a 200-unit PUD subdivision, so what value would that have?
- If the statute says we're exempt from that process, why would we want to move forward? We think the exemption is adequate and we shouldn't perform it.
- He received an email from Chris Scott this morning requesting the Executive Summary about a moratorium that's going to the BCC on Tuesday. He told Chris he wasn't aware of a moratorium on the agenda, but Mr. French said he heard that a commissioner may propose a moratorium related to areas within the eastern portion of the county, specific geographic areas. It will be discussed on Tuesday.
- We know how things can be motivated. This is an election year; nothing came from Growth Management and we haven't reviewed anything. The agenda will be published tonight if you want to see that item.
- We've got a busy winter and spring coming up. Land-use petitions continue to roll in.

Mr. Mulhere said in the old days, the direction from the county manager under the fiscal impact section of every Executive Summary included an analysis of any proposed regulatory change. It also involved the fiscal impact to the industry that's being regulated to the general public, to the development community, etc. It was very detailed but over the years, it went away. You should be happy to be exempt.

Mr. Bosi said he's not sure anyone on staff is qualified to make those estimates. The statute provides a clarification that says, "This subsection must not be construed to require a county to procure an accountant or any fiscal consultant to prepare the business impact estimate required by this subsection."

Mr. Brooker said he believed that requirement applied to new land development regulations or revised code land development, code provision or proposals, and wasn't more broadly applicable to what you mentioned. The City of Naples may have caused some of that.

Mr. Espinar noted that in the old days, Charlie Abbott would get upset because they always put in the caveat, “no significant impact to all the financial ...”

6. New Business

(None)

7. Old Business

(None)

8. Committee Member Comments

The DSAC discussed the need for a January meeting and giving staff a break and decided to meet again in February. They agreed that, Mr. Valle, Vice Chair Foley and Mr. Mitchell would be on the DSAC Utilities Impact Subcommittee for Ms. Cook and Mr. Cody.

Mr. Boughton said an issue keeps coming up that he’s confused about. If you’re in the building or construction business, when you’re halfway through construction, you find out you need a bidirectional-antenna system installed in the building because it’s not within range of a fire department’s communications system. Has anyone seen this happen? This is a big expense.

Mr. Long detailed BDA (bi-directional antenna) systems and replied that:

- The larger concrete buildings have an issue with being able to communicate so sometimes that BDA system is required by the code.
- Once that structure is up, a study is required to measure whether it’s needed.
- The county is in charge of FCC communications. You could install a system that’s not needed and that interferes with communications outside the building.
- When this first came out, everybody was saying they’d need it, but a study must be conducted to evaluate whether it’s needed.
- If you put a BDA in every building, if first responders show up and pull up outside the building, that could interfere with communications and they won’t be able to communicate.
- They’ve backed up a bit on it. Contractors and low-voltage folks often say it’s needed.
- Dan Summers and his staff are in charge of it. Our Fire-Plan Review requires that an experienced person conduct the study and the county and Dan’s employees review it.

Mr. Boughton said if you are targeted, we paid \$4-\$5 a square foot for installing these systems, a huge cost. This is a communication system that has nothing to do with the building or owner. It’s part of a publicly funded system, the fire department’s communications system. Why does this have anything to do with construction?

Mr. Long said it involves emergency communications, the sheriff and fire departments.

A discussion ensued and the following points were made:

- State statutes says it’s a cost the building owner has to absorb.
- The Florida Fire Prevention Code requires it.
- You can put in that system for \$50,000 to \$200,000 because you must meet a 98% rating on the signal anywhere in the building. You still might not achieve that, and only a few people are qualified to analyze it or provide the equipment.

- This is a fiasco that's been developing over the last few years.

Capt. Cruz responded that:

- It's directly related to the building's construction, providing emergency services.
- The biggest problem comes while enclosing these buildings.
- Our inspectors and North Collier also do this. We'll key up in the beginning of a project and you have a 600 number at your pre-construction meeting. We do it then and there. We look at your DA queues.
- There is new language in (National Fire Protection Association) 72 that will alleviate some of this, so all we can tell you is not to put it in from day one because we have no idea what's going to be out there. So that puts the contractor in limbo and you and your client must prep for it.
- We don't officially test for the DA Queues. We're looking for the reading.
- Collier County has a list of vendors and they use their equipment to do the testing. That's the process.
- In our office, it's Scott or Tom Mastroberto who reviews the scores with the county to determine whether the BDA is needed.
- Impact windows are a big thing. It's starting to go through existing buildings now under state statutes. It's a hot mess.
- (NFPA) 72 is letting go of some things, such as the hourly rating for your building construction to match what you're putting in, instead of four linear feet.
- There's new Dragon software that meets that rating where you're not putting in chases. We tell customers to prep for this because we don't know what will happen, but we'll keep keying up at every inspection, whether it's small or big.
- We're doing the best we can with what we have.

A discussion ensued and the following points were made:

- It's not a proximity question, such as being close to the communications tower.
- It involves communication systems owned by Collier County or the Sheriff's Office.
- The communications problem involves enclosing the structure. The tower could be there but emergency personnel can't key up, although you could be on the other side of the door and can't hear.
- We're following the statute and staying within the letter of the law.
- Is it reasonable to think the owner should have to pay for something that would be paid through taxes as a community? It seems like this has been shifted entirely onto the property owner, which seems like a disconnect.
- It's related to the fire alarm system, which is required by all the codes to be installed in buildings. It's like an extension. It's for emergency responders and isn't a government-community responsibility. You're building a new building and it's part of the life-safety aspect. That's why they put it in the Florida Fire Prevention Code and the Florida Building Code.

Mr. French told the DSAC:

- An item is going to the Board of County Commissioners on Tuesday that started with him and Dan Summers about four years ago regarding emergency communications towers.

- That infrastructure has been identified as an unmet infrastructure need. It's not in the AUIR but is going to the board.
- The county is investing several million dollars, which the board will consider. It's an item Dan Summers will present. He worked with Mike Choate, the former Immokalee Fire chief who is now the county's public safety officer and is Dan's boss.
- There's a plan in place they've been working on for years that the county will be rolling out in future years.
- A good example is the incident that occurred at Naples High School on Friday, the SWAT team incident (shooting hoax). There was so much agency response that they were bleeding over each other to the point where the radios and nothing was working.
- The City of Naples was the incident commander, not the Sheriff's Office, so we were there as a support function, as was the Sheriff's Office.
- We recognize there has been a critical failure for emergency responders. It could be a medical incident, a fire incident, etc., but they're working on a strategy.
- When Dan approached me, I identified early that you're not the authority with jurisdiction and encouraged him to work with our fire district partners because it's addressed within the fire code and state statute. That's the most lawful approach.
- We recognize some of these costs will be on the county and the Board of County Commissioners has recognized that, as has emergency services.
- It's not like there's an attempt to right a wrong on the backs of the development community or on the community that already occupies these developed areas.
- We recognize there's a problem and there's a long-term strategic approach to this.
- Mike Choate or Dan Summers can come to a DSAC meeting to discuss this.

Mr. Boughton said it almost sounds like an impact-fee issue. Why isn't this cost spread across the board? Instead of halfway through construction telling us that there's an extra \$200,000 expense someone has to make.

Mr. French said he didn't believe it would qualify under impact fees, but he can ask Ian Barnwell or County Manager Amy Patterson. We can invite Amy back to answer your questions. The unmet needs total about \$80 million. This is what the county is scheduling for the future, including the advancement or exiting some of our Motorola contracts to look at better, improved technology that will work with the systems that are in place.

Mr. Boughton said maybe that will improve the situation.

Mr. French said they hope it will.

Mr. French discussed the possible moratorium the BCC will discuss Tuesday:

- He received a voicemail from Mark Teeters on December 4. Mr. Teeters said it's posted on the Island Walk Facebook page.
- I wasn't aware of it, so I spoke with the county manager yesterday. She asked if I knew anything about it. She just found out.
- I have not had a conversation with any commissioners or the County Attorney's Office.
- We question whether Senate Bill 250 might affect this, but it looks like it only addresses properties impacted by Hurricane Ian.
- We haven't had this conversation at a staff level. This was not written by staff and Mike Bosi was surprised when I brought it to him yesterday afternoon.

Chairman Varian noted that there will be no January 3 meeting. He wished everyone a Merry Christmas and asked for a motion to adjourn.

9. Adjourn

Future Meeting Dates:

3 p.m. Feb. 7, 2024

3 p.m. March 6, 2024

Mr. Espinar made a motion to adjourn. Second by Mr. Valle. The motion passed unanimously, 13-0.

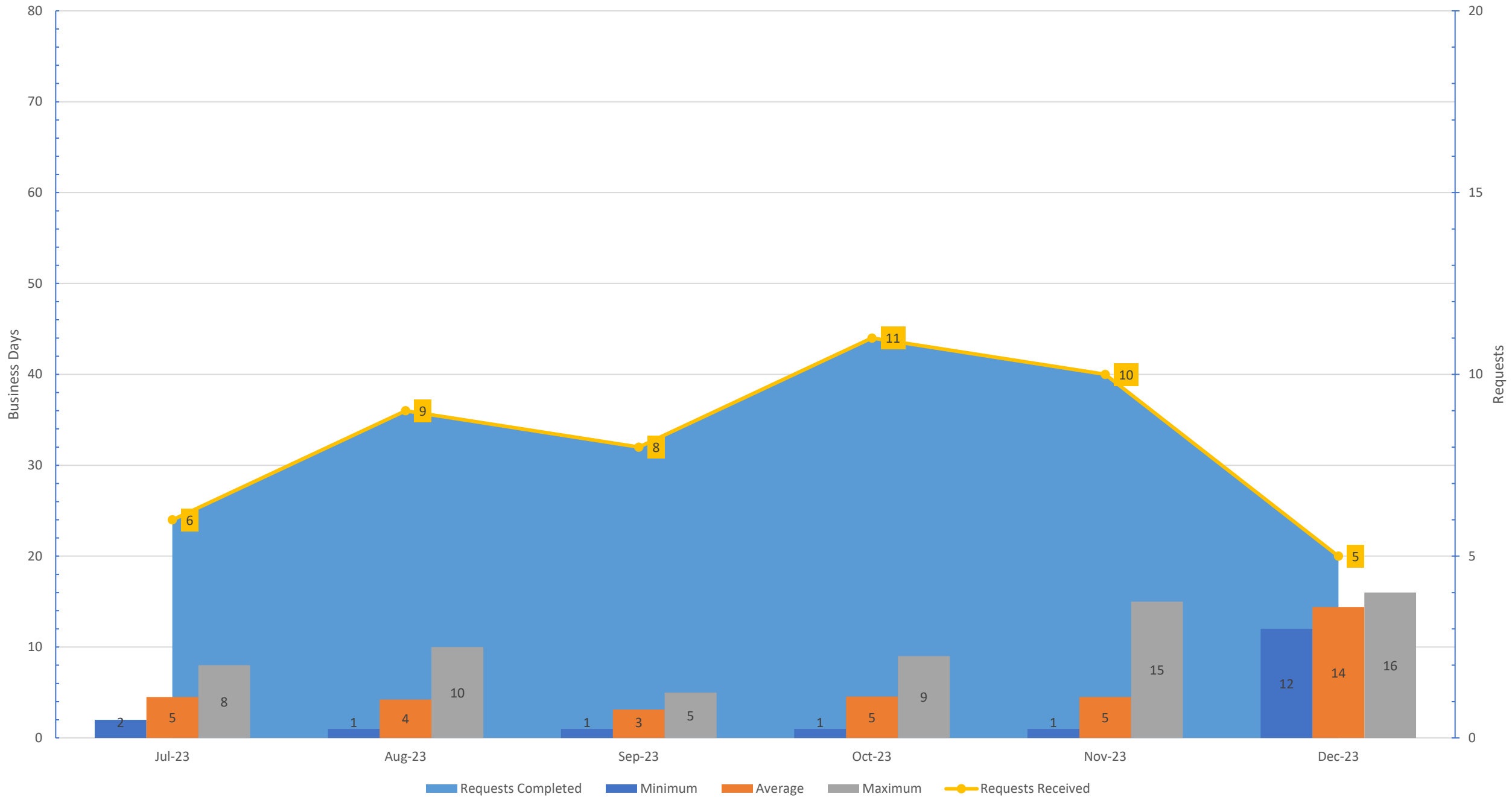
There being no further business for the good of the County, the meeting was adjourned by the order of the chairman at 4:02 p.m.

**COLLIER COUNTY
DEVELOPMENT SERVICES ADVISORY COMMITTEE**

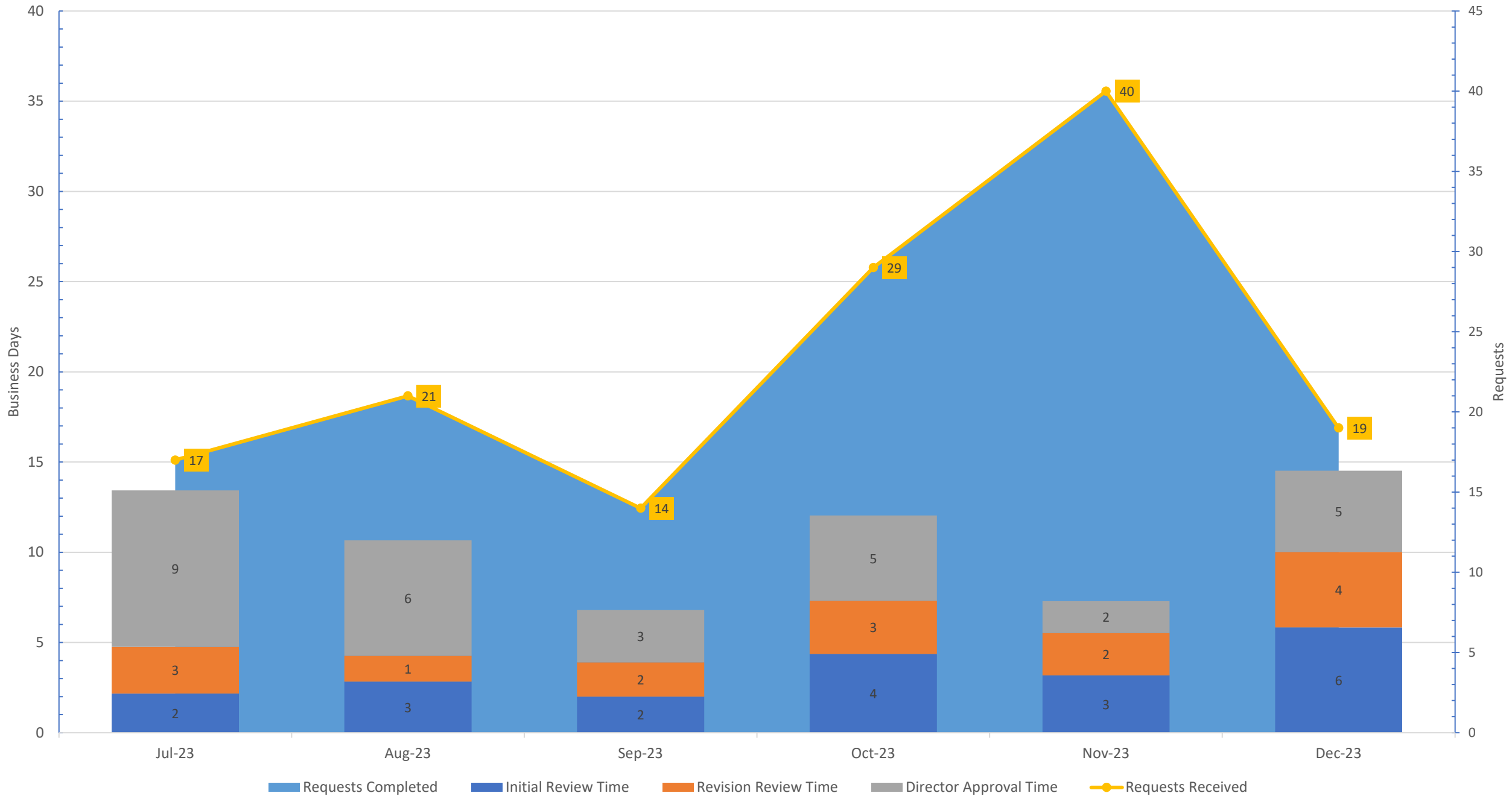
William Varian, Chairman

These minutes were approved by the Committee/Chairman on _____, as presented (choose one) _____, or as amended _____.

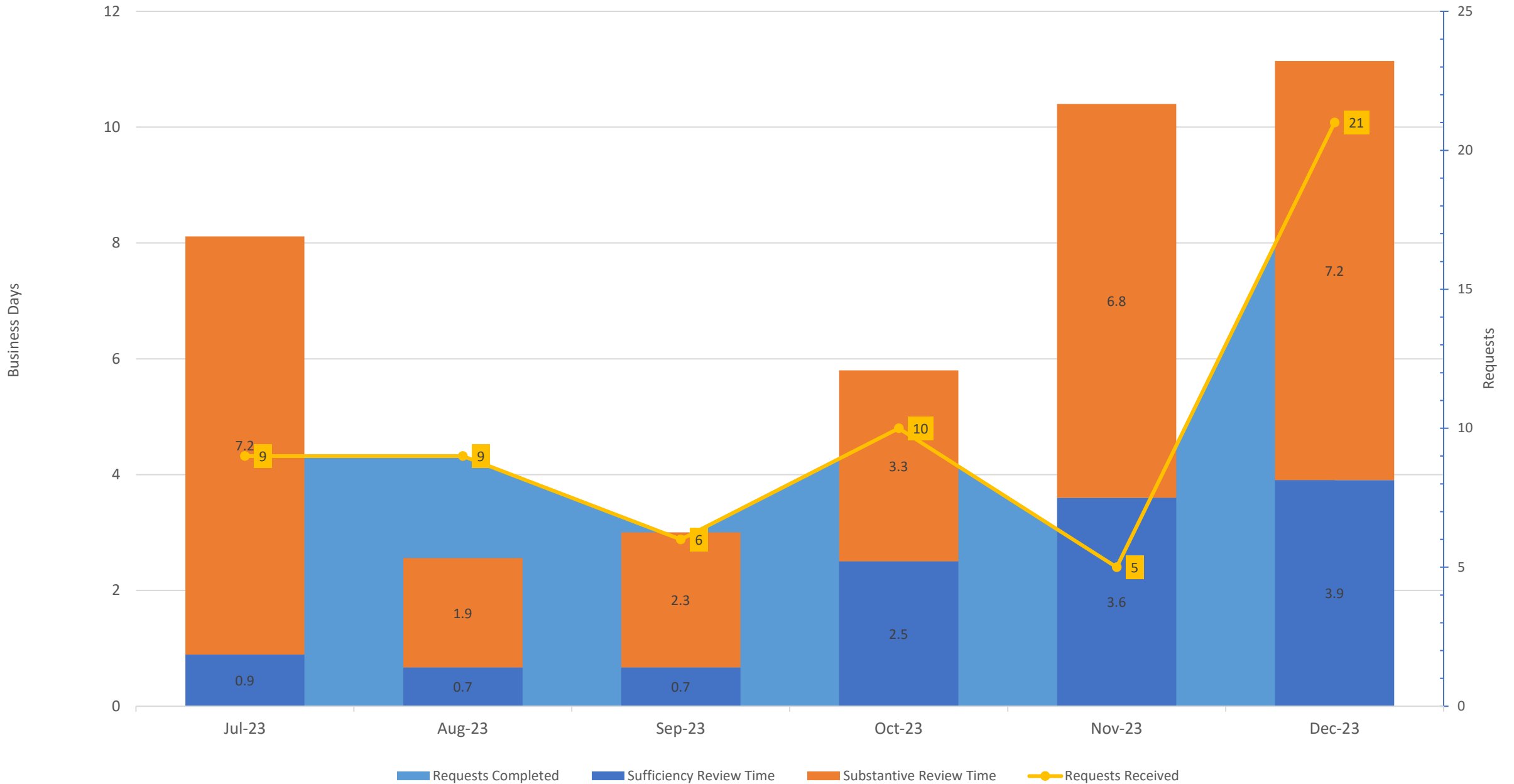
Response Time - Letters of Availability



Response Time - FDEP Permits



Response Time - Utility Deviations





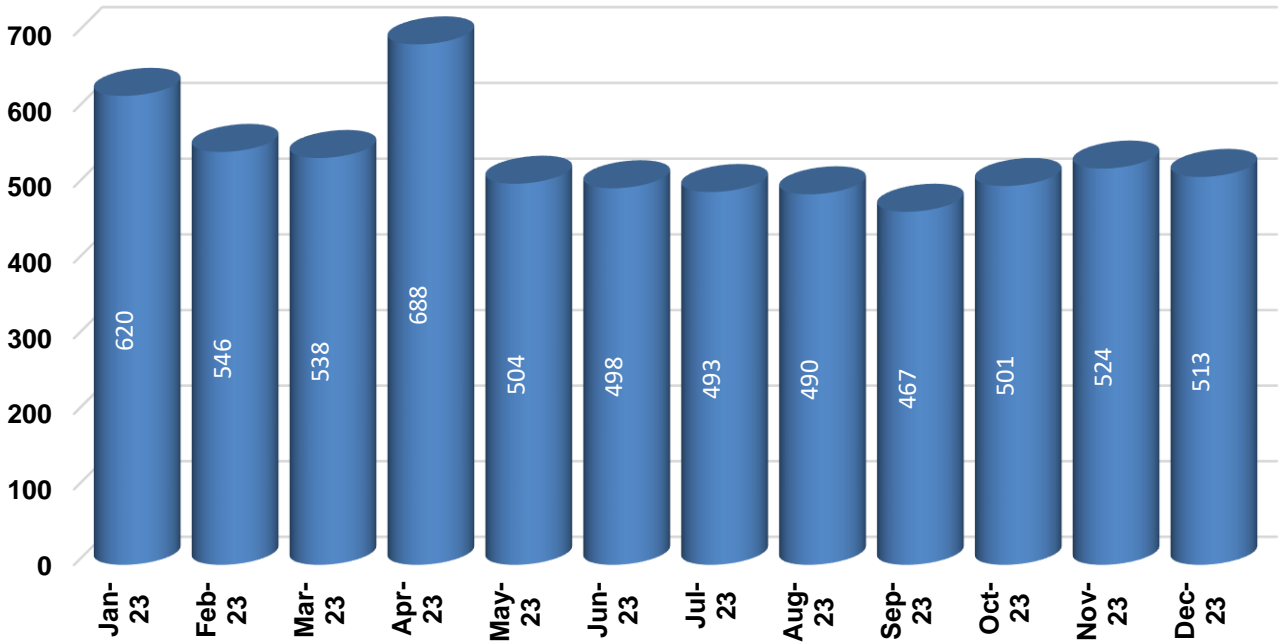
January
2024 Code Enforcement
Monthly Statistics



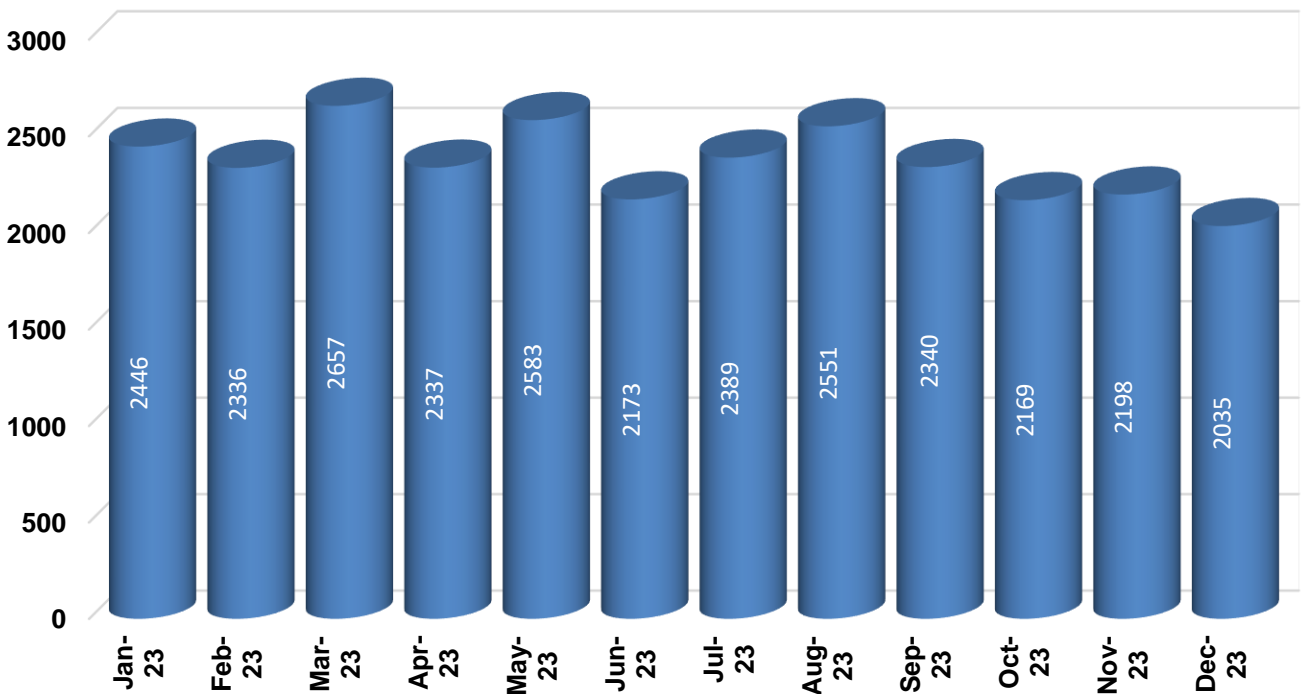
Code Enforcement Reports



Cases Opened Per Month



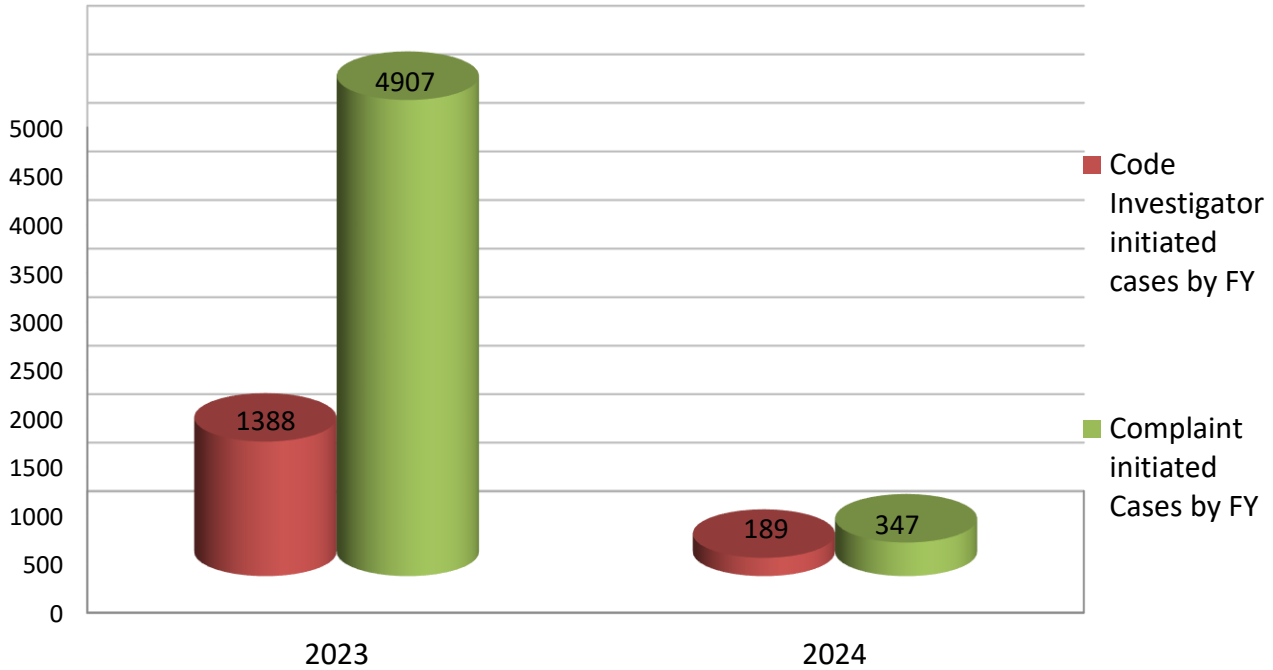
Code Inspections Per Month



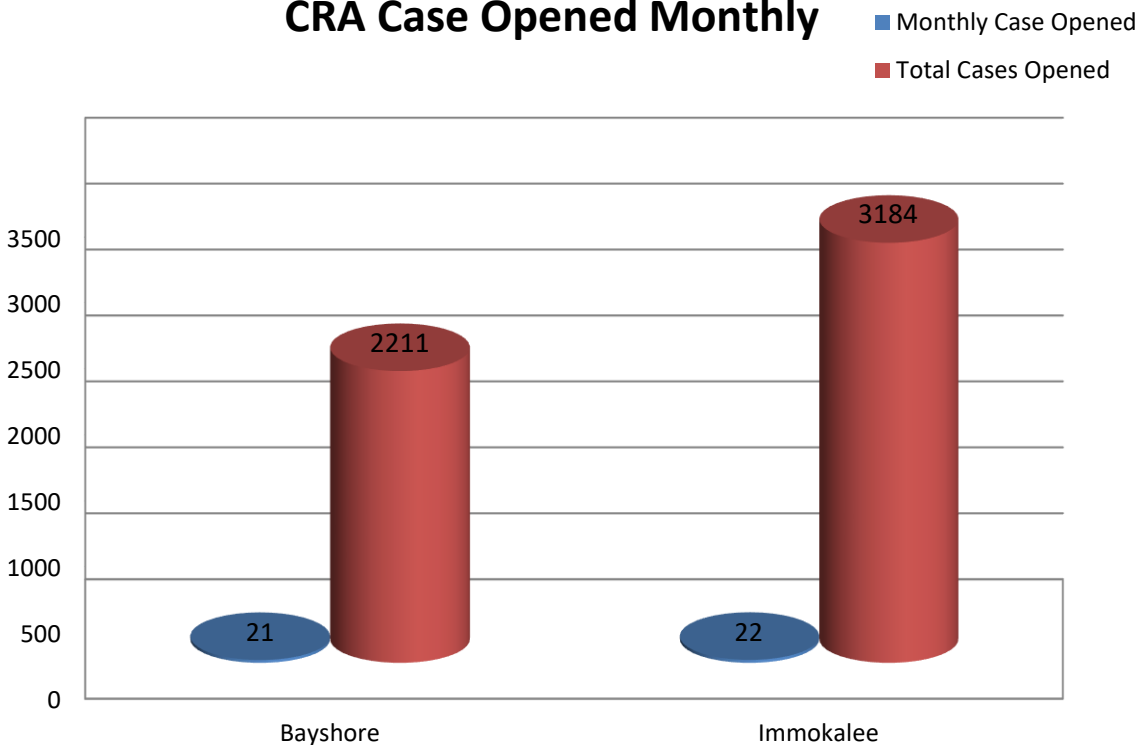
Code Enforcement Reports



Origin of Case



CRA Case Opened Monthly



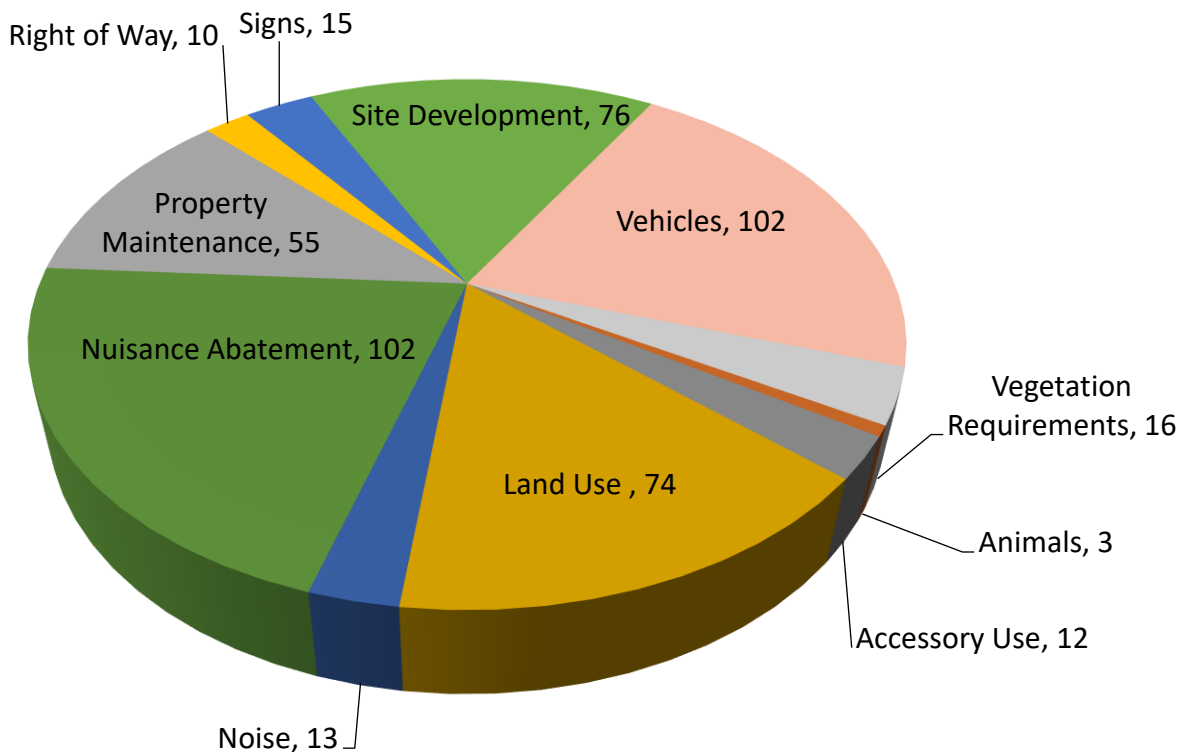
Code Enforcement Reports



December 22, 2023 – January 21, 2024 Highlights

- Cases opened: 513
- Cases closed due to voluntary compliance: 180
- Property inspections: 2035
- Lien searches requested: 495

Top 15 Code Cases by Category



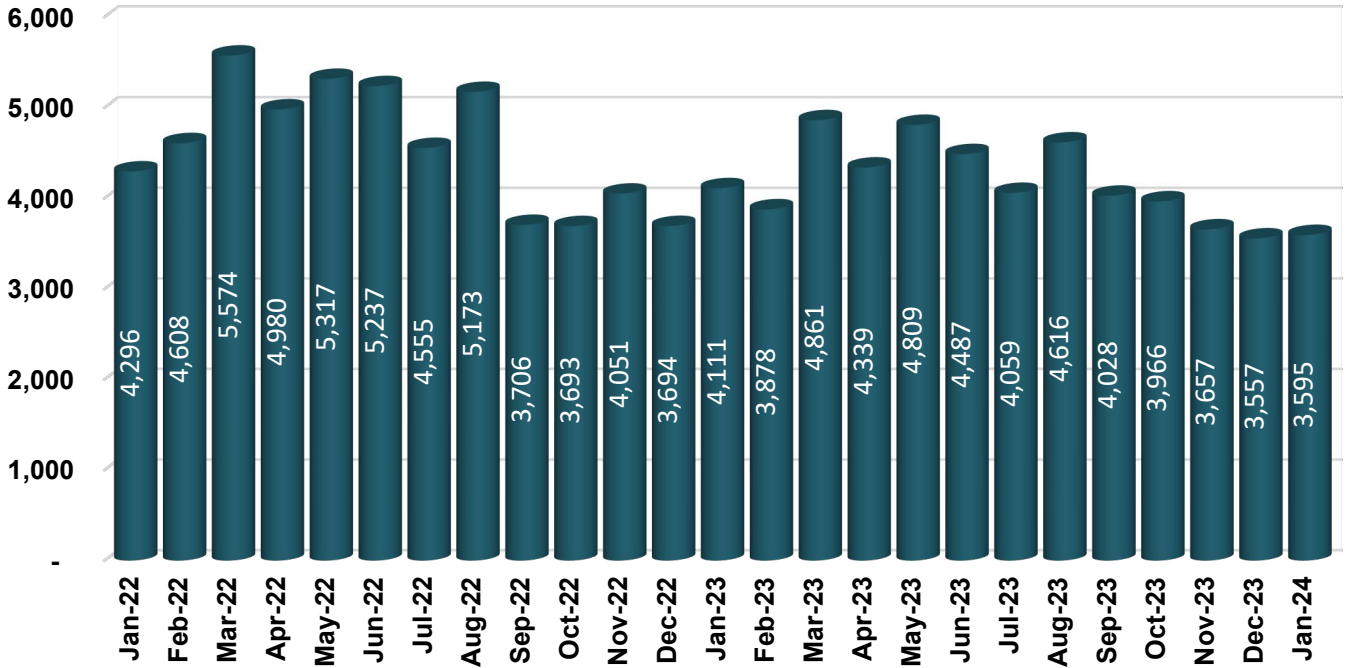


January 2024
Monthly Statistics

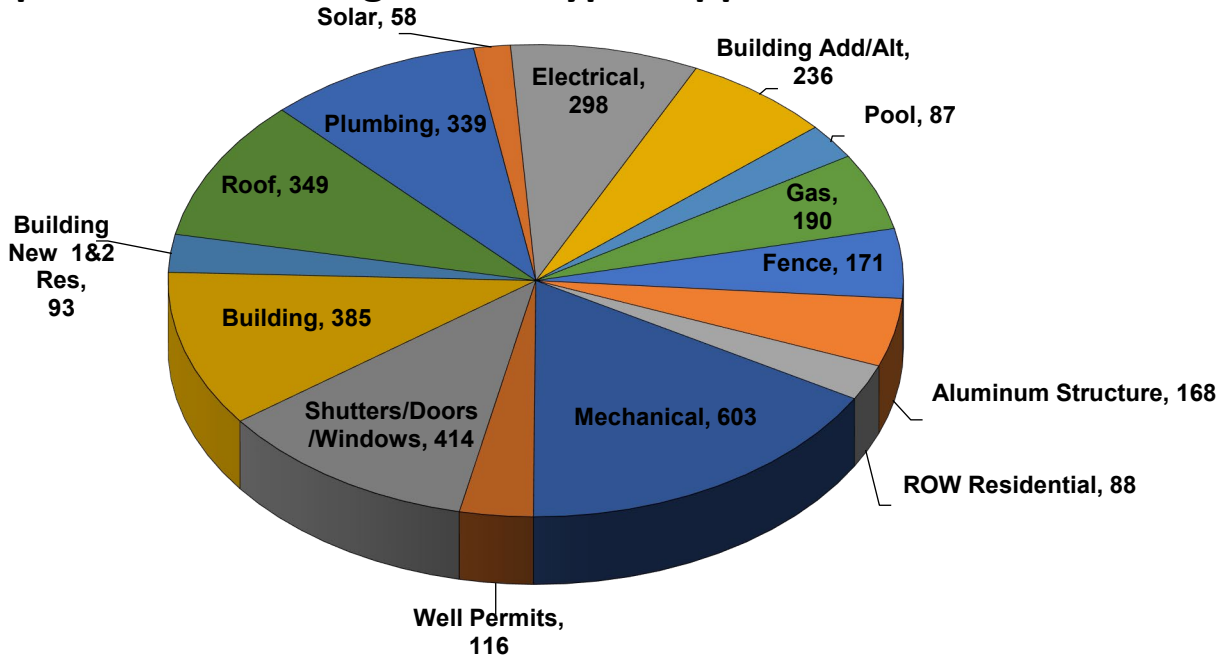


Building Plan Review Statistics

All Permits Applied by Month

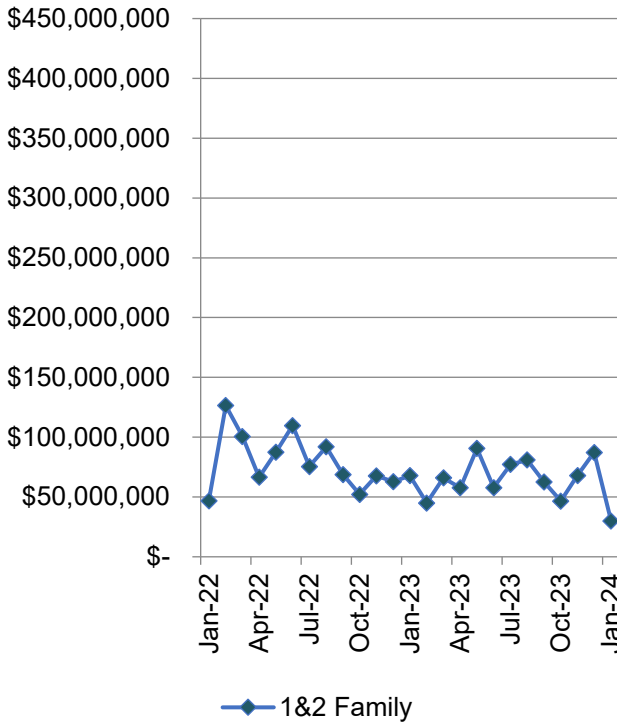


Top 15 of 35 Building Permit Types Applied

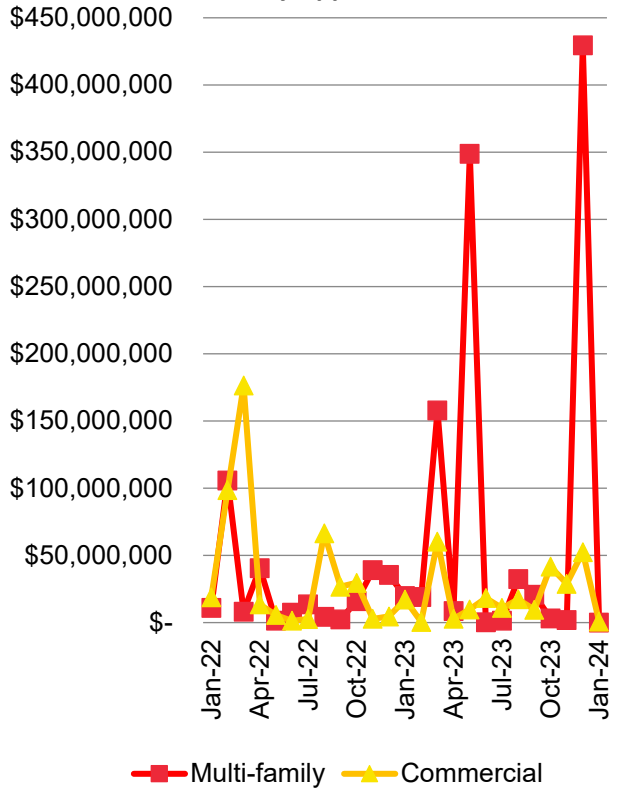


Building Plan Review Statistics

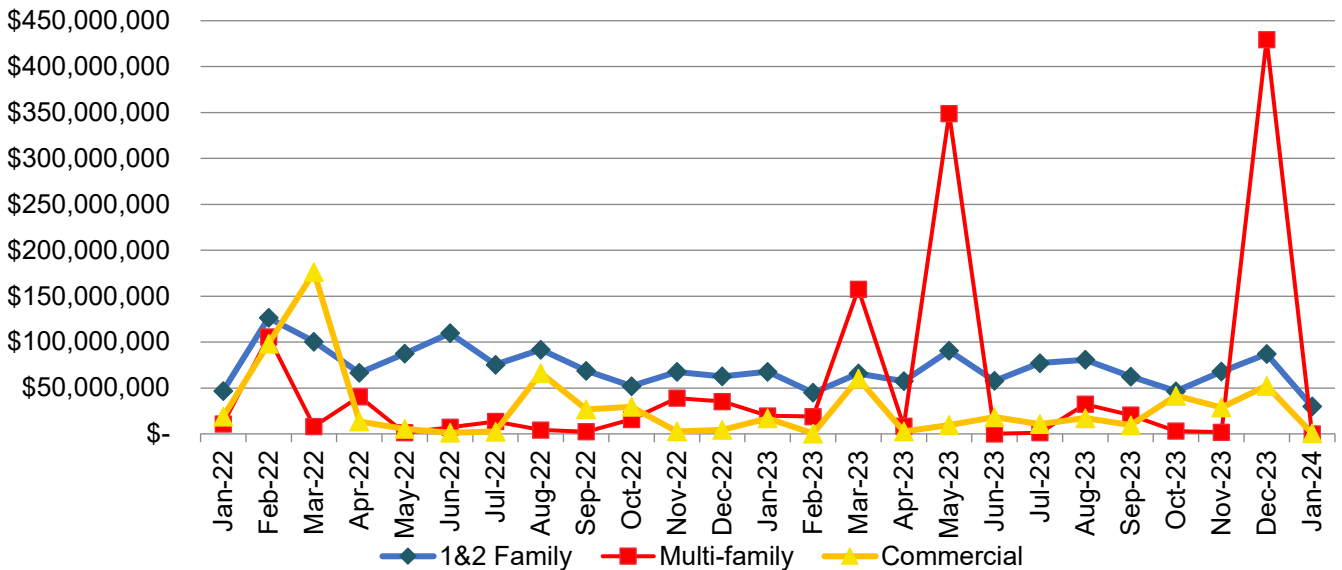
Monthly 1 & 2 Family Total Construction Value by Applied Date



Monthly Multi-family & Commercial Total Construction Value by Applied Date

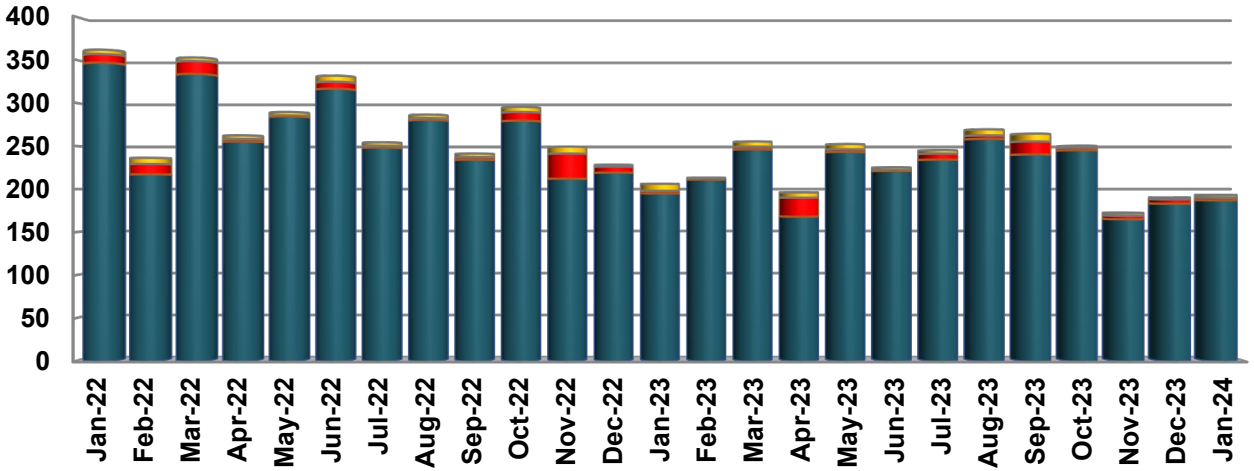


Monthly Total Construction Value by Applied Date



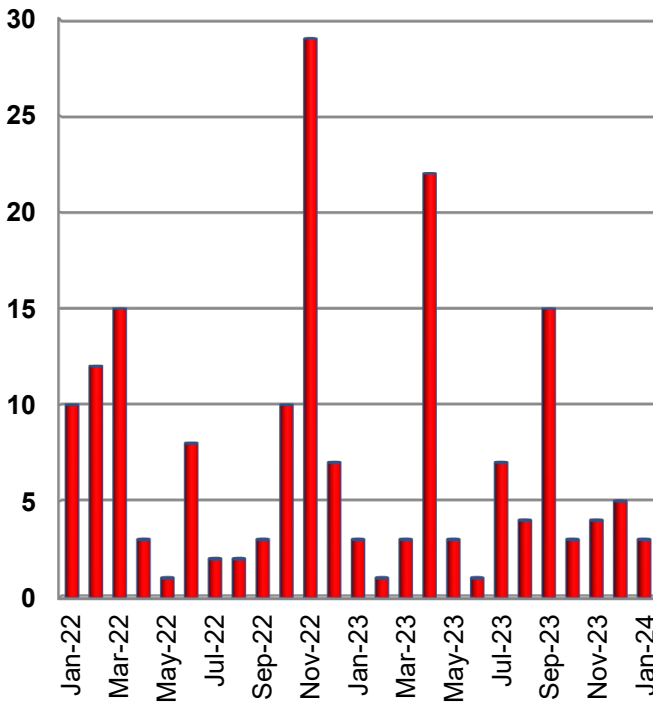
Building Plan Review Statistics

New Construction Building Permits Issued by Month

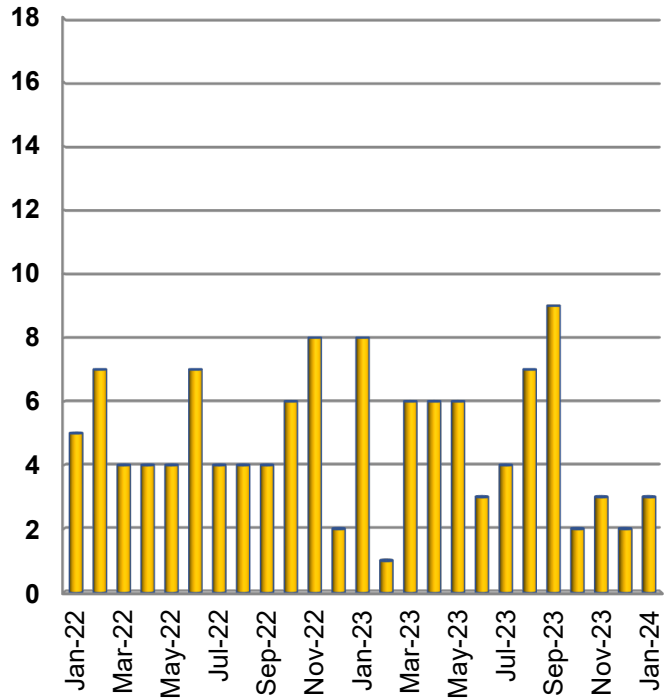


	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24
Commercial	5	7	4	4	4	7	4	4	4	6	8	2	8	1	6	6	6	3	4	7	9	2	3	2	3
Multi-family	10	12	15	3	1	8	2	2	3	10	29	7	3	1	3	22	3	1	7	4	15	3	4	5	3
1&2 Family	346	217	333	255	284	316	248	280	234	279	212	219	195	211	246	168	243	221	234	258	240	245	165	183	187

New Multi-family Building Permits Issued by Month

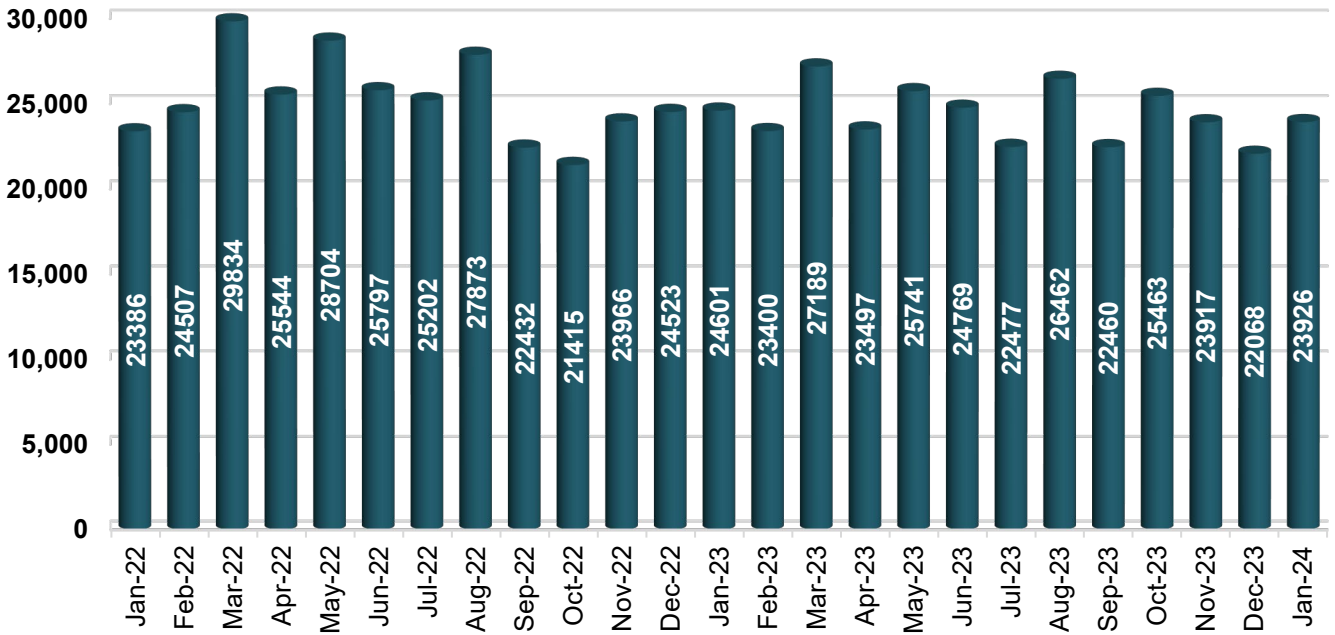


New Commercial Building Permits Issued by Month

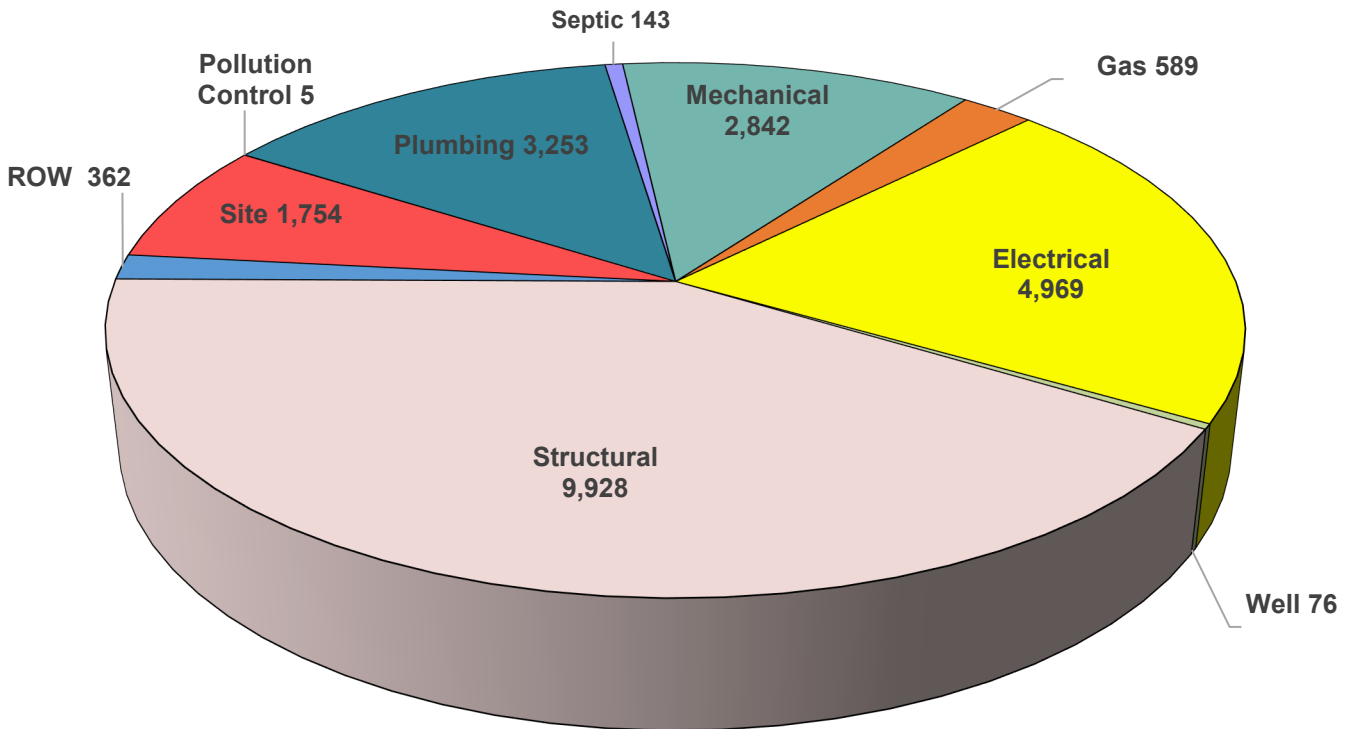


Building Inspections Statistics

Building Inspections

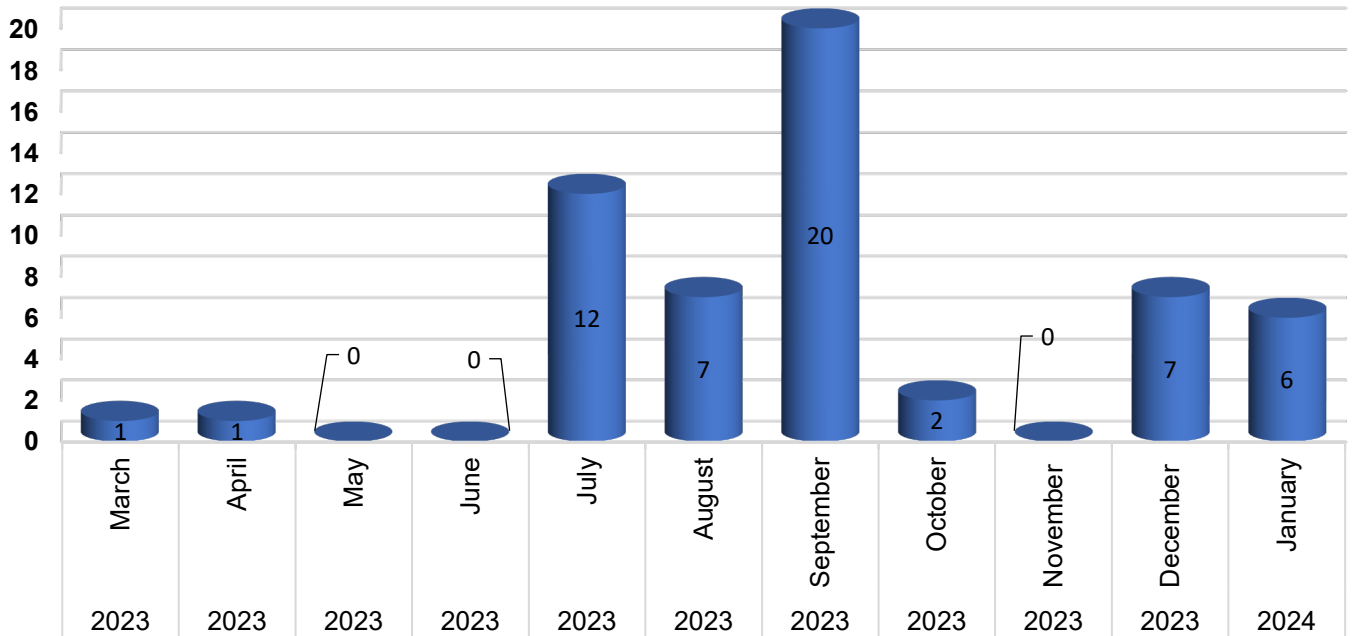


Types of Building Inspections

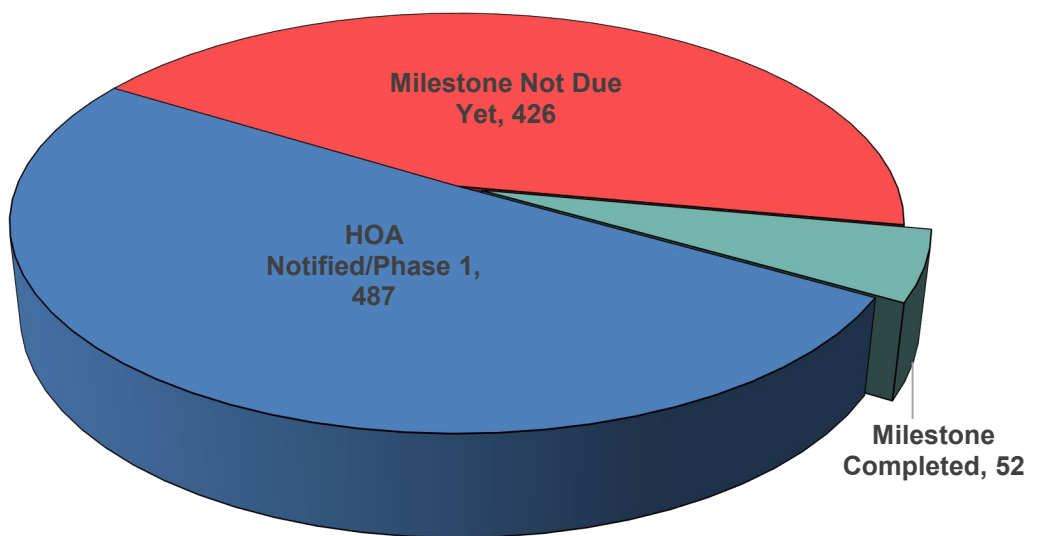


Building Inspections Statistics

Milestones Received by Month

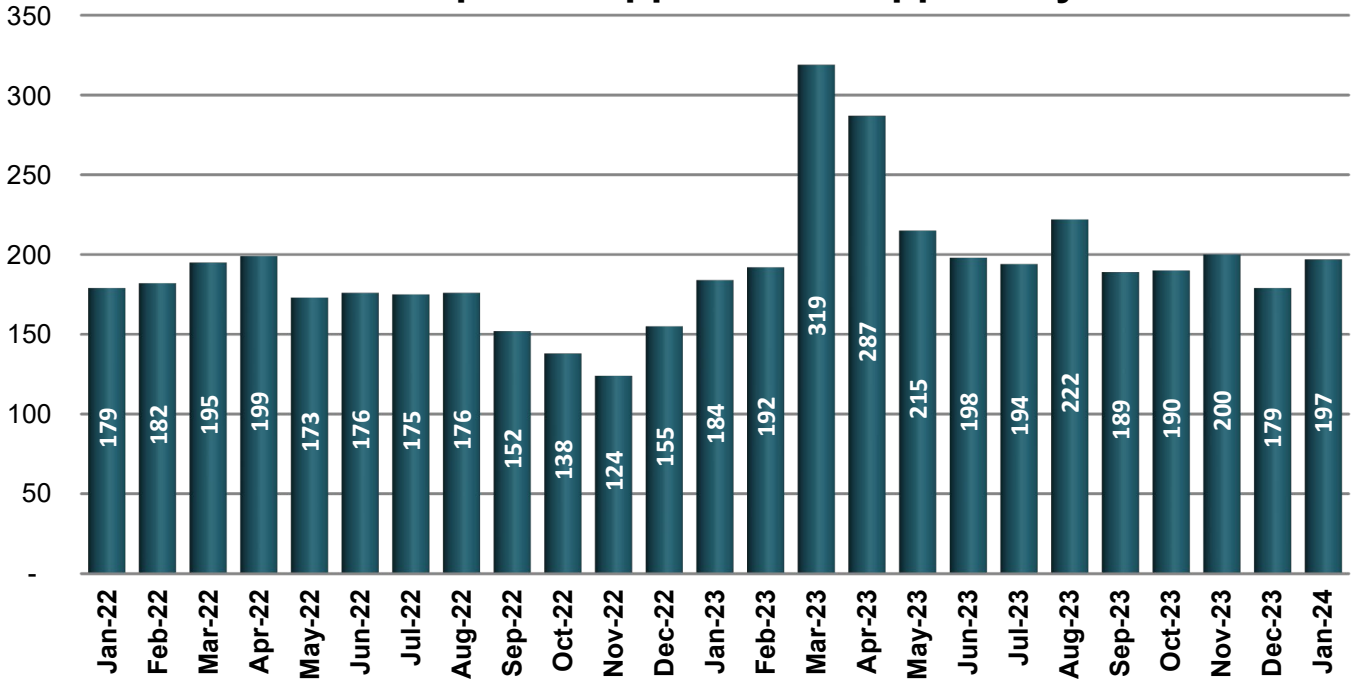


Milestone Inspection Status

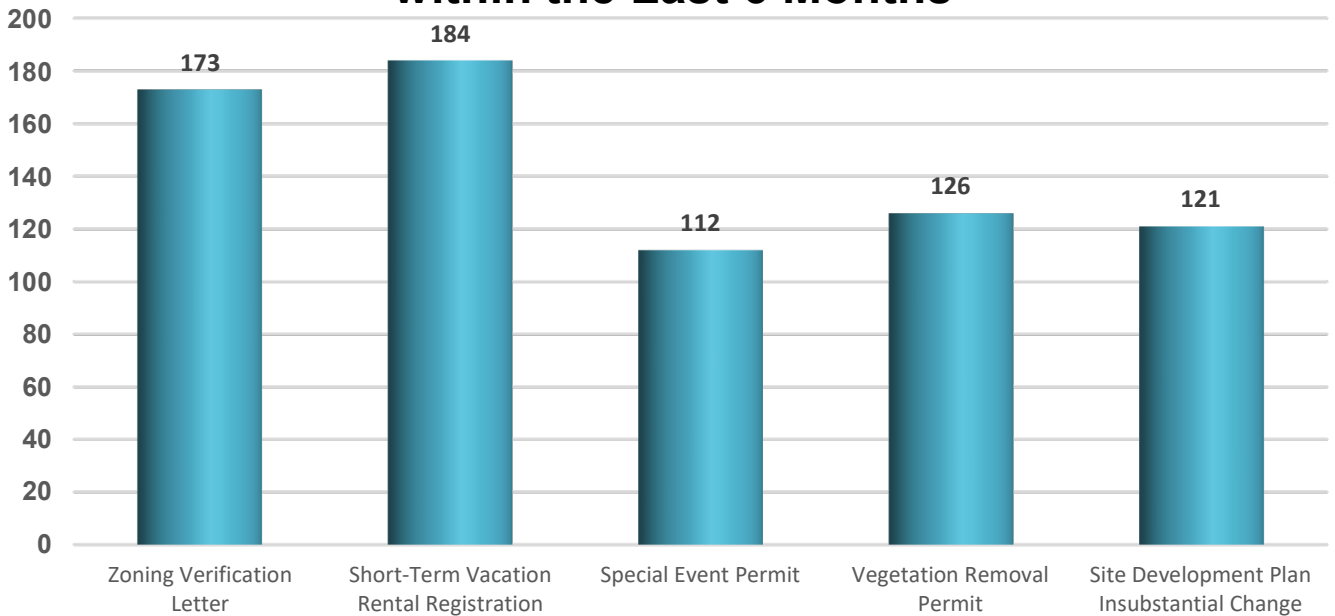


Land Development Services Statistics

All Land Development Applications Applied by Month

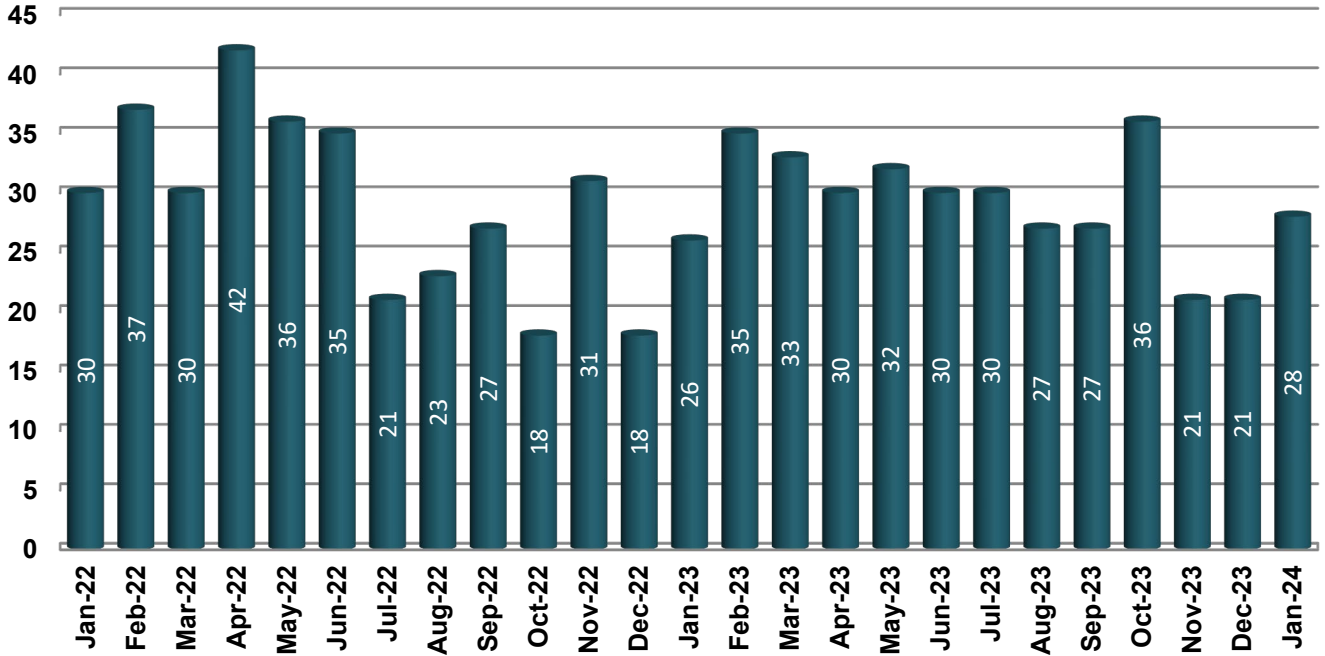


Top 5 Land Development Applications Applied within the Last 6 Months

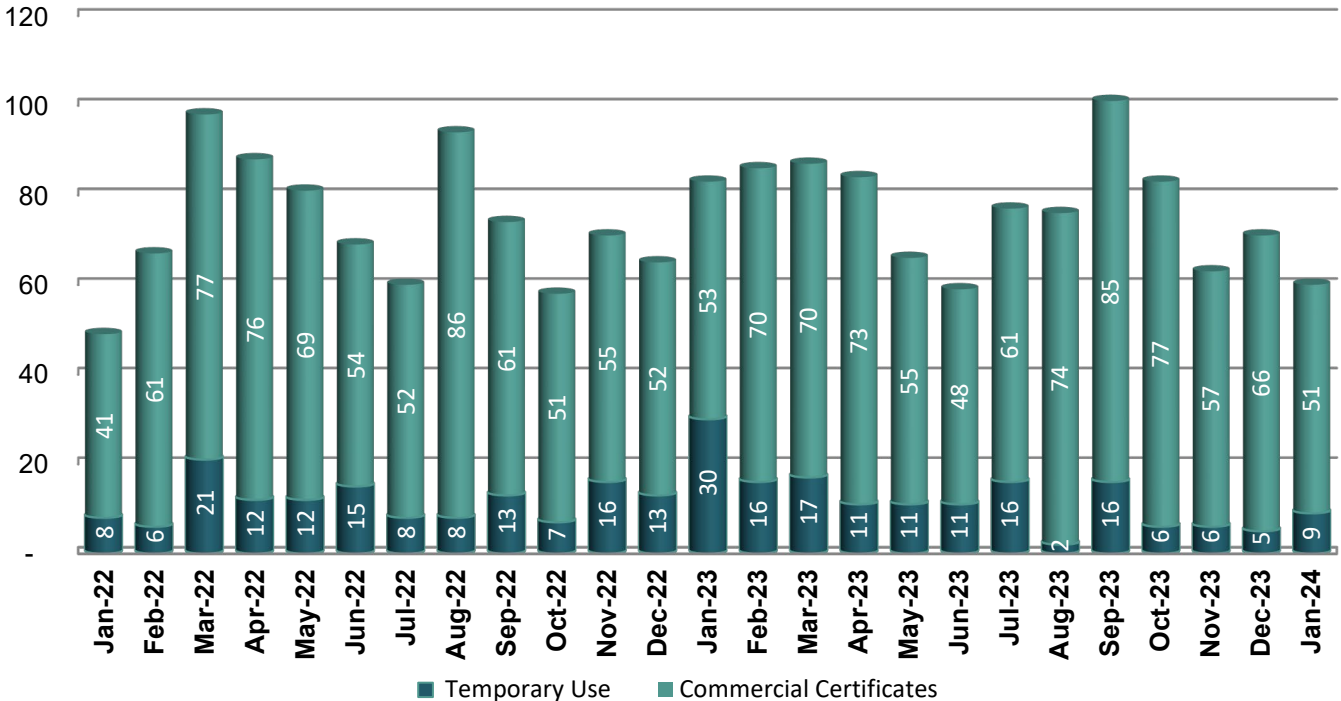


Land Development Services Statistics

Pre-application Meetings by Month

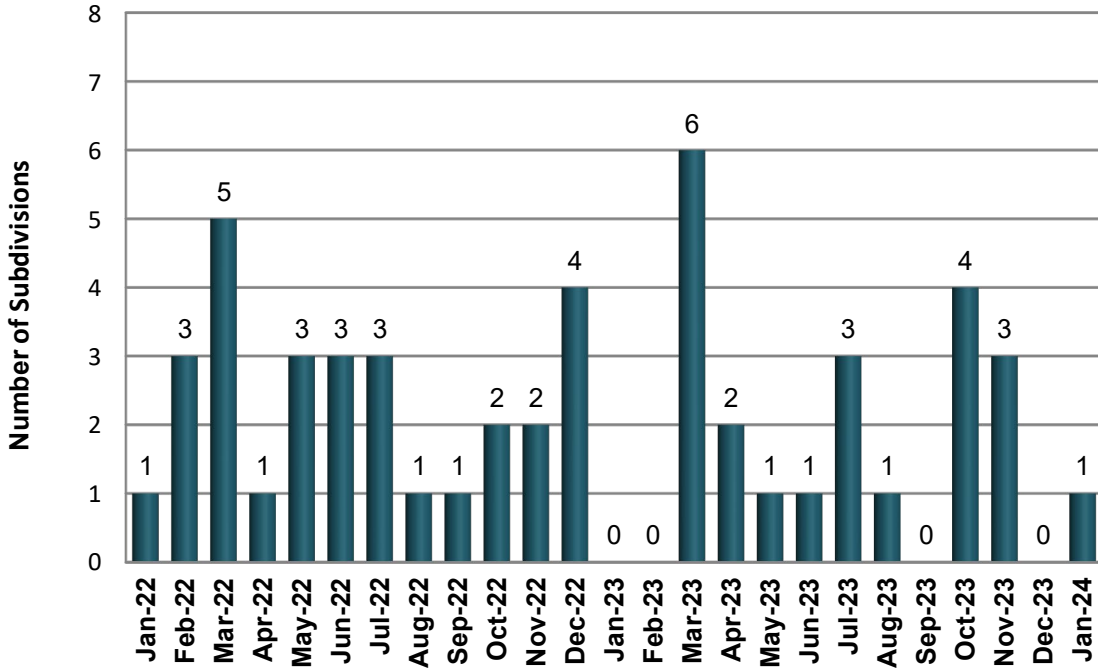


Front Zoning Counter Permits Applied by Month



Land Development Services Statistics

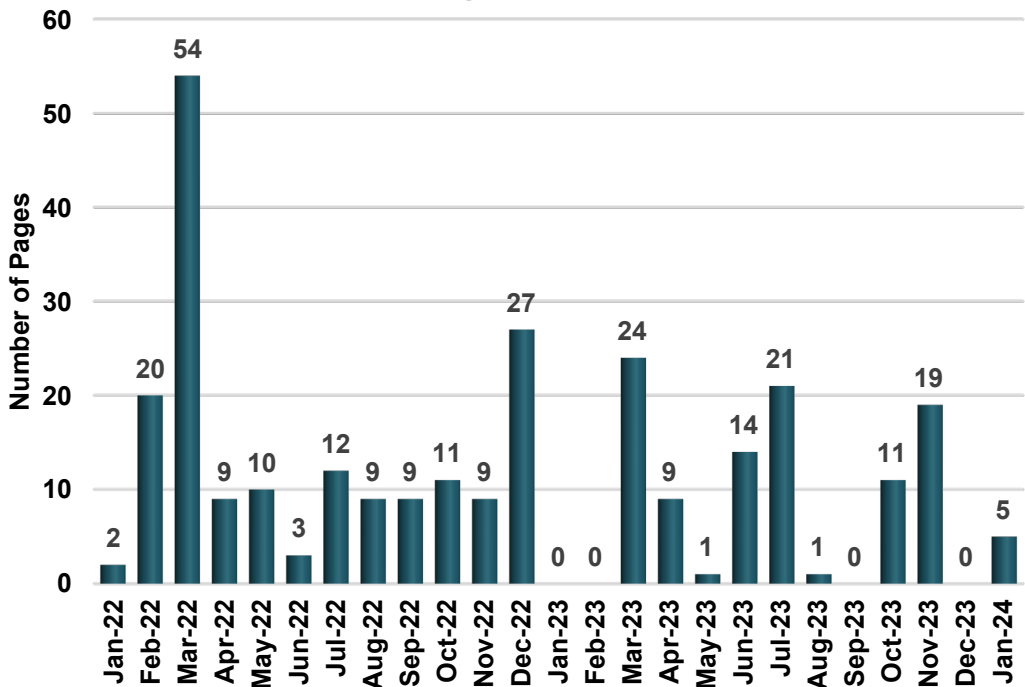
Number of New Subdivisions Recorded per Month



Yearly Totals Subdivisions
 2020 - 25
 2021 - 33
 2022 - 29
 2023- 21
 2024 YTD- 1

Yearly Totals Lots
 2021 - 1353
 2022 - 3100
 2023 - 1212
 2024 YTD - 2

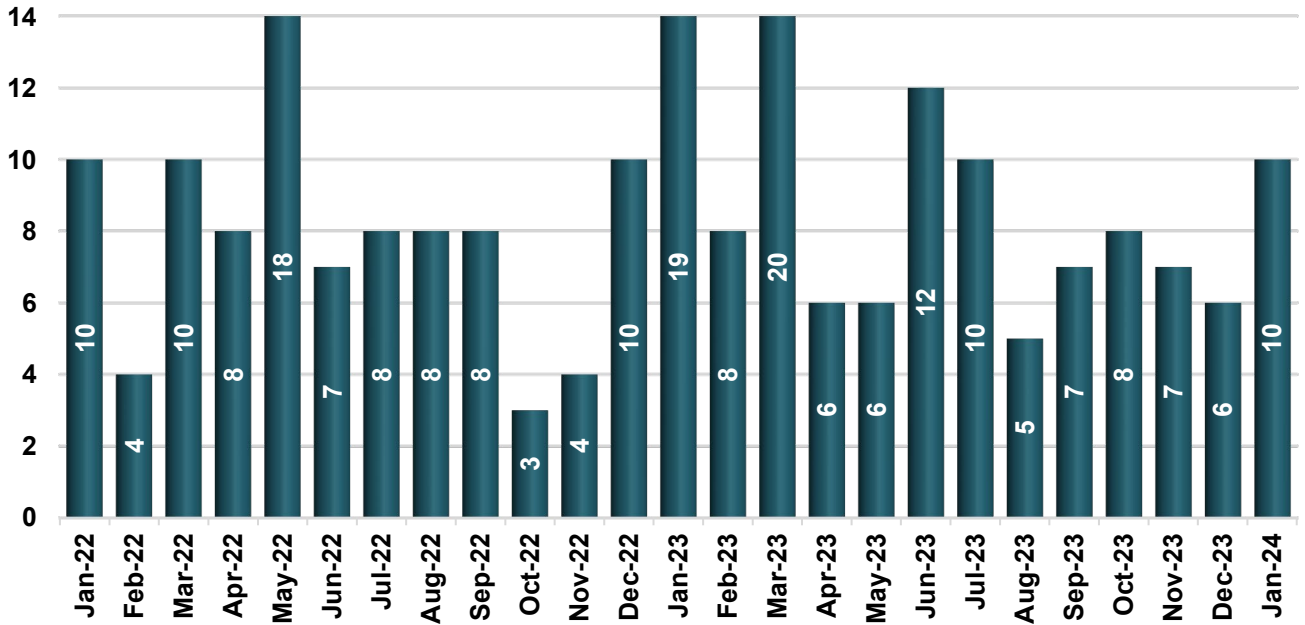
Plat Pages Recorded per Month



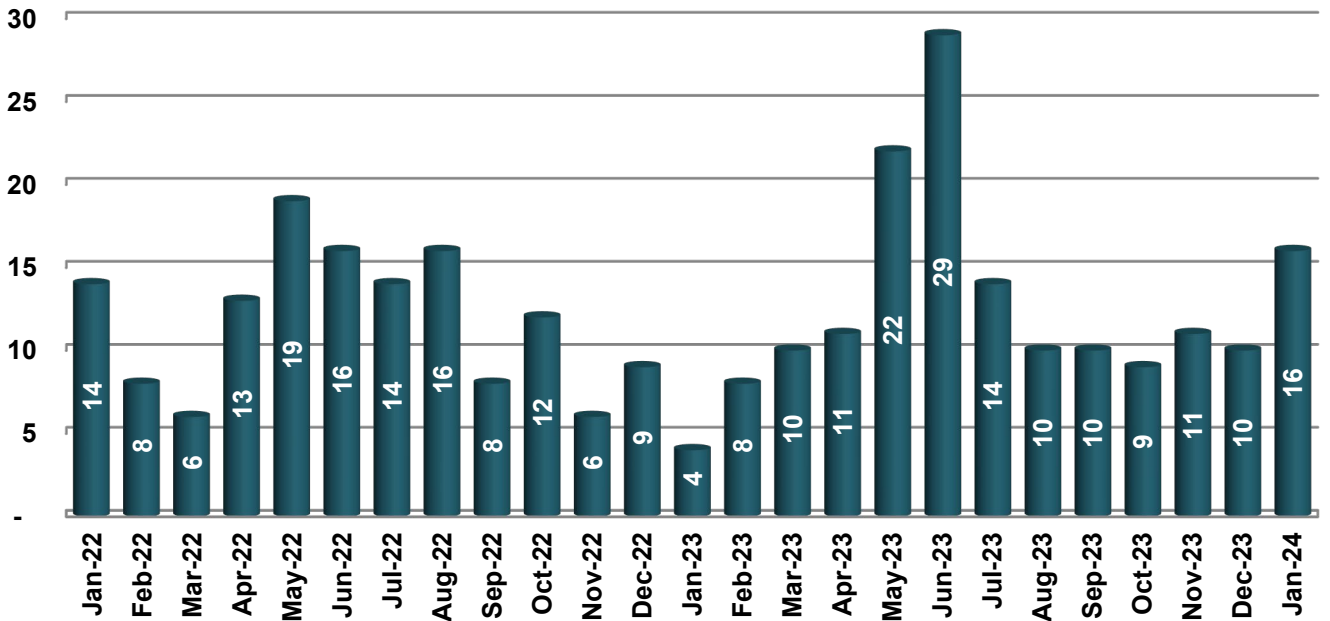
Yearly Totals Pages
 2020 - 152
 2021 - 188
 2022 - 175
 2023 - 100
 2024 YTD- 5

Land Development Services Statistics

**Monthly Total of Subdivision Applications
(PSPA, PSP, PPL, PPLA, ICP, FP, CNST) by Month**

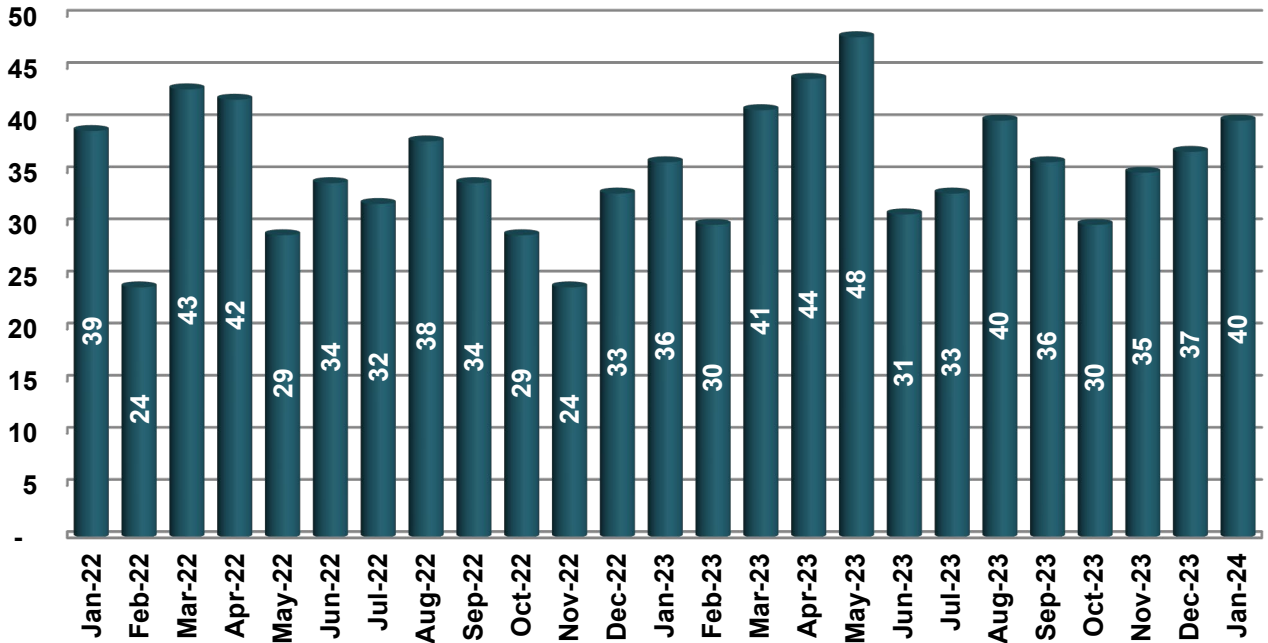


**Monthly Total of Subdivision Re-submittals/Corrections
(PSPA, PSP, PPL, PPLA, ICP, FP, CNST) by Month**

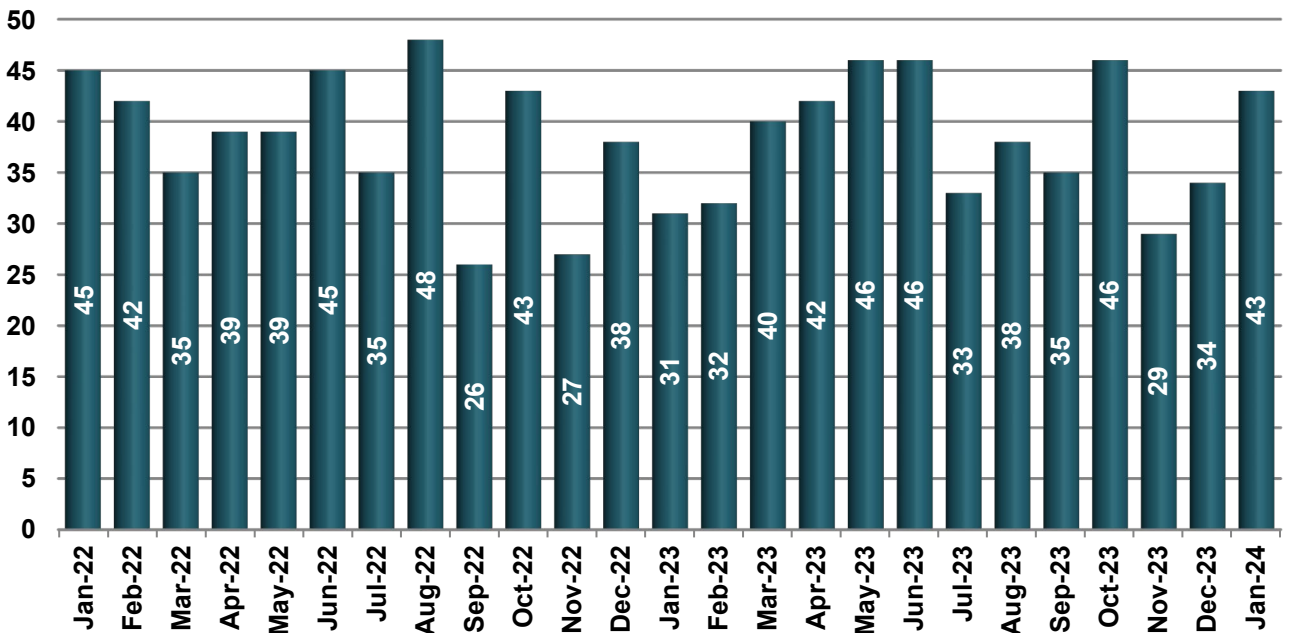


Land Development Services Statistics

**Monthly Total of Site Plan Applications
(SIP, SIPI, SDP, SDPA, SDPI, NAP) by Month**

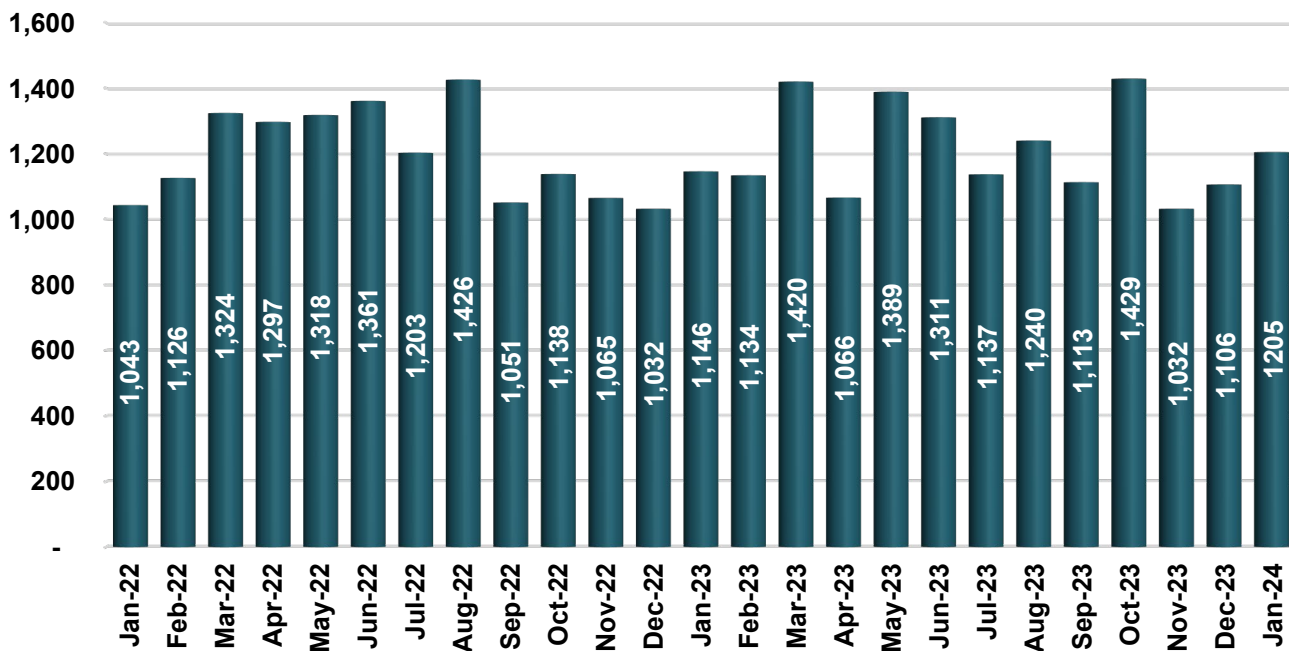


**Monthly Total of Site Plan Re-submittals/Corrections
(SIP, SIPI, SDP, SDPA, SDPI, NAP) by Month**

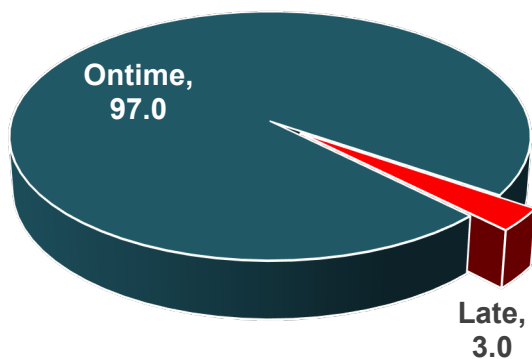


Reviews for Land Development Services

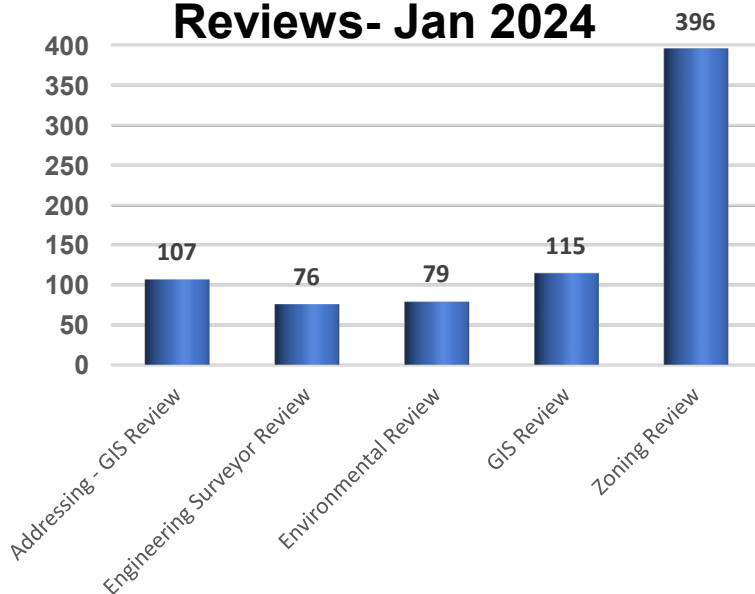
Number of Land Development Reviews



Percent Ontime for the Month

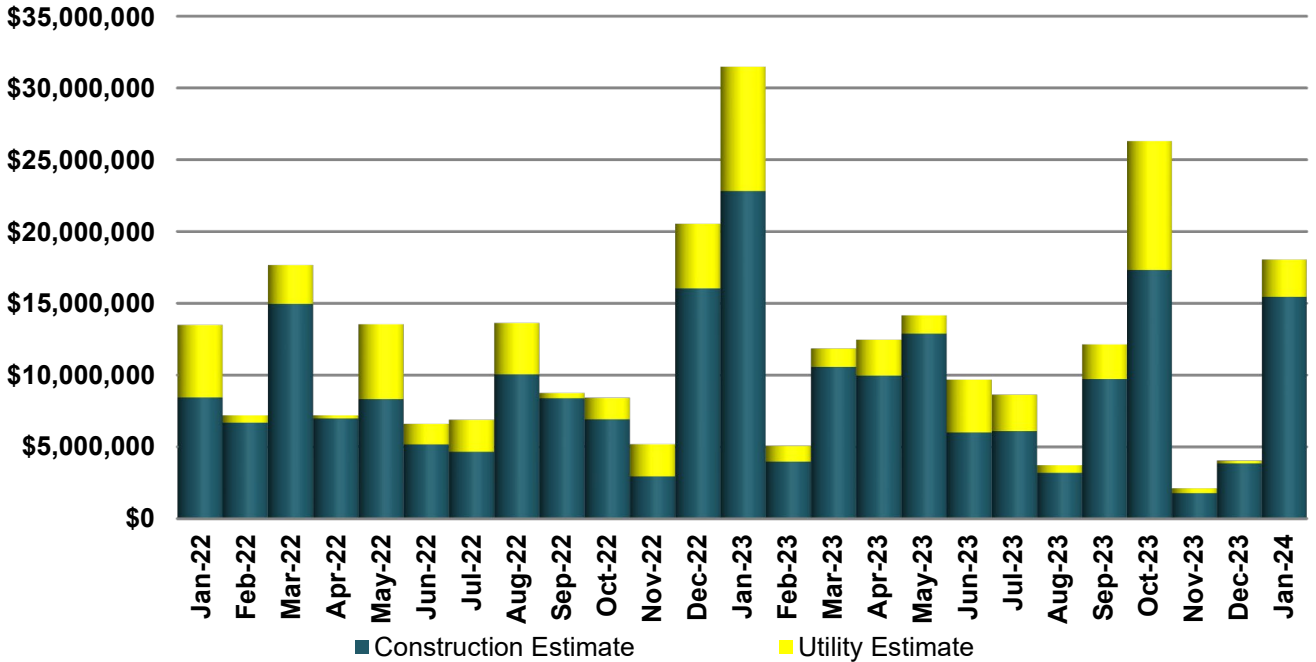


Top 5 Land Development Reviews- Jan 2024

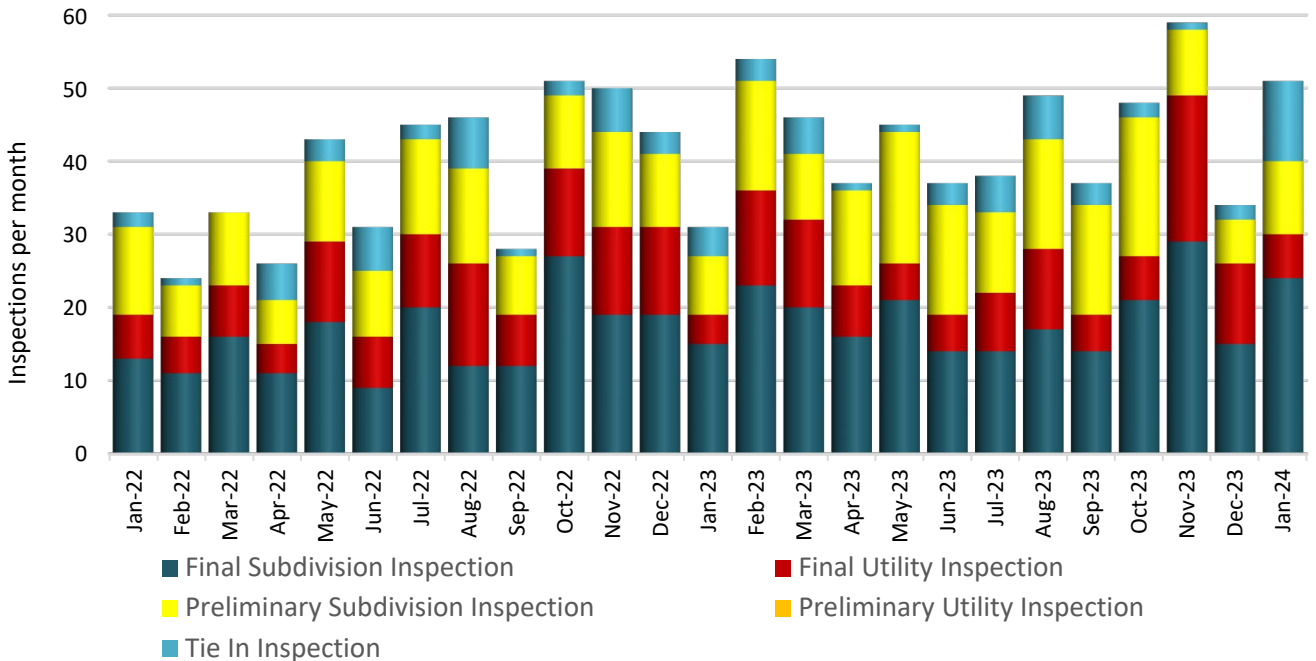


Land Development Services Statistics

Total Applied Construction Valuation Estimate

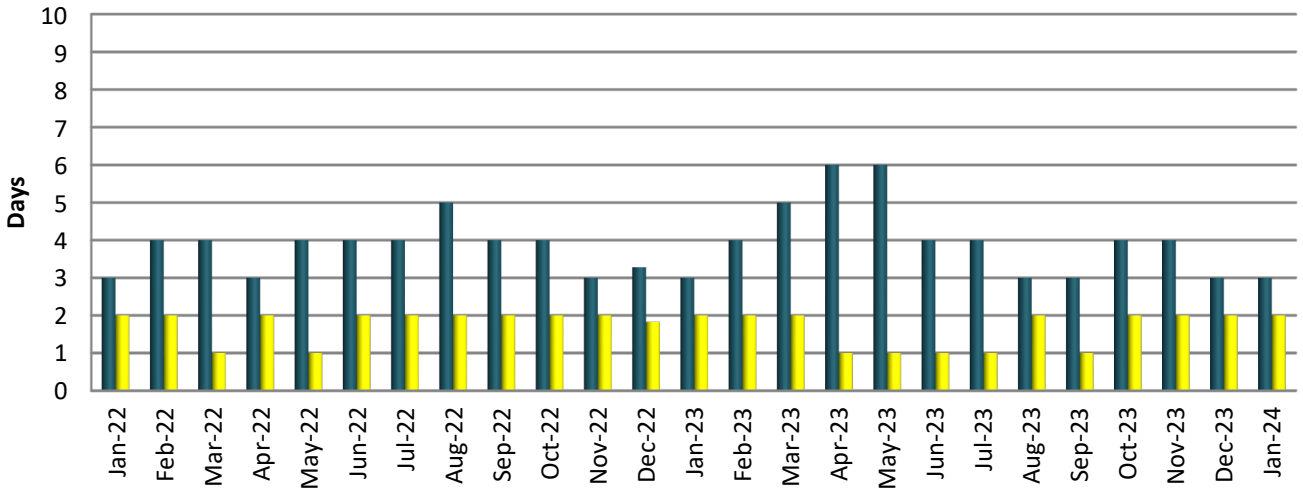


Site & Utility Inspections



Fire Review Statistics

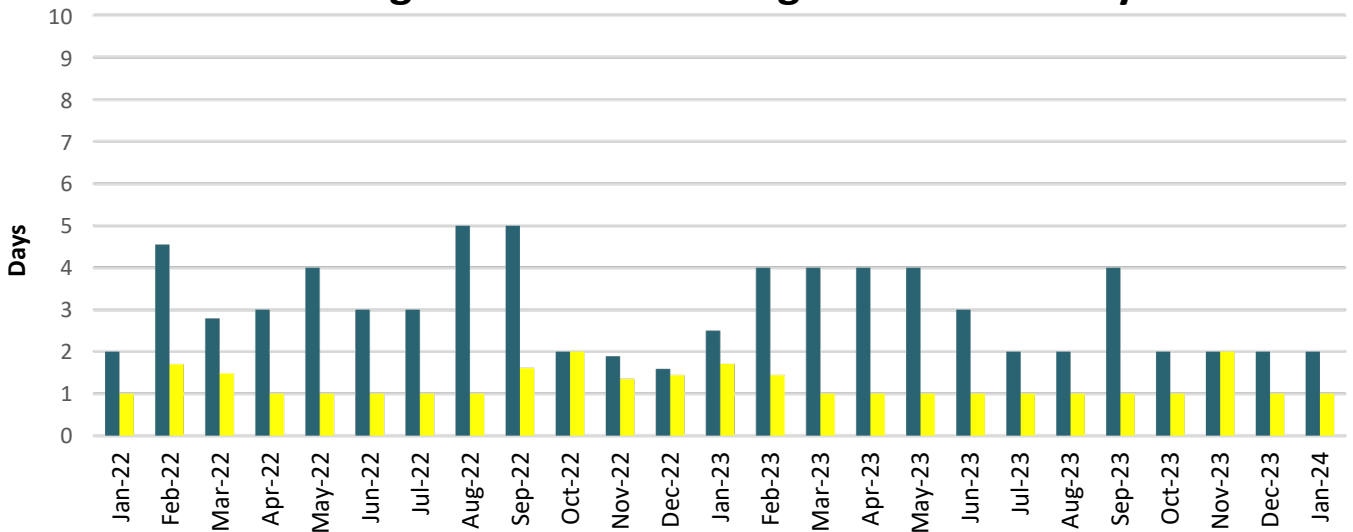
Building Fire Review Average Number of Days



Total Number of Building Fire Reviews by Month

Fire District	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24
North Collier	470	503	671	646	777	855	637	800	525	466	449	391	444	450	583	490	692	650	627	636	525	616	543	411	459
Collier County (Greater Naples)	323	503	613	538	576	623	383	481	350	422	317	374	347	448	539	408	500	447	391	428	397	442	395	403	384

Planning Fire Review Average Number of Days



Total Number of Planning Fire Reviews by Month

Fire District	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24
North Collier	29	31	29	49	43	48	36	31	29	55	27	41	42	28	46	25	47	56	54	50	37	52	48	57	57
Collier County (Greater Naples)	56	56	62	69	59	56	65	73	41	57	46	62	56	68	70	63	82	91	43	43	60	62	50	39	54



Memorandum

To: Development Services Advisory Committee (DSAC)
From: Eric Johnson, AICP, CFM, LDC Planning Manager
Date: January 25, 2024
Re: PL20230012905 – Updates to Golf Course Conversion – Intent to Convert Process
PL20230018350 – Updates to Requirement for Removal of Prohibited Exotic Vegetation

The DSAC-Land Development Review Subcommittee (Subcommittee) reviewed the above referenced LDC amendments at their meeting on January 16, 2024. Please consider the following information when reviewing the enclosed LDC amendments:

PL20230012905 – Updates to Golf Course Conversion – Intent to Convert Process

The Subcommittee was unable to complete their review of this LDC amendment, due to the complexity of the subject matter and the extended time dedicated to public commentary during the meeting. As such, a special Subcommittee public hearing is scheduled for January 31, 2024. The timing of this special hearing is such that action may or may not be taken on the LDC amendment prior to when the DSAC meeting on February 7, 2024.

Staff recently received additional feedback from the County Attorney's Office, prompting subsequent changes to the LDC amendment. These changes are depicted in yellow highlights in the enclosed, and it is staff's intent to present these changes to the Subcommittee on January 31, 2024.

PL20230018350 – Updates to Requirement for Removal of Prohibited Exotic Vegetation

On January 16, 2024, the Subcommittee recommended approval of the LDC amendment, contingent upon eliminating the proposed text on page 4, lines 39-40 ("within the approved cleared area and within seven and one-half (7.5) feet from all property lines") and the similar text on page 4, lines 48-49.

Staff did not make changes in accordance with the Subcommittee's recommendation. However, the applicability of the exemption provision has been modified to not require the removal of exotic vegetation for other site improvements, such as when residential alterations and building additions are proposed or fence installations.

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20230012905

SUMMARY OF AMENDMENT

ORIGIN

Board of County
Commissioners (Board)

This LDC amendment shall clarify the Board of County Commissioners and Collier County Planning Commission has the discretion to address, on a “case-by-case” basis, a reduction in the required average minimum Greenway width for a golf course conversion application during the rezoning process. It provides an opportunity for the public’s review of the existing golf course conversion process, previous experiences with Intent to Convert (ITC) applications, and offer recommendations to the Board. Procedural changes to the Administrative Code are part of this amendment.

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	TBD
DSAC-LDR	01-31-24
	01-16-24

LDC SECTION TO BE AMENDED

5.05.15 Conversion of Golf Courses

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
TBD

DSAC
TBD

CCPC
TBD

BACKGROUND

On February 14, 2023, the Board directed staff to bring back a LDC amendment to “clarify” that the Board has the discretion on a “case-by-case basis” to reduce the minimum average greenway width of 100 feet and no less than 75 feet at any one location during the rezoning process. Furthermore, on April 11, 2023, the Board recognized the ITC application process has not been effective, as initially intended, and directed staff to bring back recommendations and offer amendments in greater detail with any analysis that could improve the process, if not, the Board could repeal the Intent to Convert process.

Currently, the LDC text in LDC section 5.05.15C 4.a. and b., for golf course conversion application procedures, stipulate “*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.*” However, there is flexible text, provided in LDC section 5.05.15 G.2.a. Development Standards for the Greenway, which states, “*The Board may approve an alternative design that was vetted at the Stakeholder Outreach Meeting, as provided in LDC section 5.05.15 C.3.*”. Additionally, LDC section 5.05.15 G.2.b. sets forth another standard that requires, “*A minimum of 35% of the gross area of the conversion project be dedicated to the Greenway*”. These greenway provisions have resulted in conflicting interpretations for golf course conversions to non-golf course uses, particularly when agricultural zoned property has been conditionally approved for golf course use without an integrated residential development plan or recorded plat or the inclusion for a homeowner’s association to benefit golf course purchasers and their successors in interest and the abutting property is zoned non-residential.

Since the Board adopted a framework and process for the conversion of constructed golf courses to a different land use on March 28, 2017, the County has received three Intent to Convert (ITC) applications for Golf Course Conversions (Golden Gate Golf Course, Riviera Golf Club of Naples, and Evergreen, aka. Ironwood). Each zoned Golf Course and Recreational Use District - “GC” have completed the required two Stakeholder Outreach Meetings

(SOMs). While observing these SOMs, staff found the relative pastoral open space views and whether they are reasonably sustained or mitigated during the ITC process and subsequent golf course rezoning phase require extensive detailed design reviews. These design details can occur at different times during the development review process and at different phases, dependant upon the use, proposed buildings, and can vary for specific development tracts. Currently, only three out of a total of eleven GC zoned properties have completed the County’s ITC application process. An inventory, dated 2017, of the potential remaining 57 golf courses (zoned PUD) for conversion within the unincorporated area of the County with their respective acreage and zoning are listed in Exhibit E, Golf Course Inventory 2023. Only three existing golf courses are less than 40 acres in size. Two new golf courses (The Kinsale Golf Club and The National at Ave Maria) brings the total golf course inventory up to 71 since 2017. In 2023, Rivergrass Village was approved for a future 18 hole golf course.

After the Board’s zoning approval, two examples of the need to reduce the required greenway width occurred for the Golden Gate Golf Course Mixed-Use Planned Unit of Development to accomodate detailed site development designs for the State of Florida Veteran’s Nursing Home (Community Facility Use Site) and Rural Lands Neighborhood (Affordable Housing Site). Both building projects were determined to be in the public’s best interest and the Board justified a reduction in greenway widths for each project which required a rezoning amendment.

With an early intervention public hearing process, a basis toward better knowledge and communication can be built resting on stakeholder opinions of golf course redevelopment. This process starts as an act of stakeholders working together in a joint project and effort with the developer. Additionally, research has shown an applicant’s proactive approach and earlier engagement process with stakeholders results in a more successful outcome to reactive contentious responses. This amendment seeks to improve that process, achieve Board directives, and build upon staff’s previous ITC conversion experiences as listed in Exhibit B.

As participants in the planning process, the Board had received letters from the Lakewood Community Services Association, Inc. who requested the Board to “...solicit input from the various stakeholders, review the ITC Ordinance and make recommendations to the Commissioners, based upon staff’s experience to date, as to amendments that could improve upon the existing ITC Ordinance.”, and from Riveria Golf Estates Homeowners Association, Inc. seeking the Board’s direction to direct staff to “...(2) review and make recommendations to the Commissioners that would improve upon the existing code.” In recognition of these letters and public comments received to date, staff is seeking the Board’s direction to affirm and insitute improvements based upon staff’s prior experiences with the ITC conversion process and stakeholder outreach meetings. This will allow staff to continue to monitor all golf course conversions and offer recommendations on a “*case-by-case basis*” in the future.

What was the nexus for 100 feet greenway requirement?

It was in response to recognize golf courses are a community asset and the community’s concern for when golf courses are no longer viable, the changing economic golf industry, declining player participation and most importantly the impact to adjacent and neighboring property owners. The County took early steps to avoid or minimize lengthy stumbling blocks for the redevelopment of constructed golf courses that are costly and time sensitive. With an early intervention process, a basis of better knowledge and communication can be built resting on stakeholder’s opinions of golf course redevelopment and that collaboration results in the best outcome for all parties. This is why the process would start as an act of stakeholders working together in a joint project to assess the issues and outline time requirements before filing a formal golf course conversion application. When there are reactive contentious responses, research has shown a greater proactive and successful outcome occurs for methods and processes seeking recommendations based on the input received.

The 100 feet greenway requirement had been based upon several other municipalities, counties, and projects that introduced a greenway, including but not limited to: President’s Place (100 feet), Royal Oak Golf Course (50 to 75 feet), City of Palm Coast (150 feet setback from multifamily platted lots), Lexington, SC (100 feet from residential),

Prince George County, MD (150 to 300 feet dependent on the adjoining land use), Miami Dade County (Golf courses are designated as Greenways by the Growth Management Plan).

A Historical Perspective to Collier County’s Golf Course Zoning Buffer Setback and Rational Nexus

Staff reviewed the prior history for buffer setback standards within a golf course zoned district and the 2017 Board’s action to establish a Greenway for golf course conversions. Prior to October 8, 1968, when the Board of County Commissioners first established zoning regulations (Section 11.22) for a golf course district and golf courses as a principal use with a minimum 50 feet buffer, golf courses were an allowed use within the Single Family Residential Zoning District R-1. Beginning on October 8, 1968, “plans for the golf course or other outdoor recreation facility and all accessory use had to be submitted to the Planning Commission, and construction occurred in accordance with the approved plans and specifications.” Further, “Such plans shall be processed in the same manner as a subdivision plat.” One of the general requirements stated is that “building and activities shall be set back a minimum of 50 feet from abutting residential districts and the setback area shall be attractively *maintained to act as a buffer.*”

Later, by Ordinance 76-30, the golf course plan approval requirements changed to require the Director of the Department of Community Development to review plans and approve their construction. The “perimeter boundaries” of such plans had to “be recorded in the same manner as a subdivision plat” and the buildings required a minimum setback of 50 feet from the abutting residential districts with the setback area being appropriately landscaped and *maintained to act as a buffer zone.* These provisions remained the same even when Ordinance 82-02 was adopted.

It was by Ordinance 91-102, that the “Minimum Yard Requirement” of the Golf Course District was modified to specify the following; “For any yard abutting residential designated property, the minimum yard shall be fifty feet (50’) with landscaping and buffering as required for the district or use with the most similar types, densities and intensities of use.” The maximum density was not applicable (Section 2.2.1.4.5) with the exception for a maximum of two residential units for use by golf course employees in conjunction with the operation of the golf course as a principal use. This provision was subsequently modified by Ordinance 92-73 to state the following; “A fifty foot (50”) yard setback requirement together with landscaping and buffering pursuant to Section 2.4.7.4 buffer type “B”, shall be provided adjacent to any residential district which is contiguous to the area of the golf course upon which is located the clubhouse, and adjacent to all maintenance buildings. The length of the buffer shall be of sufficient distance to block the view of recreational activities, parking and any activities relative to any other buildings, structures or outside activities from contiguous residences.”

By the time Ordinance 04-41 was adopted, the site design standards for a golf course (including hiking trails, walkways, multi-paths and observation decks, passive recreation areas, and disc golf) as principal uses, was restructured (Section 4.02.01, Table 2.1) to state the lot design, building dimension standards other than a maximum 35 feet building height and setbacks are none for the golf course. For the accessory uses: a clubhouse, pro shop, community center building, restaurant associated with the golf course, and golf course maintenance building, there is a 50 foot setback requirement applied to the external boundaries of the golf course district, inclusive of separately platted buffer tracts. Deviations to the adopted setback or buffer requirement could only occur at the time of rezoning approval for a planned unit of development.

With over 30 contributing professional authors, including Nicklaus Design, Palmer Course Design Company, golf course and landscape architects, Desmond Muirhead and Guy L. Rando co-authored the text book, “*Golf Course Development and Real Estate*” for the Urban Land Institute in 1994. In chapter four, the design of the golf course’s scenic landscape is discussed as Ecological Sanctuaries™ in every project. The golf industry’s commitment to environmental awareness and stewardship is evident from the layout of a course that reinforces the concept by maintaining strong, contiguous connections to the overall open space network with ecological zones that relate to the types of habitats found on a golf course. Exhibit D, illustrates the typical concept section for the design of adjacent fairways with a minimum *maintained 50’ buffer to 100’ buffer* as an ecological zone. This well-known

ecological zone is separate from the primary rough (15' to 45') within the golf course fairway and a secondary rough refer to as an "Enhancement/Creation Zone".

The importance of open space use through the conversion of a course, is highly recognized and most recently acknowledged by the National Golf Foundation in 2022, "Repurposing of Golf Courses" Report, which states "Ecosystem services are the recent trend for analyzing the best use for converting open land, like a golf course, to other uses, including those responding to the threats of climate change."

It is notable that for the Rural Fringe Mixed-Use District, "...golf course turf areas (pursuant to LDC Section 2.03.08 A.2.b.(6)) within the RFMU Receiving Lands, shall only be located within 100 feet of the Greenbelt boundaries (interior and exterior boundary);". This buffer setback distance is greater than the aforementioned 50 foot building setback yard requirement.

Other notable facts identified by staff during the prior ITC conversion applications review are the following :

- Every golf course reuse will have a considerably greater engineering and redevelopment effect on nearby infrastructure than the golf course use.
- A greater emphasis should be given to alternative conceptual development plans.
- The golf course land owner is free to operate the golf course and existing underlying zoned uses, including recreational facilities, without an undue burden by the County.
- The underlying existing zoning uses do not render an existing golf course's land un-usable.
- Pursuant to the FLUE of the GMP, Golf Courses located within the designated receiving lands that are greater than 40 acres in size must provide a minimum of 70% useable open space for the Rural Fringe Mixed Use District. If an affordable housing project is developed, that percentage may be reduced to 50 % useable open space.
- The ITC process and its associated steps require a better explanation, rather than by the applicant, from an unbiased party, such as an assigned planner or a facilitator. It could be improved if the applicant submitted an orderly, concise set of documents with visual graphics.
- When the outreach and presentation were solely conducted by one or two of the applicant's representatives, coupled with an inadequate amount of time for participant input, the process became more palatable to an intrinsic developer resulting in the reluctance to make minor changes to documents that stifled an open, honest, and collaborative manner.
- In a prior SOM, staff observed stakeholders were agitated and restless when the applicant dominated the discussions, ignoring their concerns, questions, and unwilling to compromise. Staff still supports the ITC review process that offers an earlier insight to the material issues of the project and provides benefit to both parties.
- When an applicant attempts to dominate the other, either by ignoring needs of the other side or by not giving them a chance to express concerns or desires, conflict arised to a heightened level. When conflict did occur, it costs both sides drastic time and money to reach a resolution if neither side is willing to compromise their position. There is good reason to start an earlier discussion rather than defer the outreach to the applicant's rezoning petition.
- It is important to have an open and balanced planning process for golf course redevelopment from the beginning to avoid sources of conflict which the ITC is the beginning of that process.

The following eight Rural Fringe Mixed Use District zoned golf courses are located within the GMP designated Receiving Lands: PUD-Boyne South Golf Course, PUD-Olde Florida Golf Club, PUD-Golf Club of the Everglades, A-Twin Eagles Golf and CC (36 holes), A-CU Bonita Bay Club East (36 holes), A-CU Hideout Golf Club, A-CU Calusa Pines, and A-CU Links of Naples. The conversion of these golf courses are subject to the aforementioned limitation and the respective underlying zoned uses. Both the Links of Naples and Boyne South Golf Course are located within the Coastal High Hazard Area. The maximum residential density for the properties that are

Agricultural/Rural Designated receiving lands is one (1) per 5 gross acres and one (1) per gross acre with transfer of development rights (TDRs) credits.

Based upon the resolution adopted on October 8, 1968, and the research of other community standards, as updated by Exhibit C, staff recommends that no less than a minimum 50’ greenway buffer width be maintained unless there is an alternative design that would combine the total required greenway project acreage into one or more parcels. When specific project characteristics are deemed to be a benefit to the public health, safety, and welfare of the public, the Planning Commission and Board during the rezoning process may grant a further reduction.

After the ITC process has been finalized, this amendment requires an environmental assessment and audit to be completed prior to the filing of a petition to convert a golf course in a “conversion application”. An environmental attorney, Cristian Lumpkin states in Builder Magazine, June 19, 2018, the following: “Golf course assessment and cleanup are complex, time-consuming and expensive. It requires hiring an environmental consultant with specific technical expertise and experience in golf course remediation to avoid wasting time and money on inappropriate investigation and remediation. Conducting adequate and timely environmental due diligence is essential because these sites tend to have residual soil and groundwater contamination related to the legal use of agro-chemicals...over a long period of time. It also entails ongoing coordination with the relevant regulatory agency to ensure that the agency understands the client's desired endpoint and agrees with the strategy to achieve it, which can often depend on the proposed future land use.”

Requiring an environmental assessment and audit for soil and/or groundwater sampling prior to the approval of an early work authorization (EWA), site development plan (SDP), or subdivision plat (PPL) proves to be beneficial, as observed by staff after the costly experience with the redevelopment of the County’s Golden Gate golf course.

This amendment seeks to promote better conversations between the developer and existing residential community. It clarifies the differences between the ITC and conversion application process, modifies the greenway buffer width, and allows the Board and Planning Commission the flexibility, on a “case-by-case” basis, to alter the Greenway during the golf course conversion process.

Contextual and procedural changes to specific sections of the Administrative Code are presented in Exhibit A.

FISCAL & OPERATIONAL IMPACTS

The cost associated with advertising the Ordinance amending the Land Development Code are estimated at \$1,008.00. Funds are available within Unincorporated Area General Fund (1011), Zoning & Land Development Cost Center (138319).

GMP CONSISTENCY

To be provided by Comprehensive Planning Staff after first review.

EXHIBITS: A) Administrative Code Changes B) Process and Staff Improvements
C) Other Communities Standards D) Golf Course Conceptual Design E) Golf Course Inventory 2023

Amend the LDC as follows:

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.~~ The intent is to involve the public and require the applicant to engage residents, property owners, and the community in outreach meetings early in the conceptual design phase of a conversion project and examine compatibility issues to existing neighborhoods and build an early consensus on alternative uses. By involving the public early in the process, the application can be responsive to the neighborhood concerns and avoid delays, continuances and appeals.

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.~~

Participation and/or completion of the intent to convert application process shall not imply that a golf course conversion has received or will receive future rezoning approval to a different land use by the Board.

B. Applicability. The following: ~~z~~Zoning ~~a~~Actions, Stewardship Receiving Area Amendments, and Compatibility Design Review petitions, hereafter collectively referred to as "~~e~~Conversion applications," shall be subject to LDC section 5.05.15. A ~~e~~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~~D, lighting and setback design standards. Golf courses constructed prior to [effective date of Ordinance amendment] as a conditional use in the Rural Agricultural Zoning District and constructed golf courses that do not abut and/or are not adjacent to residentially zoned property are also exempt from this section except for LDC Section 5.05.15.D.

1. Zoning ~~a~~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

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

5
6 2. Stewardship Receiving Area Amendments. This section applies to a golf course
7 constructed on lands within a Stewardship Receiving Area where the proposed
8 use is not permitted, accessory, or conditional in the context zone for which the
9 change is sought.

10
11 3. Compatibility Design Review. This section applies to a golf course constructed in
12 any zoning district or designated as a Stewardship Receiving Area that utilize a
13 non-golf course use which is a permitted, accessory or conditional use within the
14 existing zoning district or designation. Conditional uses shall also require
15 conditional use approval subject to LDC section 10.08.00.

16
17 C. Application process for "Intent to Convert" (ITC) and "eConversion" applications.

18
19 1. Intent to Convert application procedures. The applicant shall submit an "~~Intent to~~
20 ~~Convert~~" ITC application to the County prior to submitting a conversion application
21 except for existing constructed golf courses that do not abut and/or are not
22 adjacent to residentially zoned property. The following is required of the applicant:

23
24 a. Application. The Administrative Code shall establish the procedure and
25 application submittal requirements, including: ~~a title opinion or title~~
26 ~~commitment that identifies the current owner of the property and all~~
27 ~~encumbrances against the property; the Developer's Alternatives~~
28 ~~Statement, as provided for below; and the public outreach methods to be~~
29 ~~used to engage stakeholders at the Stakeholder Outreach Meetings, as~~
30 ~~established below.~~

31
32 i. A title report that identifies the current owner of the property and all
33 encumbrances.

34
35 ii. A statement describing the public outreach methods to be used to
36 engage participants and stakeholders at Stakeholders Outreach Meetings,
37 as established below.

38
39 b. Public Notice. The applicant shall be responsible for meeting the
40 requirements of LDC section 10.03.06.

41
42 ~~2. Developer's Alternatives Statement requirements. The purpose of the Developer's~~
43 ~~Alternatives Statement (DAS) is to serve as a tool to inform stakeholders and the~~
44 ~~County about the applicant's development options and intentions. It is intended to~~
45 ~~encourage communication, cooperation, and consensus building between the~~
46 ~~applicant, the stakeholders, and the County.~~

47
48 b.c. Conceptual Development Plans for Partial or Full Conversion and Alternatives.
49 The applicant DAS shall be prepared by the applicant and shall clearly identify the
50 goals and objectives for the conversion project. The DAS shall address, at a
51 minimum, and the three alternatives noted below. The alternatives are not intended

1 to be mutually exclusive; the conceptual development plans described below may
2 incorporate one or more of the alternatives in the conversion project.

3
4 ~~i. No conversion or partial conversion: The applicant shall examine~~
5 ~~opportunities to retain all or part of the golf course. The following~~
6 ~~considerations are to be assessed:~~

7
8 a) ~~Whether any of the existing property owners' association(s)~~
9 ~~reasonably related to the golf course are able to purchase~~
10 ~~all or part of the golf course; and~~

11
12 b) ~~Whether any of the existing property owners' association(s)~~
13 ~~and/or any new association reasonably related to the golf~~
14 ~~course can coordinate joint control for all or part of the golf~~
15 ~~course.~~

16 c) ~~A partial conversion to retain a portion of the golf course~~
17 ~~where a nine or twelve hole is part of the project or provide~~
18 ~~evidence it is not feasible.~~

19
20 ii. ~~County purchase Alternative ownership options rather than County~~
21 ~~purchase: The applicant shall coordinate with the County to~~
22 ~~determine if there is any interest to donate, purchase, or maintain a~~
23 ~~portion or all of the property for a public use, such as a public park,~~
24 ~~open space, civic use, or other public facilities. The applicant shall~~
25 ~~pursue other alternatives and provide a written affidavit of those~~
26 ~~alternatives, including the entities contacted, discussions held and~~
27 ~~results of the discussions. This section shall not require the County~~
28 ~~to purchase any lands, nor shall this require the property owner to~~
29 ~~donate or sell any land.~~

30
31 iii. ~~Conceptual development plans for partial or full conversion:~~ The applicant
32 shall prepare ~~one~~ two or more proposed conceptual development plans,
33 consistent with the development standards established in LDC section
34 5.05.15 GC.5, depicting the proposed conversion. The goals and
35 objectives for full or partial conversion shall be identified. The applicant
36 shall share the conceptual development plans with the stakeholders at the
37 Stakeholder Outreach Meetings as described below. The conceptual
38 development plans shall include a narrative describing how the plan
39 implements and is consistent with the goals and objectives identified ~~in the~~
40 ~~DAS~~. The conceptual development plans shall depict the retained and
41 proposed land uses, including residential, non-residential, and preserve
42 areas; existing and proposed roadway and pedestrian systems; existing
43 and proposed trees and landscaping; and the proposed location for the
44 greenway, including any passive recreational uses. The narrative shall
45 identify the intensity of the proposed land uses; how the proposed
46 conversion is compatible with the existing surrounding land uses and any
47 methods to provide benefits or mitigate impacts to the stakeholders.
48 Diagrams and ~~visual~~ exhibits to describe the conceptual development
49 plans and amenities, including the greenway, shall also be provided.
50

1 ~~3.d.~~ Stakeholder Outreach Meetings (SOMs) for ~~conversion~~ Intent to Convert
 2 applications. The SOMs are intended to engage the stakeholders early in
 3 the conversion project and inform the applicant as to what the stakeholders
 4 find important in the neighborhood, what the stakeholders consider
 5 compatible with the neighborhood, and what types of land uses they would
 6 support to be added to the neighborhood. An assigned County planner
 7 shall attend the SOM and observe the process. Unless otherwise stated in
 8 LDC section C.1.d, the SOM shall be conducted in the same manner as
 9 the NIM. The following is required of the applicant:

10
 11 ~~a. The Administrative Code shall establish the procedure and~~
 12 ~~application submittal requirements.~~

13
 14 ~~b.i.~~ The applicant shall conduct a minimum of two in-person SOMs at
 15 least 30 days apart from one another and a minimum of one web-
 16 based visual survey on the proposed conceptual development
 17 plan~~(s)~~s. The web-based survey web address shall be incorporated
 18 in the mailings notifying the stakeholders of the in-person SOMs.

19
 20 ~~c.ii.~~ At the SOMs, a third party trained facilitator may moderate the
 21 SOMs to stay on task, assure attendees have an opportunity to
 22 participate, and protect members. The applicant shall provide
 23 information to the stakeholders about the purpose of the meeting,
 24 including a presentation on the goals and objectives of the
 25 conversion project, the conceptual development plans, the
 26 greenway concept, and the measures taken to ensure compatibility
 27 with the existing surrounding neighborhood. The applicant shall
 28 facilitate discussion on these topics with the stakeholders using one
 29 or more public outreach method(s) identified in the Administrative
 30 Code. The applicant shall identify primary issues, solicit input from
 31 the participants, and ensure comments are included in the SOM
 32 report.

33
 34 ~~d.e.~~ SOM report for conversion applications. After completing the SOMs the
 35 applicant shall prepare a SOM report. The report shall include a list of
 36 attendees, a description of the public outreach methods used, photos from
 37 the meetings demonstrating the outreach process, results from outreach
 38 methods, and copies of the materials used during the SOMs. The applicant
 39 shall also include a point-counterpoint list, identifying input from the
 40 stakeholders and how and why it was or was not incorporated in the
 41 conversion application. The report shall be organized such that the issues
 42 and ideas provided by the stakeholders are clearly labeled by the applicant
 43 in the list and the ~~e~~C conversion application.

44
 45 ~~f. Stormwater management requirements. The applicant shall demonstrate~~
 46 ~~that the stormwater management for the surrounding uses will be~~
 47 ~~maintained at an equivalent or improved level of service. This shall be~~
 48 ~~demonstrated by a preliminary conceptual pre versus post development~~
 49 ~~stormwater runoff analysis including any stormwater runoff from outside the~~
 50 ~~golf course that passes on, over, or through areas of the golf course. The~~

1 final per versus post development runoff analysis shall be provided with the
2 Conversion application.

3
4 f. Participation and/or completion of the ITC application process shall not
5 imply that a golf course conversion has received or will receive future
6 rezoning approval to a different land use by the Board.
7

8 42. Conversion application procedures. An applicant shall not submit a conversion
9 application (e.g. rezone, PUDA, SRAA, Compatibility Design Review) until the
10 Intent to Convert application, is including the SOMs and SOM report are deemed
11 completed by County staff ~~and the SOMs are completed~~. Thereafter, the applicant
12 may proceed by submitting a eConversion application with the County as follows:
13

14 a. Zoning Actions and Stewardship Receiving Area Amendments. For
15 projects subject to LDC section 5.05.15 B.1., the applicant shall file a PUDA
16 or rezone application, including the SOM report. For projects subject to
17 5.05.15 B.2., the applicant shall file a Stewardship Receiving Area
18 Amendment application, including the SOM report. Deviations to LDC
19 section 5.05.15, ~~shall be prohibited; further, deviations to~~ minimum design
20 standards, or other sections of the LDC shall be shared with the
21 stakeholders at a SOM or NIM prior to the Planning Commission
22 recommendation and Board approval. Any deviations requested shall
23 require the owner of real property to demonstrate the need for deviation
24 and agree to provide an enhancement to the property and/or make
25 improvements to existing external infrastructure such as stormwater,
26 roadways or traffic calming in exchange for the deviation. The grant of any
27 deviation, singularly or in combination with other deviations, shall not
28 adversely affect the public health, safety, and welfare of adjacent
29 residential use or land zoned residential.
30

31 ~~b. Stewardship Receiving Area Amendments. For projects subject to 5.05.15~~
32 ~~B.2., the applicant shall file a Stewardship Receiving Area Amendment~~
33 ~~application, including the SOM report. Deviations to LDC section 5.05.15~~
34 ~~shall be prohibited; further, deviations to other sections of the LDC shall be~~
35 ~~shared with the stakeholders at a SOM or NIM.~~
36

37 ~~e~~b. Compatibility Design Review. For projects subject to LDC section 5.05.15
38 B.3., the applicant shall file a Compatibility Design Review application,
39 including the SOM report.
40

41 ~~D~~ c. Criteria and staff report for eConversion applications. In addition to the
42 requirements established in LDC sections 10.02.08, 10.02.13 B., or
43 4.08.07, as applicable, the staff report shall evaluate the following:
44

45 4 i. Whether the applicant has met the requirements established in this
46 section and development standards in the LDC. In particular, that
47 the proposed design and use(s) of the greenway, as applicable,
48 meet the purpose standards as described in LDC section 5.05.15
49 G-2C.5.b. and minimum useable open space requirements
50 pursuant to LDC section 4.07.02 G.

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

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

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

~~v. Whether significant environmental impacts would be required to be mitigated.~~

~~vi. Whether the application provides for the maintenance of open space and the Greenway.~~

v. Whether the proposed project is adequately setback from existing residential development, or buffered by the Greenway and compatible with existing adjacent residential development.

~~d. The resolution of real property encumbrances does influence the amount of area eligible for redevelopment. A conversion application may not be deemed complete until real property encumbrances including all leases, private use restrictions, covenant and open space easements that may impact and/or are within the chain of title to any portion of the golf course property have been resolved between and among the parties.~~

~~E~~ 3. Supplemental review and approval considerations for ~~z~~Zoning ~~a~~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~~C.2.c, 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~~C.2.c, 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. The applicant is encouraged to consider cluster residential development and affordable housing within the master development plan.

~~F~~ 4. 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:

4a. Application. The Administrative Code shall establish the submittal requirements for the compatibility design review application.

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~~2~~b. Public Notice. The applicant shall be responsible for meeting the requirements of LDC section 10.03.06.

~~3~~c. Compatibility Design Review. The Planning Commission shall review the staff report as described in LDC section 5.05.15 DC.2.c, the Compatibility Design Review application, and make a recommendation to the Board based on the following criteria:

~~a~~i. 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~~ C.2 c.ii-iv.

~~b~~ii. Whether the conceptual design is compatible with the existing surrounding land uses.

~~c~~iii. Whether a view of open space is provided that mitigates impacts to real property for the property owners that surround the golf course.

~~d~~iv. Whether open space is retained and available for passive recreation.

~~4~~.d. The Board shall consider the criteria in LDC section 5.05.15 ~~F.3~~ C.4.c., 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~~ ~~5~~. 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~~ C.5.d. and C.5.f.

~~4~~a. 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~~b. Greenway. The purpose of the greenway is to retain an open space 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~~i. The greenway shall be contiguous to the existing residential properties surrounding the golf course and generally located along

1 the perimeter of the proposed development. The Board may
2 approve an alternative design that was vetted at the Stakeholder
3 Outreach Meetings, as provided for in LDC section 5.05.15 ~~C.3~~
4 C.1.d and C.5.b.ii.

5
6 ~~b~~ ii. A minimum of 35 percent of the gross area of the full or partial
7 conversion project shall be dedicated to the greenway. The
8 greenway shall have an ~~an~~ ~~minimum~~ average width of ~~100~~ 75 feet and
9 no less than ~~75~~ 50 feet at any one location. ~~For golf courses zoned~~
10 ~~Golf Course and Recreational Uses "GC", a minimum 50-foot buffer~~
11 ~~zone and building setback width from abutting residential shall be~~
12 ~~maintained for consistency with the accessory building and~~
13 ~~structures for golf course lots setback set forth in LDC section~~
14 ~~4.02.03 D.~~

15
16 Notwithstanding the foregoing, the Board may reduce the average
17 width of the greenway as a deviation subject to paragraph C.2.a.
18 and aggregate the greenway into one or more larger parcels,
19 provided there is 35 percent of the full or partial conversion project
20 is committed to the greenway.

21
22 ~~e~~ iii. Maintenance of the greenway shall be identified through the zoning
23 ~~or~~ and /or Stewardship Receiving Area Amendment process.

24
25 iv. The greenway land shall be owned and/or maintained by a
26 homeowner's association, land trust, government entity, a
27 conservation organization or other entity identified and recognized
28 by the Board of County Commissioners at the time of SDP or PPL
29 submittal, whichever is the first to occur.

30
31 ~~d~~ v. The greenway may be counted towards the open space
32 requirement for the conversion project as established in LDC
33 section 4.02.00 except as noted in ~~G.1~~ paragraph C.5.a. above.

34
35 ~~e~~ vi. Existing trees and understory (shrubs and groundcover) shall be
36 preserved and maintained within the greenway, except where
37 minimal improvements are needed that provide a passive
38 recreational use. At a minimum, canopy trees shall be provided at
39 a ratio of 1:2,000 square feet within the greenway. Existing trees
40 may count toward the ratio; however, trees within preserves shall
41 be excluded from the ratio.

42
43 ~~f~~ vii. A wall or fence is not required between the greenway and the
44 proposed development; however, should a wall or fence be
45 constructed, the fence shall provide habitat connectivity to facilitate
46 movement of wildlife in and around the greenway.

47
48 ~~g~~ viii. A portion of the greenway may provide stormwater management;
49 however, the greenway shall not create more than 30 percent
50 additional lake area than exists pre-conversion in the greenway.
51 A newly developed lake shall be a minimum of 100 feet wide.

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~~h~~ ix. The applicant shall record a restrictive covenant at the time of subdivision plat or SDP approval, in the County's official records describing the use and maintenance of the greenway as described in the zoning action or SRA Amendment. With each phase of development, there will be at least two tracts, one to identify the greenway tract (restrictive covenant and maintenance use) and the other as the project development tract.

~~3~~c. Preserve requirements. The following preserve standards supplement those established in LDC section 3.05.07.

~~a~~i. Where small, isolated areas (of less than 1/2 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 1/2 acre in size in the aggregate to meet the preserve requirement.

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

~~i~~a) 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~~b) 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~~d. 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 pre versus post development stormwater runoff analysis including any stormwater runoff from outside the golf course that passes on, over, or through areas of the golf course.

~~5~~e. Floodplain compensation. In accordance with LDC section 3.07.02 floodplain compensation shall be provided at the time of the Conversion application.

~~6~~f. Soil and/or groundwater sampling may be deferred by the applicant to Early Work Authorization (EWA), SDP, or PPL submittal, whichever is the first to occur, if the sampling has not been completed by the rezoning, SRA amendment, or compatibility design review public hearings. See LDC Section 3.08.00 A.4.d.

~~g~~. Building setbacks. All single and two story buildings shall be setback a minimum average of 50 foot from the property line of existing lands zoned residential or with residential uses, however no less than 35 feet at any one location and an increased setback to buildings above two stories, may be required at the time the Planning Commission and/or Board public hearing.

DRAFT

Text underlined is new text to be added.
~~Text strikethrough is current text to be deleted.~~

1
2 **7g.** All other development standards. The conversion of golf courses shall be
3 consistent with the development standards in the LDC, as amended.
4 Where conflicts arise between the provisions in this section and other
5 provisions in the LDC, the more restrictive provision shall apply.
6

7 **HD.** Design standards for lands converted from a golf course or for a permitted use within the
8 GC zoning district shall be subject to the following design standards.
9

10 1. Lighting. All lighting shall be designed to reduce excessive glare, light trespass
11 and sky glow. At a minimum, lighting shall be directed away from neighboring
12 properties and all light fixtures shall be full cutoff with flat lenses. Lighting for the
13 conversion project shall be vetted with stakeholders during the SOMs and the
14 public hearings, as applicable.
15

16 2. Setbacks. All non-golf course uses, except for the greenway, shall provide a
17 minimum average 50-foot setback from lands zoned residential or with residential
18 uses, however the setback shall be no less than 35 feet at any one location.
19

20 # # # # # # # # # # # # #

Exhibit A – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 4 | *Administrative Procedures*

N. Intent to Convert Application for Golf Course Conversions

Reference LDC sections 5.05.15, and LDC Public Notice section 10.03.06 W.

↔ See Chapter 8.F for Stakeholder Outreach Meetings for Golf Course Conversions.

Applicability This process applies to applicants seeking to convert a constructed golf course to a non-golf course use for “Conversion applications”. Approval of this application is required prior to submitting a conversion application (rezone, PUD, SRAA or Compatibility Design Review petition); it is pursuant to LDC section 5.05.15 C.1, Intent to Convert application procedures.

Pre-Application A pre-application meeting is required.

Initiation The **applicant** files an “Intent to Convert” application with the **Planning & Zoning** Division.

↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.

Application Contents The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Name of project.
4. The name and mailing address of all registered property owners’ associations that could be affected by the application.
5. Property Ownership Disclosure Form.
6. The date the subject property was acquired or leased (including the term of the lease). If the applicant has an option to buy, indicate the dates of the option, date the option starts and terminates, and anticipated closing date.
7. A title ~~opinion or title commitment~~ **report** that identifies the current owner of the property and all encumbrances against the property.
8. Boundary survey (no more than six months old).
9. Property information, including:
 - a. Legal description;
 - b. Property identification number;
 - c. Section, township, and range;
 - d. Address of the subject site and general location;
 - e. Size of property in feet and acres; and
 - f. Zoning district.
10. If the property owner owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:
 - a. Legal description;

Exhibit A – Administrative Code Changes

- b. Property identification number;
 - c. Section, township and range; and
 - d. Subdivision, unit, lot and block, or metes and bounds description.
11. Zoning information, including adjacent zoning and land use.
12. Existing PUD Ordinance, SRA Development Document, Site Development Plan, or Plat.
13. An exhibit identifying the following:
- a. Any golf course acreage that was utilized to meet the minimum open space requirements for any previously approved project;
 - b. Existing preserve areas;
 - ~~c. Sporadic vegetation less than ½ acre, including planted areas, that meet criteria established in LDC section 3.05.07 A.4; and~~
 - ~~d. A matrix demonstrating the following as required in LDC section 5.05.15 G.3:~~
 - ~~i. For conventionally zoned districts:~~
 - ~~a) County approved preserve acreage; and~~
 - ~~b) Any sporadic vegetation acreage used to meet the preserve requirement for the conversion project.~~
 - ~~ii. For PUDs:~~
 - ~~a) County approved preserve acreage; and~~
 - ~~b) Any County approved preserve acreage in excess of the PUD required preserve acreage that is used to meet the preserve requirement for the conversion project.~~
14. Preliminary conceptual stormwater management requirements as required by LDC section 5.05.15 G.4C.5.d.
15. Affidavit of Authorization.
- ~~15. Floodplain compensation, if required by LDC section 3.07.02.~~
- ~~16. Soil and/or groundwater sampling results, if available, as described in LDC sections 3.08.00 A.4.d and 5.05.15 G.6.~~
- ~~17. List of deviations requested, as described in LDC section 5.05.15 C.4.a-b. The specific LDC sections for which the deviations are sought shall be identified. The list of deviations shall be shared with stakeholders at the SOM or NIM.~~
- ~~18~~ **16. Electronic copies of all documents.**

Application Contents Required for Presentations at SOMs

In addition to the application contents above, the following must also be submitted with the Intent to Convert application and used during SOM presentations:

1. ~~The Developer's Alternatives Statement as described in LDC section 5.05.15 C, including:~~
- ~~a. A narrative clearly describing the goals and objectives for the conversion project.~~

Exhibit A – Administrative Code Changes

- ~~b. *No Conversion Alternative:* A narrative describing the timeline of correspondence between the applicant and the property owners' associations relating to the applicant's examination of opportunities to retain all or part of the golf course as described in LDC section 5.05.15 C.2.b.i, and copies of such correspondence. It shall be noted in the narrative whether a final decision has been made about this alternative or whether discussions with the property owners' associations are ongoing.~~
- ~~c. *County Purchase Alternative:* A narrative describing the timeline of correspondence between the applicant and the County to determine if there is interest to retain all or portions of the property for public use as described in LDC section 5.05.15 C.2.b.ii, and copies of such correspondence. It shall be noted in the narrative whether a final decision has been made about this alternative or whether discussions with the County are ongoing.~~
- d. *Conceptual Development Plan Alternatives:* A Two conceptual development plans consistent with LDC section 5.05.15 C.2.b.iii, and as described in the following section.
2. The conceptual development plans shall include all information described in LDC section 5.05.15 C.2.b.iii, and the following:
- a. An Access Management Exhibit, identifying the location and dimension of existing and proposed access points and legal access to the site.
 - b. A dimensional standards table for each type of land use proposed within the conceptual plans.
 - ⊖ i. Dimensional standards shall be based upon the established zoning district, or that which most closely resembles the development strategy, particularly the type, density, and intensity of each proposed land use.
 - ⊖ ii. For PUDs: Any proposed deviations from dimensional standards of the established zoning district, or of the most similar zoning district, shall be clearly identified. Provide a narrative describing the justifications for any proposed deviations that are not prohibited by LDC section 5.05.15 C.4.2.
 - c. A plan providing the proposed location and design of the greenway (this ~~may~~ shall be included on ~~each~~ the conceptual development plans):
 - ⊖ i. *Greenway Design:* A plan providing the proposed location and design of the greenway and illustrating the following (including any alternative designs as described in LDC section 5.05.15 G.2.a C.5.i):
 - a) The proposed location of passive recreational uses;
 - b) Existing and proposed lakes, including lake area calculations;
 - c) Preserve areas;

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- **d)** Any structures or trails related to passive recreational uses;
 - **e)** Greenway widths demonstrating a minimum average width of ~~100~~ **75** feet and no less than ~~75~~ **50** feet shall be identified every 100 feet;
 - **f)** Locations of existing trees and understory (shrubs and groundcover) shall be located on the plan in accordance with **LDC** section **5.05.15 G-2.e C.5.vi.**;
 - ~~**g)** A matrix identified on the plan shall demonstrate tree counts used to calculate the ratio described in **LDC** section **5.05.15 G-2.e.**; and~~
 - **g)** Location of any proposed wall or fence pursuant to **LDC** section **5.05.15 G-2.f C.5.vii.**
- **d.** A narrative describing how the applicant proposes to offset or minimize impacts of the golf course conversion on stakeholders’ real property and provide for compatibility with existing surrounding land uses. Identify the compatibility measures on the conceptual development plans.
3. A narrative statement describing how the greenway will meet the purpose as described in **LDC** section **5.05.15 G-2 C.5.b.** to retain open space views for stakeholders, support passive recreational uses, and support existing wildlife habitat.
 4. A narrative statement describing the public outreach method **(s) proposed to be used** for the **SOMs**, consistent with Administrative Code Chapter 8.F
 5. Web-based survey, including the following:
 - **a.** A copy of the web-based survey;
 - **b.** The user-friendly website address where the survey will be available; and
 - **c.** The dates the survey will be available.

Completeness and Processing of Application

⇔ See Chapter 1 D.5 for the acceptance and processing of an application. The application, Notice for Intent to Convert, Web-based survey, and installation of signs prior to mailing notices shall be reviewed by staff. An incomplete application shall not be processed until all requirements of the application are deemed satisfactory before the first SOM as determined by written notice from the County Manager or designee.

Notice for the Intent to Convert Application

After the Intent to Convert application has been submitted, notice is required to inform stakeholders of a forthcoming golf course conversion application. However, no mailing is required if the applicant chooses to withdraw the Intent to Convert application.

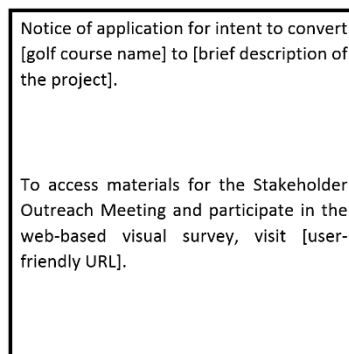
⇔ See Chapter 8 of the Administrative Code for additional notice information.

1. **Mailed Notice:** For the purposes of this **mailed notice**, written notice shall be sent to **property owners** located within 1,000 feet from the property line of the golf course. The notice shall be sent after the Intent to Convert application has been reviewed and deemed satisfactory in a clearance letter by staff to proceed to the mailed notice and **SOMs**, and at least 20 days prior to the first **SOM**. The mailed notice shall include the following:

- **a.** Explanation of the intention to convert the golf course.

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- [b.](#) Indication that there will be at least two advertised **SOMs** and one web-based visual survey to solicit input from stakeholders on the proposed project. The date, time, and location of the **SOMs** does not need to be included in this mailing.
 - [c.](#) 2 in. x 3 in. map of the project location.
 - [d.](#) Applicant contact information.
2. **Sign:** (see format below) Posted after the Intent to Convert application has been reviewed and deemed satisfactory by staff to proceed to the mailed notice and **SOMs**, and at least 20 days before the first **SOM**. The sign(s) shall remain posted until all **SOMs** are complete [and removed no earlier than 14 days after the last SOM](#). For the purposes of this section, signage, measuring ~~16~~ [32](#) square feet, shall clearly indicate an applicant is petitioning the county to convert the golf course to a non-golf use (e.g. residential). A user-friendly website address shall be provided on the signs directing interested parties to visit Collier County’s website to access materials for the **SOMs** and the web-based visual survey. The sign(s) shall remain posted for 7 days after the last required **SOM**. The location of the signage shall be consistent with *Chapter 8 E of the Administrative Code* [and approved by the assigned planner](#).



Location [The applicant shall arrange the location of the meeting. To promote increase participation, all SOMs shall be conducted at a physical location to allow for in-person attendance and virtually, utilizing videoconferencing technology. The in-person location must be reasonably convenient to the property owners who received the required notice. The facilities must be of sufficient size to accommodate the expected attendance.](#)

Conduct of SOM Meeting and Decorum [A Collier County staff planner or designee, shall attend the SOM and record commitments made by the applicant during the SOMs while remaining neutral and providing clarification regarding the next steps the applicant must follow for the Intent to Convert and Conversion applications. The expectation that all SOM participants will conduct themselves in such a manner that their presence will not interfere with the orderly progress of the meeting. If the applicant or staff planner determines the SOM cannot be completed due to the disorderly conduct of the participants, the applicant shall have the right to adjourn the SOM and be required to conduct another SOM, in person or via videoconferencing technology, or both, at the applicant’s discretion. The applicant shall strive to establish, in a collaborative manner, an open discussion among all stakeholders and pursuant to the conduct of meeting and decorum set forth in Chapter 8 B for NIMs.](#)

Public Hearing No public hearing is required for the Intent to Convert application. Public hearings will be required for subsequent conversion applications.

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Decision Maker The County Manager or designee.

Review Process The Zoning Division will review the Intent to Convert application and identify whether additional materials are needed.

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Exhibit A – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 8 | Public Notice

F. Stakeholder Outreach Meeting for Golf Course Conversions (SOM)

Reference LDC sections [5.05.15](#) and LDC Public Notice section [10.03.06](#).

⇔ See Chapter 4.N for *Intent to Convert Applications for the Application Contents Required for Presentations at SOMs*.

Purpose Stakeholder Outreach Meetings (SOMs) are intended to engage stakeholders early in the design of a golf course conversion project and to encourage collaboration and consensus between the applicant and the stakeholders on the proposed conversion. [The applicant shall work with the participants on two or more conceptual development plans during and at the outset of the process and each meeting.](#)

Applicability This process applies to [an “Intent to Convert” application for](#) applicants seeking to convert a constructed golf course to a non-golf course use. A minimum of two in-person meetings and one web-based visual survey are required. This section shall be used in connection with LDC section [5.05.15](#).

Initiation The SOMs may be held after the “Intent to Convert” application has been received by the County and deemed sufficient by staff to proceed. It is encouraged that SOMs take place in a timely manner so as to support stakeholder involvement.

SOM Notice Requirements Each SOM shall be noticed as follows:

1. Newspaper Advertisements: The legal advertisement shall be published at least 15 days before the SOM in a newspaper of general circulation. The advertisement shall include at a minimum:

- a. Date, time, and location of the SOM;
- b. Petition name, number and applicant contact info;
- c. Notice of the intention to convert the golf course to a non-golf course use;
- d. Brief description of the proposed uses; and
- e. 2 in. x 3 in. map of the project location.

2. Mailed Notice: For the purposes of this **mailed notice** requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days before the first SOM. The mailed notice shall include the following:

- a. Date, time, and location of each SOM included in the **mailed notice**;
- b. Petition name, number and applicant contact info;
- c. Notice of the intention to convert the golf course to another use;
- d. A brief description of the proposed uses;
- e. A statement describing that the applicant is seeking input through a stakeholder outreach process;

Exhibit A – Administrative Code Changes

- f. The user-friendly web address where the meeting materials, ~~such as the Developers Alternatives Statement,~~ can be accessed;
- g. A brief description of the visual survey and the user-friendly web address where the survey can be accessed; and
- h. The dates that the web-based visual survey will be available online.

Location The **applicant** must arrange the location of the meeting. The location must be reasonably convenient to the **property owners** who receive the required notice. The facilities must be of sufficient size to accommodate expected attendance.

Timeframe **SOMs** must be held between November 1st and April 1st and no earlier than 30 days between each SOM.

Conduct of SOMs A minimum of two **SOMs** shall be conducted in accordance with the following:

- a. An assigned County **planner** shall attend the **SOMs** and observe the process, and provide clarification of the process as needed. The **planner** shall note any commitment made by the applicant during the meetings. A third party trained facilitator may moderate the SOMs, but is otherwise optional.
- b. Meeting Conduct: The applicant shall conduct the meetings as follows:
 - i. Use at least one public outreach method during the in-person meetings as described below; and
 - ii. The applicant shall ~~facilitate~~ initiate dialogue and encourage input on the conceptual development plan from the stakeholders regarding the types of development the stakeholders consider compatible with the neighborhood, and the types of land uses they would support to be added to the neighborhood. The applicant shall identify the primary issues, encourage input from the participants, and ensure comments are disclosed in the applicant's SOM report.
 - iii. The applicant shall work with the participants on two or more conceptual development plans at the outset of the first SOM meeting. The second SOM shall build off of the initial SOM as new information becomes available from conversations and interviews with participants.
 - iv. The expectation is that all participants will conduct themselves in such a manner that their presence will not interfere with the orderly progress of the meeting and pursuant to the conduct of meeting and decorum set forth in Chapter 8 B for NIMs.
- c. Presentation: The **applicant** must provide the following at the **SOM** for review and comment:
 - i. The current **LDC** zoning district uses and development regulations;
 - ii. Information about the purpose of the meeting, including the goals and objectives of the conversion project;
 - iii. ~~A copy of the Developer's Alternatives Statement shall be made available at the SOM, as described in LDC section 5.05.15 C.2;~~

Exhibit A – Administrative Code Changes

iv.iii. Visuals and diagrams depicting the conceptual development plan(s) and the greenway; and

v.iv. The list of deviations requested, as described in LDC section 5.05.15 C.2.a.

d. Public Outreach Methods: The **applicant** shall use one or more of the following at the Stakeholder Outreach Meetings to engage stakeholders:

i. Charrette. This public outreach method is a collaborative design and planning workshop that occurs over multiple days. Through a charrette, the **applicant** designs the conceptual development plan and greenway with stakeholders' input. During a charrette, stakeholders are given the opportunity to identify values, needs, and desired outcomes regarding the project. Through a series of engagement activities the conceptual development plan and greenway are designed and refined. Throughout the sessions, stakeholders have an opportunity to analyze the project, address and resolve issues, and comment on multiple iterations of the project.

ii. Participatory Mapping. This public outreach method produces maps using stakeholder knowledge and input. To start, the applicant *hosts a workshop* and shares information about the project through exhibits such as poster boards, written or electronic materials, etc. Participants are then given sticky dots, markers, or other tactile/visualization tools in conjunction with maps of the conceptual development plan and greenway to identify options to address compatibility, adverse impacts, or types of desirable usable open space for the project. For example: stakeholders are asked to place red dots on the map where there is a perceived pedestrian hazard and place a green dot where they support additional tree plantings in the greenway. .

iii. Group Polling. This public outreach method polls participants at the meeting and provides instant results. The poll can include a wide range of topics about the project, such as density, greenway uses, vehicle/pedestrian transportation networks, etc. The **applicant** provides sticky dots or uses electronic devices to conduct the polling.

iv. Visioning Exercise. This public outreach method invites stakeholders to describe their core values and vision for their community. In a workshop setting, the **applicant** presents a wide variety of reports, maps, photos, and other information about the project. The **applicant** then poses questions to the participants, such as, but not limited to the following:

- 1) "What do people want to preserve in the community?"
- 2) "What do people want to create in the community?"
- 3) "What do people want to change in the community?"

The applicant collects the responses and works with the participants to create a vision statement for the project that incorporates the goals, concerns, and values of the community.

Exhibit A – Administrative Code Changes

Web-Based Visual Survey Requirements The web-based visual survey is intended to increase engagement with stakeholders [in an orderly concise document with diagrams](#). The survey should engage the stakeholders in the design of the project and assist in determining what stakeholders find important to the neighborhood, what is considered compatible with the neighborhood, and what types of land uses they support adding to the neighborhood.

- a. The survey shall provide [diagrams and](#) visual representations of the proposed development, in particular the types of land uses proposed, streetscapes, public spaces, design characteristics, and ~~depictions~~ [tentative sketches](#) of the greenway design;
- b. The survey questions shall be worded so as to elicit responses to the stakeholders’ preferences or support for the visual representations.
- c. The survey shall allow for additional comment(s) to be made by the stakeholders.
- d. [Hard copies of the survey shall be available to participants at the SOMs.](#)

[Staff shall review the survey, including photos, diagrams, and determine whether it is ready to activate no later than 14 days before the first SOM.](#)

SOM Report After the **SOMs** and the web-based survey are [deemed](#) complete [by staff](#), the **applicant** will submit a report of the **SOM** to the County, including the following information:

- a. A list of attendees, a description of the public outreach methods used, photos from the meetings demonstrating the outreach process, results from outreach methods described above;
- b. Copies of the materials used during the meeting, including any materials created at the meeting, such as any participatory mapping or related documents;
- c. A verbatim transcript of the meetings and an audio (mp3 or WAV format) or video recording in a format accessible or viewable by the County;
- d. A point-counterpoint list, identifying the input from the stakeholders and how and why it was or was not incorporated into the [Conversion](#) application. Input from stakeholders may be categorized by topic and the applicant may provide a single response to each topic in narrative format; and
- e. The report shall be organized such that the issues and ideas provided by the stakeholders that are incorporated in the application are clearly labeled in the point-counterpoint list and in the [eConversion](#) application.

Meeting Follow-up After each **SOM** is completed and prior to the submittal of a [eConversion](#) application, the applicant will submit to the assigned **planner** a written summary of the **SOM** and any commitment that has been made. Any commitment made during the meeting will:

- a. Become part of the record of the proceedings;
- b. Be included in the staff report for any subsequent conversion application; and
- c. Be considered for inclusion into the conditions of approval of any subsequent development order.

Updated

Exhibit A – Administrative Code Changes

Collier County Land Development Code | *Administrative Procedures Manual* Chapter 3 | *Quasi-Judicial Procedures with a Public Hearing*

K. Compatibility Design Review

Reference LDC sections 5.05.15, and LDC Public Notice section 10.03.06 Y.

↔ See Chapter 4.N of the Administrative Code for Intent to Convert Applications and Chapter 8.F for Stakeholder Outreach Meetings for Golf Course Conversions.

Purpose The Compatibility Design Review process is intended to address the impacts of golf course conversions on real property by reviewing the conceptual development plan for compatibility with existing surrounding uses.

Applicability This process 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.

This application is not required for golf courses zoned Golf Course and Recreational Uses (GC) seeking another use as provided for in LDC section 2.03.09 A.

Conditional uses shall also require conditional use approval subject to LDC section 10.08.00. The conditional use approval should be a companion item to the compatibility design review approval.

Pre-Application Meeting A pre-application meeting is required.

Initiation The **applicant** files an “Application for Compatibility Design Review” with the Zoning Division after the “Intent to Convert” application is deemed complete by County staff and the Stakeholder Outreach Meetings (**SOMs**) are completed. ↔ See Chapter 4 of the Administrative Code for information regarding the “Intent to Convert” application and Chapter 8 of the Administrative Code for requirements for SOMs and additional notice information.

↔ See Chapter 1 D. for additional information regarding the procedural steps for initiating an application.

Application Contents The application must include the following:

1. **Applicant contact information.**
2. **Addressing checklist.**
3. Name of project.
4. The proposed conceptual development plan.
5. The name and mailing address of all registered property owners’ associations that could be affected by the application.
6. Property Ownership Disclosure Form.
7. The date the subject property was acquired or leased (including the term of the lease). If the applicant has an option to buy, indicate the dates of the option: date the option starts and terminates, and anticipated closing date.
8. Property information, including:

Exhibit A – Administrative Code Changes

- a. Legal description;
 - b. Property identification number;
 - c. Section, township, and range;
 - d. Address of the subject site and general location;
 - e. Size of property in feet and acres;
 - f. Zoning district;
 - g. Plat book and page number; and
 - h. Subdivision, unit, lot and block, and metes and bounds description.
9. If the property owner owns additional property contiguous to the subject property, then the following information, regarding the contiguous property, must be included:
- a. Legal description;
 - b. Property identification number;
 - c. Section, township and range; and
 - d. Subdivision, unit, lot and block, or metes and bounds description.
10. Zoning information, including adjacent zoning and land use.
11. Soil and/or groundwater sampling results, if available, as described in **LDC** section [3.08.00 A.4.d](#) and [5.05.15 G-6-C.5.d](#);
12. The approved Intent to Convert application, as described in **LDC** section [5.05.15 C.1](#); and
13. The **SOM** Report, as described in **LDC** section [5.05.15 C.3-1.e](#).
14. A narrative describing how the applicant has complied with the criteria in **LDC** sections [5.05.15 F-3-C.4.c](#), including:
- a. A list of examples depicting how each criterion is met;
 - b. A brief narrative describing how the examples meet the criterion; and
 - c. Illustration of the examples on the conceptual development plan that are described above.
15. Affidavit of Authorization.

Completeness and Processing of Application

↔ See Chapter 1 D.5 for the acceptance and processing of an application.

Notice Notification requirements are as follows.

↔ See Chapter 8 of the Administrative Code for additional notice information.

1. **Newspaper Advertisements:** The legal advertisement shall be published at least 15 days prior to the hearing in a newspaper of general circulation. The advertisement shall include at a minimum:
 - a. Date, time, and location of the hearing;
 - b. Description of the proposed land uses; and

Exhibit A – Administrative Code Changes

c. 2 in. x 3 in. map of the project location.

2. **Mailed Notice:** For the purposes of this **mailed notice** requirement, written notice shall be sent to property owners located within 1,000 feet from the property line of the golf course at least 15 days prior to the advertised public hearings.
3. **Sign:** Posted at least 15 days before the advertised public hearing date. ⇔ *See Chapter 8 E. of the Administrative Code for sign template.*

- Public Hearing**
1. The Planning Commission shall hold at least 1 advertised public hearing.
 2. The BCC shall hold at least 1 advertised public hearing.

Decision Maker The BCC, following a recommendation by the Planning Commission.

Review Process Staff will prepare a staff report consistent with **LDC** section **5.05.15 F C.4** and schedule a hearing date before the Planning Commission to present the petition. Following the Planning Commission’s review, Staff will prepare an Executive Summary and will schedule a hearing date before the BCC to present the petition.

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Exhibit B –Process and Staff Improvements

- 1) Clarify, the conversion of a golf course to non-golf course uses is a two step process. *First*, an intent to convert (ITC) application process is filed that at the end of the process has fostered a qualitative public outreach program resulting in a web-base survey, two public meetings, point-counterpoint discussions, and a deliverable stakeholder outreach meeting report. It will exempt from the ITC process, golf courses that do not abut residentially zoned property ~~or property developed with single family or multi-family structures~~, as suggested by the County Attorney’s Office on April 11, 2023. The SOM report is a nonbinding report resulting from the dialogue between the applicant and stakeholders, so all parties are involved early on before the start of a project’s design and the filing of a Conversion application. *Secondly*, after the ITC application process is completed, an applicant can make the decision to file a land use petition to rezone or not. In the event the applicant proceeds to file the land use petition, the petitioner is able to modify or retain the ITC application conceptual design plan. The ITC process allows the developer/applicant to fully engage stakeholders prior to filing a rezoning application and after the ITC process focus their resources on conditions acceptable or objectable to the area landowners. As previously stated, the amendment, if approved, shall exempt golf courses from the ITC process that do not abut or residential zoned properties with an abutting residential subdivision design.
- 2) Provide greater flexibility and reduce the minimum Greenway average width from 100’ to 75’ and no less than 50’ at any one location provided that 35% of gross area of the conversion project is dedicated to the Greenway on a “*case by case basis*” in an interconnecting and alternative design considered by the Planning Commission. The Greenway would be contiguous to an existing residential development or located into an aggregate parcel or parcels that in total could equal 35% of the gross Conversion project area. The greenway average width reduction would be a recommendation made by the Planning Commission, subject to the Board’s rezoning approval, and implemented at the time of site development plan approval, rather than solely modified and designed during the SOM. In general, the reduction can occur based upon site specific characteristics and enhancements, such as, an enhancement to regional drainage improvements to benefit surrounding properties, alleviate constrains to usable open spaces due to limited access or a proposed water management system, improved landscaping and plantings for additional screening, a wider multi-use recreational pathway, relief from excessive flooding by upgrading stormwater conveyance facilities onsite or offsite which are not required of the applicant. The reduction shall serve to benefit the public health, safety, and welfare.
- 3) The amendment’s proposed buffer width reduction is predicated upon staff’s findings of other similiar community standards adopted, after 2017, by Bonita Springs and Estero, FL, Fulton County, GA, Lexington County, SC, Hendersonville, NC, and Palm Srings, CA. *See Exhibit C-Other Community Standards*. The 35% Greenway area standard is intertwined with the following :
 - Within residential developments and PUD districts composed of residential dwelling units and accessory uses, at least **60%** of the gross area shall be devoted to usable open space. This is pursuant to LDC section 4.02.01 B -Open Space Requirements and LDC section 4.07.02 Design Requirements for PUDs.
 - Policy 6.1.1 of the Conservation and Coastal Management of the GMP, requires a minimum preservation and vegetation retention standard of **35%** in the Coastal and Non-Coastal High Hazard Areas for Golf Courses.

Exhibit B – Process and Staff Improvements

- For Rural Fringe Mixed Use Districts that utilize TDR credits, the Receiving Lands projects which are greater than 40 acres in size require a minimum of **70%** useable open space.
 - Within the RLSA Overlay, Policy 4.10 of the FLUE requires a minimum **35%** of the gross acreage of an individual SRA Town or Village be devoted to open space.
- 4) Add a minimum time period between the first and second SOM. The amendment proposes a minimum of 45 days between SOMs to allow participants to continually update new information as it becomes available from the conversations, interviews and initial SOM. After the last SOM and the filing of a complete SOM report, the applicant may elect to submit a petition to rezone or not proceed with a conversion application.
 - 5) Allow for a preliminary conceptual stormwater runoff analysis to occur during the ITC process and the final pre versus post development stormwater runoff analysis and floodplain compensation review to be submitted at the time the conversion application for rezoning is filed. This is in acknowledgement of golf courses designed in conjunction with residential areas, often provide stormwater management for the entire project. During the redevelopment process the developer is required to maintain an equivalent (or improved) level of stormwater service demonstrated by a pre versus post development analysis.
 - 6) Support the repurpose of a golf course and increase the utility of the property with multiple purposes, rather than singular uses, to benefit different stakeholders and nearby residents of the surrounding neighborhood. By providing alternative uses to golf courses and multiple purposes presented during the SOMs, a better predictable development decision can be made.
 - 7) Require consideration to be provided by the applicant for a partial conversion to retain a portion of the golf course as operational (9-hole, 12-hole, or par three course).
 - 8) Alleviate the issue of the developer's alternative statement requirement for a singular county purchase and broaden the purchase discussion to include other alternative options that are validated through the submittal of a letter or letters of affidavit attesting to the alternative options considered by the applicant and stakeholders.
 - 9) Require full disclosure and title report from the property owner that shall identify all public or private encumbrances, leases, use restrictions, covenants and easements that impact and/or are within the chain of title to any portion of the golf course property. The property owner shall further identify whether or not they are in default of any agreements. All such agreements, including maintenance obligations, shall be attached to the ITC application.
 - 10) To keep the SOMs productive, create a safe environment that encourages people to participate, to neutralize a contentious political environment, and an atmosphere of trust for participants, a public involvement specialist /trained third party facilitator is encouraged, however optional. The facilitator would explain how the SOMs meetings will be run, provide meetings sign in sheets and handouts describing the project mission, goal and process, report on "one on one" conversations and identify the issues important to the neighborhood. The time period between conducting SOMs shall be held no sooner than 45 days. This will serve to avoid word of mouth conversations during the meeting, provide

Exhibit B – Process and Staff Improvements

a better outcome for the participants and establish a shared understanding of the project purpose and process, as well as the community needs between meetings.

- 11) Classify the stakeholders and attendees as the following: decision makers, those directly affected by the outcome (abutting versus non-abutting residents), those that are temporary/seasonal residents, and those to promote the project and those or with the authority to oppose or support the project.
- 12) Clarify for stakeholder participants, the consequential and consecutive stages to the entitlement process: comprehensive planning, zoning, platting, site improvement and construction plans.
- 13) Promote the County’s Future Land Use Element (FLUE) of the GMP Policy 5.8 which states: “Permit the use of clustered residential development, Planned Unit Development techniques, mixed-use development, rural villages, new towns, satellite communities, transfer of development rights, agricultural and conservation easements, and other innovative approaches, in order to conserve open space and environmentally sensitive areas. Continue to review and amend the zoning and subdivision regulations as necessary to allow and encourage such innovative land development techniques.” The applicant shall be encouraged to consider cluster development and affordable housing, that can add to the affordable housing supply, within the applicant’s conceptual development plans.
- 14) The FLUE states for Agucutural/Rural Designated lands within a Rural Fringe Mixed Use District the following:

“**A) Receiving Lands:** Receiving Lands are those lands within the Rural Fringe Mixed Use District that have been identified as being most appropriate for development and to which residential development units may be transferred from areas designated as Sending Lands.

* * * * *

2. Clustering: Where the transfer of development rights is employed to increase residential density within Receiving Lands, such residential development shall be clustered in accordance with the following provisions:

* * * * *

- b) The maximum lot size allowable for a single-family detached dwelling unit is one acre.
- c) The clustered development shall be located on the site so as to provide to the greatest degree practicable: protection for listed species habitat; preservation of the highest quality native vegetation; connectivity to adjacent natural reservations or preservation areas on adjacent developments; and, creation, maintenance or enhancement of wildlife corridors.

* * * * *

5. Allowable Uses: Uses within Receiving Lands are limited to the following:

* * * * *

- k) Golf courses or driving ranges, subject to the following standards:

Exhibit B –Process and Staff Improvements

(1) The minimum density shall be as follows:

(a) For golf course projects, including both freestanding golf courses and golf courses with associated residential development: one TDR credit shall be required for every five (5) gross acres of land area utilized as part of the golf course, including the clubhouse area, rough, fairways, greens, and lakes, but excluding any area dedicated as conservation that is non-irrigated and retained in a natural state. Any residential development associated with the golf course shall have a minimum density of one (1) dwelling unit per five acres.

* * * * *

7. Open Space and Native Vegetation Preservation Requirements: (XV)

a) Usable Open Space: Within Receiving Lands projects greater than 40 acres in size shall provide a minimum of 70% usable open space. Usable Open Space includes active or passive recreation areas such as parks, playgrounds, golf courses, waterways, lakes, nature trails, and other similar open spaces. Usable Open Space shall also include areas set aside for conservation or preservation of native vegetation and lawn, yard and landscape areas. Open water beyond the perimeter of the site, street right of-way, except where dedicated or donated for public uses, driveways, off-street parking and loading areas, shall not be counted towards required Usable Open Space.”

- 15) Recognize the important function of golf courses is to provide a source of green space, recreational amenities, social activities, natural and unique views, or wildlife habitat to the surrounding communities. Case studies of golf course conversion illustrate that when open space is maintained or made useable to the surrounding neighborhoods, compromise and consensus is achieved.
- 16) An improved ITC process will require developers a better engagement activity and early start to reach out to residential neighborhoods to discuss their proposal and gain support. Shifting certain requirements from the ITC process to the rezone will make the process more palatable to the developer. Obtaining input and support from residents surrounding the golf course is important to building consensus on the development proposal. In some instances development would be more feasible than others. This is why there is an alternative to the standard greenway design; so if the stakeholders support and the Board approves it, the greenway may be designed differently.

Exhibit B – Process and Staff Improvements

Estero, FL Section: 4-221. Golf Course Conversion. B. Conversion Standards.

Requires a *minimum of 50 percent open space* in the master concept plan for the area to be converted. All non-golf course uses, except for passive recreational use and preserve areas, shall be set back *a minimum average of 70 feet* from lands zoned for or used as residential uses, but *in no case shall be less than 50 feet* at any one location.

Bonita Springs, FL: Division 43. Golf Course Redevelopment Regulations.

Section 4-2312 d.(7)., requires *a minimum of 50’ wide buffer* between existing neighborhoods and any redevelopment. The buffer shall be measured from the property line and it shall include screening a minimum of six feet in height, and be vegetative in nature. Areas of the golf course that remain golf course after redevelopment is complete are exempt from the buffer requirement.

Section 4-2312 d. (9)., states, a redevelopment proposal may propose trails or pathways within the property. If developer proposes to reduce the required buffer, a minimum 12 foot wide paved trail with canopy trees planted at 50 feet on-center shall be provided.

Section 4-2312 d.(11)., requires minimum 40% open space. Where repurposing will result in the elimination or reduction in size of a contiguous golf course or open space, the developer shall consider providing other facilities or amenities or resources that might help offset or mitigate the impact of elimination or reduction. Open space, park and recreational areas should be spread throughout a development and connected with multiuse pathways. 50% of all required open space shall be green or landscape areas.

Fulton County, GA: Appendix B, Article XIX, Section 19.3.4 Golf Course. B. Standards.

“1. *A minimum 100-foot setback* for all buildings and parking areas shall be provided adjacent to any residential district and/or AG-1 district used for single-family.

* * * * *

4. When located outside a golf course/subdivision development, *a minimum 50-foot wide buffer and a ten-foot improvement setback* shall be provided adjacent to all buildings and parking areas when said facilities are located adjacent to any residential district and/or AG-1 district used for single family.”

Lexington County, SC: Section 14-143. Golf Course Redevelopment.

The County requires *at least 100’ buffer strip* of open space. Where there is a larger tract of land containing a house adjoining the golf course the following apply: The residential activity (generally the building footprint) that is more than 300 feet from this property line does not qualify for this open space amenity, and a residential activity that is within 300 feet of, but more than 150 feet from the golf course qualifies for an open space buffer of 50 feet.

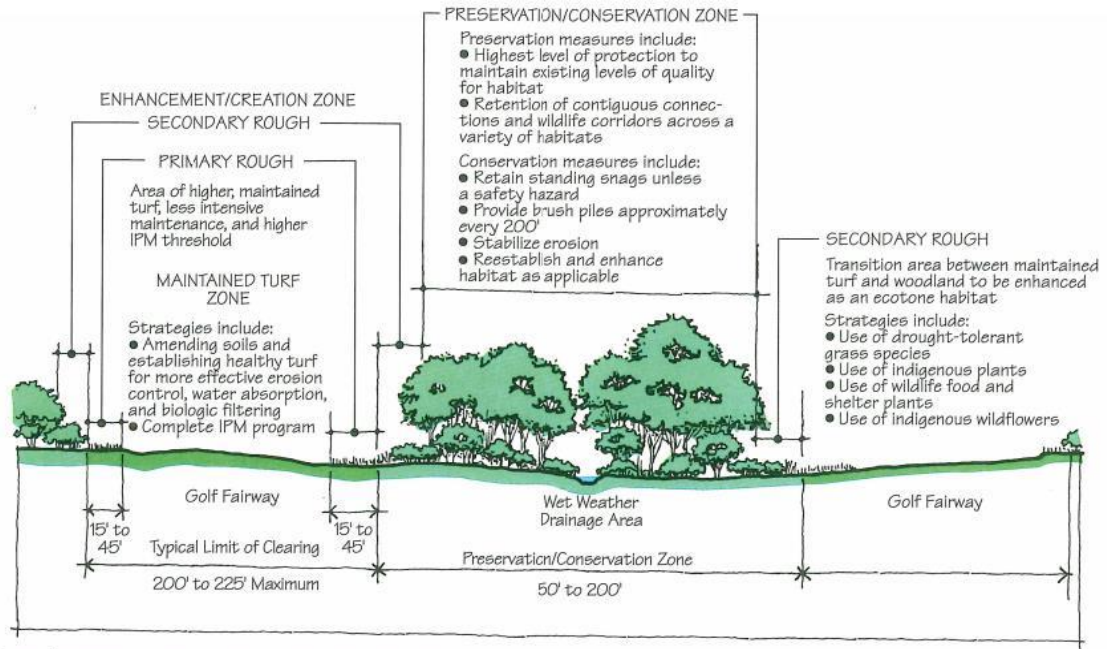
Hendersonville, NC: Section 4.05 B. Greenways.

Greenway easement must be *at least 50 feet wide* and include a 10 feet wide all weather surface trail (paved, either asphalt or concrete) (trail edged with gravel shoulders of at least one foot in width on each side). Greenway dedication or easement is credited towards requirements for public parks. Lands associated with a greenway dedication or easement shall be credited towards any open space set-aside requirements.

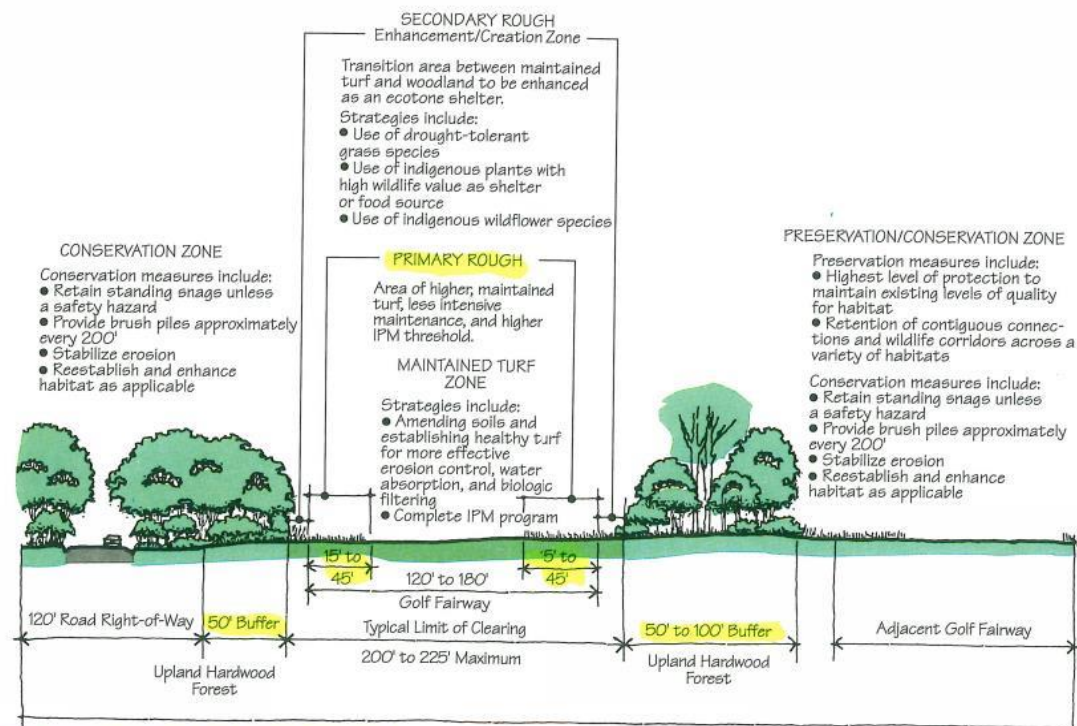
Palm Springs, CA: Chapter 93.23.20 Conversion of Golf Courses, (F) Development Standards.

A required desert greenway shall have a *minimum average width of 100 feet and no less than 75 feet* at any one location. The Council may approve an alternative design that was considered by the Planning Commission.

Exhibit D – Golf Course Conceptual Design



Typical concept section for wet weather drainage areas.
 Source: Guy L. Rando & Associates Inc.



Typical concept section for adjacent fairways.
 Source: Guy L. Rando & Associates Inc.

Exhibit E – Golf Course Inventory 2023

Table 1. 2023 Golf Course Inventory in Collier County						
Excluding Incorporated Marco Island and City of Naples						
#	Name	Address	Zoning	Total Acres	Golf Holes	Private/ Public
<i>Golf Course Zoned Golf Course (1,409 Total Acres)</i>						
1	Country Club of Naples	185 Burning Tree Dr	GC	140.55	18	Private
2	Evergreen (aka Ironwood)	4710 Lakewood Blvd.	GC	33.85	18	Public
3	Glades Golf & CC	174 & 187 Teryl Rd 186 Teryl Rd	GC RMF 6 RMF 16	87.53	36	Private
4	Hibiscus Golf Club	5375 Hibiscus D 254 Pinehurst Circle 5376 Hibiscus Dr	GC	161.78	18	Public
5	Imperial Golf Club	1808 Imperial Golf Co Blvd / 13204 Wedgefield Dr	GC	297.38	36	Private
6	Lakewood CC	4236 Lakewood Blvd 4341 Beechwood Lake Dr	GC	54.25	18	Private
7	Palm River CC (LaPlaya)	532 Cypress Way East 220 Cypress Way East (Maintenance Bldg.) 113 Viking Way (Administration Bldg.)	GC RSF-3	142.27	18	Private
8	Quail Creek CC	13300 Valewood Dr-North 13296 Valewood Dr-South	GC	316.9	36	Private
9	Quail Run Golf Club	499 Forest Lakes Blvd 1 Forest Lakes Blvd	GC	80.84	18	Private
10	Riviera Golf Club of Naples	164 Estelle Dr	GC	93.53	18	Public
<i>PUD Zoned Golf Courses (10,720 total acres)</i>						
11	Arrowhead Golf Course	2205 Heritage Greens Dr	PUD	140.59	18	Public
12	Audubon CC- East 12 holes	3801 Woods Edge Parkway /16315 Vanderbilt Dr/225 Audubon Blvd	PUD	240.91	18	Private
13	Bentley Village Golf Club-The Retreat	2550 Golfside Dr	PUD	22	18	Private
14	Cedar Hammock Golf & CC	8660 Cedar Hammock Blvd /8661 Cedar Hammock Blvd	PUD	112.33	18	Private
15	Classic CC at Lely Resort	9359 Lely Resort Blvd/7989 Grand Lely Dr	PUD	223.04	18	Private
16	Club at Mediterra	15755 Corso Mediterra Cir 15442 Corso Mediterra Cir 15755 Corso Mediterra Cir	PUD	305.4	36	Private

Exhibit E – Golf Course Inventory 2023

		15519 Corso Mediterra Cir				
		15464 Corso Mediterra Cir				
		15462 Corso Mediterra Cir				
		16899 Livingston Rd				
17	Club at Pelican Bay	7513 Pelican Bay Blvd /707 Gulf Park Dr./ 708 Gulf Park Dr.	PUD	215.26	27	Private
18	Collier's Reserve CC	11711 Collier's Reserve Dr 11715 Collier's Reserve Dr	PUD PUD	199.7	18	Private
19	Countryside Golf Club	600 Countryside dry	PUD	144.01	18	Private
20	Cypress Woods Golf & CC	3486 Grand Cypress Ct 3010 Northbrooke Dr	PUD	175.72	18	Public
21	Eagle Creek CC	11 Cypress View Dr	PUD	150.64	18	Private
22	Esplanade Country Club	8915 Torre Vista Lane	PUD	170.38	18	Public
23	Forest Glen Golf & CC	3855 Forest Glen Blvd 3859 Forest Glen Blvd	PUD	201.65	18	Private
24	Foxfire CC	1030 Kings Way 4304 Flamingo Dr	PUD	270.09	27	Private
25	Glen Eagle @ Bretonne Park	1403 Glen Eagle Blvd	PUD	147.35	18	Private
26	Golden Gate Golf Course	4100 Golden Gate Parkway	GC	112	12	Public
27	Grey Oaks Golf & CC	2756 Buckthorn Way 3035 Indigobush Way 2400 Grey Oaks Dr N 2600 Golden Gate Parkway 2428 Grey Oaks Dr S 2600 Golden Gate Parkway 1732 Grey Oaks Dr S	PUD	420.9	36	Private
28	Heritage Bay Golf Course- CH&P	10154 Heritage Bay Blvd 10171 Heritage Bay Blvd 10357 Heritage Bay Blvd 10378 Smokehouse Bay Dr	PUD- RFMUD PUD	142.213	27	Public
29	Kensington Golf & CC	2700 Pine Ridge Rd 5356 Kensington Park Blvd 4084 Kensington High St	PUD	174.54	18	Private
30	Lely Flamingo Island Club	8006 Lely Resort Blvd 8135 Tiger Island Blvd 8170 Tiger Island Blvd 8006 Lely Resort Blvd.	PUD	260.88	18	Private

Exhibit E – Golf Course Inventory 2023

		9284 Lely Resort Blvd				
31	Marco Shores (The Rookery)	8999 Fiddler's Creek Parkway	PUD	243.53	18	Private
32	Marco Shores CC (Hammock Bay Golf & CC)	2000 Mainsail Dr 1390 Borghese Lane	PUD	137.31	18	Private
33	Mustang @ Lely Resort	7870 Grand Lely Drive	PUD	221.71	18	Private
34	Naples Grande Golf Club (Grey Oaks)	7220 Golden Gate Parkway 7335 Premier Dr	PUD	169.333	18	Private
35	Naples Heritage	8150 Heritage Club Way	PUD	170.15	18	Private
36	Naples Lakes CC	4784 Naples Lakes Blvd	PUD	364.58	18	Private
37	Naples National Golf Club	9325 Collier Blvd	PUD	312.42	18	Private
38	Old Collier Golf Club	790 Main House Dr	PUD	460.4	18	Private
39	Olde Golf Club at Cypress	7199 Treeline Dr 7165 Immokalee Rd 2470 Logan Blvd N	PUD	167.66	18	Private
40	Pelican Marsh Golf Club	1505 Pelican Marsh Blvd 1810 Persimmon Dr 8787 Airport Rd 8801 Muirfield Dr	PUD	213.29	18	Private
41	Bay Colony Club	9740 Bent Grass Bend	PUD	162.24	18	Private
42	Quail Village Golf Club	11723 Quail Village Way	PUD	78.52	18	Private
43	Quail West Golf & CC	6870 Bernwood Farms Rd 5950 Burnham Rd	PUD	254.55	36	Private
44	Quarry at Heritage Bay (The Golf Lodge)	8950 Weathered Stone Rd 8950 Weathered Stone Rd 8960 Weathered Stone Rd 9052 Quarry Dr 9815 Nickel Ridge Cir 9488 Quarry Dr 9385 Weathered Stone Rd 9395 Weathered Stone Rd	PUD- RFMUD PUD	173.98	18	Private
45	Fiddler's Creek (The Creek)	3478 Club Center Blvd 3473 Runaway Lane 3480 Runaway Lane 3470 Club Center Blvd	PUD	144.7	18	Private
46	Royal Palm CC	405 Forest Hills Blvd	PUD	188.67	18	Private
47	Royal Wood Golf & CC	4300 Royal wood Blvd	PUD	128.08	18	Private

Exhibit E – Golf Course Inventory 2023

60	Boyne South Golf Course	18895 Royal Hammock Blvd 18100 Lake Hammock Dr 18047 Royal Hammock Blvd	RFMUD- PUD	167.98	18	Public
61	Olde Florida Golf Club	8835 Vanderbilt Beach Rd. Ext 8836 Vanderbilt Beach Rd. Ext	RFMUD- PUD	328.72	18	Private
62	Golf Club of the Everglades	24311 Walden Center	RFMUD- PUD	246.37	18	Private
63	Kinsale Golf Club <i>Under Construction</i>	13968 Vanderbilt Dr 14492 Cocohatchee Rd.	PUD	171.76	18	Private
<i>Agricultural Zoned Golf Courses (2,638 total acres)</i>						
64	Twin Eagles Golf & CC	11725 Twin Eagles Blvd 11729 Twin Eagles Blvd	A-MHO- RFMUD	644.92	36	Private
65	Bonita Bay Club East	11611 Immokalee Rd	A-CU- RFMUD	1027.79	36	Private
66	Hideout Golf Club	3065 Brantley Blvd 3050 Brantley Blvd	A-CU- RFMUD	190	18	Private
67	Calusa Pines	2000 Calusa Pines Dr 2001 Calusa Pines Dr 2250 Ridge Dr	A-CU- RFMUD	225.54	18	Private
68	Links of Naples	16169 Tamiami Trl E 16151 Tamiami Trl E 11090 E. Hamilton Rd 16169 Tamiami Trl E	A-CU- RFMUD	82.68	18	Public
69	Panther Run	6041 Anthem Parkway 6055 Anthem Parkway 6005 Anthem Parkway 5455 Ave Maria Blvd 6005 Anthem Parkway	A- MHOI- RLSAO	253.98	18	Public
70	National Golf & CC at Ave Maria	5909 Double Eagle Circle	A-MHO- RSLAO	213.18	18	Semi-Private
<i>RMF-16 Zoned Golf Courses (29 total acres)</i>						
71	High Point CC	1100 High Point Dr	RMF-16	29	9	Public
				Total	14,795.9	
				Sum		

Note: Additional undeveloped golf courses are permitted PUD uses within, Fiddler's Creek (The Preserve), Heritage in Immokalee, Orange Blossom Ranch, and Rivergrass Village SRA.

Research Methodology: 1) Each parcel encompassing all areas of a golf course where located and reviewed by GIS aerials including but not limited to; clubhouse and parking, parking range, maintenance buildings, lakes, wetlands adjoining and within a golf course at the current Real Property Appraiser's Website. The land use codes, acreage size, and addresses are derived from the County Real Property Appraiser's project summary sheets. The County's real property Land Use Codes included: LUC-38 golf course driving ranges, LUC- 28 parking lots, LUC-99 non-agricultural acreage, LUC-95 Rivers and Lakes, submerged lands or LUC-96 borrow pits, drainage reservoirs, waste lands, marsh, swamps, etc. In some instances, the land use code could be undetermined and additional research was required or established from a prior inventory. The property address names were then compared to confirm or validate the various entities owning the golf course to ensure consistency. In the case of a bundled golf course community where everyone has equal ownership, the most frequent property name found was by a master or community association. Careful attention was given to avoid inclusion of common master community association maintained or owned parcels that do not support a golf course function or operation. The above total acres column contains one or more parcels for each address. 2) The number of golf holes derived for each course or golf club was verified by a website and in other cases aerial counted and confirmed in a telephone call. 3) The course status (private or public) was carried over from staff's prior studies and is subject to change as reported to the National Golf Club Foundation or by club membership direction or subsequent change.

Richard Henderlong

From: Michael Fernandez <mfernandez@planningdevelopmentinc.com>
Sent: Tuesday, January 16, 2024 11:07 AM
To: Marissa Fewell
Cc: Eric Johnson; Richard Henderlong; Maria Estrada
Subject: PL20230012905 - Updates to Golf Course Conversion - Intent to Convert Process - Input for Consideration

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Good morning all,

Thank you for this opportunity to provide input.

The ITC process was a well intend process.

Unfortunately, when either the applicant or the public are empowered it can result in a one-sided process. On our Evergreen ITC we entered the process and put our best foot forward. In general, the public for the initial pre-ITC meeting advised that no matter what was proposed, no redevelopment was the only acceptable resolution, and they were led to believe that properties such as Evergreen GC were undevelopable.

The Evergreen Proposal was to develop only a very small portion of the property with reasonable multi-family intensity, and it incorporated every design opportunity to minimize impacts and it adhered to all applicable and newly adopted more restrictive greenway, setback, and buffer standards – all more restrictive than existing LDC Standards.

We believe that the process did nothing more add significant costs and time and uncertainty to the entitlement process – funds and time which could have been better be spent on the realization of a quality project.

Of course, for Evergreen GC and other commercial (for profit) golf courses which are willing to incorporate workforce / affordable housing consistent with the governing Florida’s Live Local Act....the ITC process is no longer applicable, and the landowner can go directly to Site Development Plan (SDP) and Building Permits by adhering to applicable development standards for Greenways and Setbacks. Interestingly, Evergreen ITC proposed the inclusion of affordable housing which does quality for the Live Local Act.

Our recommendation is that the County scrap the ITC process but adopt the ITC development standards (greenway percentage and width and setbacks) of the current ITC provisions. Landowners/developers can either develop under the provisions of the Live Local Act or they can elect to be processed through the County’s PUD process which already affords / requires reasonable notification and neighborhood interactions (NIM).

Again, thank you for this opportunity.

Regards,

Michael
Michael R. Fernandez AICP RA NCARB (FL/OH/IN/KY)
Architect / President



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State of Florida Corporate Certification of Authorization No's:

Architecture AR95440 Engineering CA No.8450; AICP Cert.#9381

Richard Henderlong

From: Alan Carpenter <apcarpjrrge@gmail.com>
Sent: Tuesday, January 16, 2024 8:06 PM
To: Eric Johnson; Richard Henderlong
Cc: Patricia Campbell; Peter Osinski
Subject: Questions raised today at the DSAC sub-committee meeting
Attachments: Comments to DSAC meeting Jan 16, 2024.docx

EXTERNAL EMAIL: This email is from an external source. Confirm this is a trusted sender and use extreme caution when opening attachments or clicking links.

Eric, Rich,

Thank you for allowing us the time to share our questions and comments today. Although the record of the meeting will have more details, I thought I would send the primary questions/comments that I had mentioned. These are attached.

Thank you again, Alan

Alan Carpenter
Secretary, Board of Directors
Riviera Golf Estates Homeowner's Association
425 Charlemagne Blvd.
Naples, FL 34112
239-775-3573 (office)
857-928-4520 (mobile)

Questions/Comments to DSAC re: Proposed Changes to LDC 5.05.15

1. Will these proposed changes to 5.05.15 of the LDC apply to all GC rezoning applications going forward? (RGC, Evergreen?) If so, then the currently proposed dimensional standards and requirements would be applied? If not, then the current Code standards would be applied?
2. We applaud the proposal to require preliminary data on soil testing and protected species (wildlife and vegetation) in the rezoning application. Is that the intent? The RGC golf course is of the same vintage as the Golden Gate course, and we all know what was discovered when soil testing was performed there. In addition, there are known protected species on the land. Better rezoning plans can be created based on that foreknowledge, avoiding future delays and unanticipated development expenses.
3. What is the purpose of a greenway? The current and proposed revisions to this section of Code states that recreational use and open space views are part of the intent...and (implicitly) the preservation of abutting homeowner's property values is also critical to avoid any future legal disputes. It is a balancing of interests. Should that be recognized in the Code revisions?

Other comments/suggestions:

- Stormwater retention lakes are not allowed for recreational use, should not include the areas in greenway calculations.
- SOMs may be less unruly if scheduled in appropriate venues (not sports park)
- Conceptual plans with preliminary stormwater and soil test results are needed for golf courses which also act as floodplains.
- Post development stormwater plans should meet current day stormwater engineering standards, not "equivalent" to systems designed in the 1970s (such as the drainage on the RGC golf course)
- Provisions for the exchange of alternative public benefits in a golf course redevelopment for deviations from greenway or other standards are appropriate; these are not be considered an additional burden on the applicant, but should be mutually agreed-upon benefits to the applicant in exchange for certain public benefits (e.g. recreational uses, infrastructure improvements, etc)

Alan Carpenter
Secretary, Board of Directors
Riviera Golf Estates Homeowners Association, Inc.

January 16, 2024

Questions from Peter Osinski
Rivera Golf Estates
845 220 7622
Posinski8@gmail.com

Question 1:

In Section 5 ii, the proposed language stipulates that the GREENWAY shall have an average width of 75 feet (down from 100) and no less than 50 feet (down from 75) at any one location.

The next sentence is new text: For golf courses zoned Golf Course and Recreational Uses, "GC", a minimum 50 feet **buffer zone and building setback** width from abutting residential shall be maintained etc.

Please define "buffer zone and building setback" in this context. Is it a term synonymous with Greenway or is it a separate dimensional entity to be maintained in addition or conjunction with the Greenway?

If the newly included **buffer zone and building setback** is an additional dimensional entity, can we assume that the proposed language is adding another 50 feet to the required distance from any new building to the property line...in other words, 75 foot Greenway plus 50 foot buffer/setback equals 125 feet?

While the new language allows the Board discretion over the Greenway dimensions, does it allow the board discretion over the 50 ft setback?

Question 2:

Sections 5d and D, 1, the existing language refers to "other recreational uses" in the Greenway and lighting in the conversion project to be "**vetted**" at the SOMs.

The actual definition of **vetted** is: to examine something or carefully to make certain that it or they are acceptable or suitable.

Please define exactly what "**vetted**" means in this context of the SOMs. Does it mean, as an applicant tried to represent to us, is simply a concept that was presented at a SOM or does it mean a concept that was presented at a SOM and after consideration, deemed acceptable by the stakeholders?

If it is the latter, how do we establish that something was presented considered and finally vetted at a SOM? Should the language include some sort of written acknowledgement that a particular concept was indeed vetted? And if there is no requirement to document a “vetted” concept, much of what happens in the SOMs simply becomes whatever the applicant says happened in the follow up SOM report...rendering the SOM to be a far less meaningful exercise and stakeholder input easily disregarded.

Question 3:

At Rivera Golf Estates, the Golf Course property subject to development is entirely encompassed within our Over 55 community and inserting a non-age restricted development within our confines will create many serious compatibility, quality of life, public safety, and traffic issues. And we have to assume that there are other over 55 communities in Collier county that would be similarly affected by non-age restricted development adjacent to a significant portion of their borders.

We feel that the ITC requirements should address this important compatibility issue by adding language that requires the applicant determine the percentage of Over 55 communities adjacent to it's proposed borders and require that the proposed community must also be Over 55 if more than a certain percentage of it's property borders such a community. Additional fencing and screening along the Over 55 borders might also be prudent for proposed properties with less than the aforementioned percentage.

Question 4:

What is the projected timeframe for approval and implementation of these updates?

Will these updates apply to existing ITC applications or will such applications continue to be subject to the current regulations?

LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20230018350

ORIGIN

Board of County
Commissioners (Board)

SUMMARY OF AMENDMENT

This amendment updates the provisions related to the removal of prohibited exotic vegetation in the Land Development Code (LDC) by identifying additional site improvements that may occur without initiating the removal requirements. LDC amendments are reviewed by the Board, Collier County Planning Commission (CCPC), Development Services Advisory Committee (DSAC), and the Land Development Review Subcommittee of the DSAC (DSAC-LDR).

HEARING DATES

BCC	TBD
CCPC	TBD
DSAC	02/07/2024
DSAC-LDR	01/16/2024

LDC SECTION TO BE AMENDED

03.05.08 Requirement for Removal of Prohibited Exotic Vegetation

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR	DSAC	CCPC
Approval with Recommendations	TBD	TBD

BACKGROUND

The first tree protection ordinance was adopted by the County, pursuant to Ord. 1973-23. It included provisions for a tree removal permit process, and it identified a short list of tree species that were exempted from protection. The ordinance was amended in 1974 and then repealed/replaced twice; once in 1975 and again in 1976, the latter of which representing the time when the County adopted comprehensive zoning regulations for the Coastal Area Planning District (i.e., Ord. 1976-30).

When Ord. 1979-73 was adopted, the County started requiring the removal of exotic plants on properties where improvements were proposed, except on lands used for agricultural purposes or on properties zoned and platted for single-family residential homes. In January 1982, the County adopted a new zoning ordinance (Ord. 1982-2); however, this new ordinance inadvertently omitted the Exotic Vegetation Section until it was corrected in May 1982 with the adoption of Ord. 1982-37, reinstating the requirement that exotics be removed on all lands, except for single-family residential use or agriculturally zoned lands.

Additional changes to the code would be made over the years, notably with the adoption of Ord. 2004-08, which introduced the requirement for preserve management plans and the removal of exotic vegetation within the first 75 feet of the outer edge of every preserve; however, single family residences were specifically exempted. When the code was comprehensively updated again with the passage of Ord. 2004-41, the requirement for removing exotic vegetation prior to the issuance of a certificate of occupancy was extended to include new principal and accessory structures on single and two family lots. However, tents, awnings, cabanas, utility storage sheds, and screen enclosures were not exempted until the adoption of Ord. 2005-27.

Subsequent amendments to LDC section 3.05.08 occurred in 2008 and 2015. At the Board hearing on December 12, 2023, under Staff and Commission General Communications, Commissioner Hall requested that staff update

the LDC as it pertains to the removal of exotic vegetation.

DSAC-LDR Subcommittee Recommendation:

On January 16, 2024, the DSAC-LDR Subcommittee recommended approval of the LDC amendment, contingent upon eliminating the proposed text on page 4, lines 39-40 (“within the approved cleared area and within seven and one-half (7.5) feet from all property lines”) and the similar text on page 4, lines 48-49.

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts associated with this amendment.

GMP CONSISTENCY

The proposed LDC amendment has been reviewed by Comprehensive Planning staff and may be deemed consistent with the GMP.

EXHIBITS: None

1 **Amend the LDC as follows:**

2 **3.05.08 – Requirements for Removal of Prohibited Exotic Vegetation**

3
4 Prohibited exotic vegetation specifically includes the following:

5
6 Earleaf acacia (*Acacia auriculiformis*)

7
8 Australian pine (*Casuarina* spp.)

9
10 Melaleuca (*Melaleuca* spp.)

11
12 Catclaw mimose (*Minosa pigra*)

13
14 Downy rosemyrtle (*Rhodomyrtus tomentosa*)

15
16 Brazilian pepper (*Schinus terebinthifolius*)

17
18 Java plum (*Syzygium cumini*)

19
20 Women's tongue (*Albizia lebbbeck*)

21
22 Climbing fern (*Lygodium* spp.)

23
24 Air potato (*Dioscorea bulbifera*)

25
26 Lather leaf (*Colubrina asiatica*)

27
28 Carrotwood (*Cupaniopsis anacardioides*)

29
30 A. General.

- 31
- 32 1. Prohibited exotic vegetation removal and methods of removal shall be conducted
33 in accordance with the specific provisions of each local development order.
 - 34 2. Native vegetation shall be protected during the process of removing prohibited
35 exotic vegetation, in accord with the provisions of LDC section 3.05.04.
 - 36 3. Prohibited exotic vegetation shall be removed from the following locations, and
37 within the following timeframes:
 - 38 a. From all rights-of-way, common area tracts not proposed for development,
39 and easements prior to preliminary acceptance of each phase of the
40 required subdivision improvements.
 - 41 b. From each phase of a site development plan prior to the issuance of the
42 certificate of occupancy for that phase.
- 43
44
45
46
47

- 1 c. From all golf course fairways, roughs, and adjacent open space/natural
2 preserve areas prior to the issuance of a certificate of occupancy for the
3 first permitted structure associated with the golf course facility.
4
5 d. From property proposing any enlargement of existing interior floor space,
6 paved parking area, or substantial site improvement prior to the issuance
7 of a certificate of occupancy.
8
9 4. In the case of the discontinuance of use or occupation of land or water or structure
10 for a period of 90 consecutive days or more, property owners shall, prior to
11 subsequent use of such land or water or structure, conform to the regulations
12 specified by this section.
13
14 5. Verification of prohibited exotic vegetation removal shall be performed by the
15 County Manager or designee.6.Herbicides utilized in the removal of prohibited
16 exotic vegetation shall have been approved by the U.S. Environmental Protection
17 Agency. Any person who supervises up to eight (8) people in the application of
18 pesticides and herbicides in the chemical maintenance of exotic vegetation in
19 preserves, required retained native vegetation areas, wetlands, or LSPA shall
20 maintain the Florida Dept. of Agriculture and Consumer Services certifications for
21 Natural Areas Pesticide Applicators or Aquatic Herbicide Applicators dependent
22 upon the specific area to be treated. When prohibited exotic vegetation is removed,
23 but the base of the vegetation remains, the base shall be treated with an U.S.
24 Environmental Protection Agency approved herbicide and a visual tracer dye shall
25 be applied.
26
27 B. Exotic vegetation maintenance plan. A maintenance plan shall be submitted to the County
28 Manager or designee for review on sites which require prohibited exotic vegetation
29 removal prior to the issuance of the local development order. This maintenance plan shall
30 describe specific techniques to prevent reinvasion by prohibited exotic vegetation of the
31 site in perpetuity. This maintenance plan shall be implemented on a yearly basis at a
32 minimum. Issuance of the local development order shall be contingent upon approval of
33 the maintenance plan. Noncompliance with this plan shall constitute violation of this
34 section. The County Manager or designee shall inspect sites periodically after issuance of
35 the certificate of occupancy, or other final acceptance, for compliance with this section.
36
37 C. Applicability to new structures ~~and to additions~~ on single-family and two-family lots. In
38 addition to the other requirements of this section, the applicant shall be required to remove
39 all prohibited exotic vegetation within the approved cleared area and within seven and
40 one-half (7.5) feet from all property lines before a certificate of occupancy is granted on
41 any new principal ~~structure or accessory structure and any additions to the square footage~~
42 ~~of the principal or accessory structures~~ on single-family or two-family lots. This shall not
43 apply to residential alterations, additions, or accessory structures, including but not limited
44 to guesthouses, detached garages, carports, swimming pools, fences, tents, awnings,
45 cabanas, utility storage sheds, or screened enclosures not having a roof impervious to
46 weather. This shall not apply to interior remodeling of any existing structure.
47
48 The removal of prohibited exotic vegetation shall be required in perpetuity within approved
49 clearing areas and within seven and one-half (7.5) feet from all property lines. Upon
50 issuance of a vegetation removal permit, subject to the provisions in LDC section 3.05.02

1 F. and G., prohibited exotic vegetation may be removed prior to issuance of a building
2 permit.
3

4 D. Exceptions. Prohibited exotic vegetation may remain on property when the County
5 Manager or designee receives a request from the property owner to retain the vegetation.
6 The County Manager or designee shall approve such a request upon finding that at least
7 one of the following criteria has been met.
8

9 1. The prohibited exotic vegetation has been previously approved through the County
10 development review process and planted in accordance with the landscape
11 requirements at the time of final local development order approval.
12

13 2. The subject lot is developed with, or proposed to be developed with, a single family
14 dwelling unit, and:
15

16 a. is not within the RFMU Sending Lands overlay district; and
17

18 b. is not within a NRPA overlay district; and
19

20 c. is not located on a undeveloped coastal barrier island; and
21

22 d. the vegetation requested to be retained is an existing Java plum tree(s) that
23 has attained a single-trunk diameter at breast height (DBH) of 18 inches or
24 more.
25

26 3. The prohibited exotic vegetation contains a nest of a bald eagle. Where such
27 vegetation occurs within a bald eagle nest protection zone, removal shall be in
28 accordance with the FWC Bald Eagle Management Plan and FWC Bald Eagle
29 Management Guidelines, or as otherwise permitted by the FWC and/or USFWS.
30 Where a bald eagle nest is determined to be "lost" as defined by the FWC, such
31 vegetation shall be removed as required by LDC section 3.05.08.
32

33 # # # # # # # # # # # # #