



LAND DEVELOPMENT CODE AMENDMENT

PETITION

PL20200002512

ORIGIN

Growth Management Department (GMD)

SUMMARY OF AMENDMENT

This amendment shall clarify when soil and/or groundwater sampling is required in the development review process for the conversion of golf courses to non-golf course uses.

HEARING DATES

BCC 7/13/2021
 CCPC 06/03/2021
 DSAC 02/03/2021
 DSAC-LDR 12/15/2020

LDC SECTION TO BE AMENDED

3.08.00 ENVIRONMENTAL DATA REQUIREMENTS
 5.05.15 Conversion of Golf Courses

ADVISORY BOARD RECOMMENDATIONS

DSAC-LDR
Approval

DSAC
Approval

CCPC
Approval

BACKGROUND

Per LDC section 5.05.15 G.6., soil and/or groundwater sampling is currently required at the time of application of all zoning actions, Stewardship Receiving Area (SRA) amendments, and Compatibility Design Review applications which are processed subsequently to completing the requirements of the Intent to Convert (ITC) application from a golf course to non-golf course use.

Additionally, LDC section 3.08.00 A.4.d.ii. requires the soil and/or groundwater sampling to be completed at the time of the first development order submittal.

This amendment is intended to grant an applicant flexibility in the development review process by deferring the required soil and/or groundwater sampling to no later than the time of the early work authorization (EWA), site development plan (SDP), or subdivision plat (PPL) submittal. These application types represent the first development order when earthwork may occur. The amendment also relocates portions of the existing LDC section 5.05.15 G.6. to LDC section 3.08.00 A.4.d.ii.a. In LDC section 5.05.15 G.6, the revised text maintains a cross reference to LDC section 3.08.00 A.4.d., Environmental Data Requirements.

A revised companion Administrative Code amendment is required to modify the Application Content section of Chapters 3.K (item 11) and 4.N (item 16).

FISCAL & OPERATIONAL IMPACTS

There are no anticipated fiscal or operational impacts to the County 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: A) Administrative Code Chapters 3.K.-Compatibility Design Review and 4.N.-Intent to Convert Application for Golf Course Conversions.

Amend the LDC as follows:

3.08.00- ENVIRONMENTAL DATA REQUIREMENTS

A. Environmental Data Requirements.

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4. Environmental Data. The following information shall be submitted, where applicable, to evaluate projects.

* * * * *

d. General environmental requirements.

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ii. Soil and/or ~~ground water~~ groundwater sampling shall be required ~~at the time of first development order submittal~~ no later than time of Early Work Authorization (EWA), SDP, or PPL submittal, whichever is the first to occur, for sites that occupy farm fields (crop fields, cattle dipping ponds, chemical mixing areas), golf courses, landfill or junkyards or for sites where hazardous products exceeding 250 gallons of liquid or 1,000 pounds of solids were stored or processed or where hazardous wastes in excess of 220 pounds per month or 110 gallons at any point in time were generated or stored. The amount of sampling and testing shall be determined by a registered professional with experience in the field of Environmental Site Assessment and shall at a minimum test for organochlorine pesticides (U.S. Environmental Protection Agency (EPA) 8081) and Resource Conservation and Recovery Act (RCRA) 8 metals using Florida Department of Environmental Protection (DEP) soil sampling Standard Operating Procedure (SOP) FS 3000, in areas suspected of being used for mixing and at discharge point of water management system. Sampling should occur randomly if no points of contamination are obvious. Include a background soil analysis from an undeveloped location hydraulically upgradient of the potentially contaminated site. Soil sampling should occur just below the root zone, about 6 to 12 inches below ground surface or as otherwise agreed upon with the registered professional with experience in the field of Environmental Site Assessment. Include in or with the Environmental Site Assessment, the acceptable State and Federal pollutant levels for the types of contamination found on site and indicate in the Assessment, when the contaminants are over these levels. If this analysis has been done as part of an Environmental Audit then the report shall be submitted. The County shall coordinate with the DEP where contamination exceeding applicable DEP standards is identified on site or where an

48 Environmental Audit or Environmental Assessment has been
49 submitted.

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51 a) Conversion of golf courses have further soil and/or
52 groundwater sampling requirements. In addition to the
53 sampling requirements established in LDC section 3.08.00
54 A.4.d., the applicant shall conduct soil and/or groundwater
55 sampling for the pollutants as follows: managed turf,
56 chemical storage/mixing areas, and maintenance areas (i.e.
57 equipment storage and washing areas, fueling and fuel
58 storage areas) shall be tested for organophosphate,
59 carbamate, triazine pesticides, and chlorinated herbicides.
60 In addition, maintenance areas, as described above, shall
61 be tested for petroleum products. The County shall notify
62 the Department of Environmental Protection where
63 contamination exceeding applicable Department of
64 Environmental Protection standards is identified on site or
65 where an Environmental Audit or Environmental
66 Assessment has been submitted.

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71 **5.05.15 - Conversion of Golf Courses**

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

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81 6. Soil and/or groundwater sampling may be deferred by the applicant to Early Work
82 Authorization (EWA), SDP, or PPL submittal, whichever is the first to occur, if the
83 sampling has not been completed by the rezoning, SRA amendment, or
84 compatibility design review public hearings. See LDC Section 3.08.00 A.4.d. In
85 addition to the soil and/or ground water sampling requirements established in LDC
86 section 3.08.00 A.4.d., the applicant shall conduct soil and/or groundwater
87 sampling for the pollutants as follows: managed turf, chemical storage/mixing
88 areas, and maintenance areas (i.e. equipment storage and washing areas, fueling
89 and fuel storage areas) shall be tested for organophosphate, carbamate, triazine
90 pesticides, and chlorinated herbicides. In addition, maintenance areas, as
91 described above, shall be tested for petroleum products. The County shall notify
92 the Department of Environmental Protection where contamination exceeding
93 applicable Department of Environmental Protection standards is identified on site
94 or where an Environmental Audit or Environmental Assessment has been
95 submitted.

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Exhibit A – Proposed Administrative Code Section

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Chapter 3. Quasi-Judicial Procedures with a Public Hearing

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K. Compatibility Design Review

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

↔ *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.*

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. Disclosure of ownership and interest information.

Exhibit A – Proposed Administrative Code Section

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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:
 - Legal description;
 - Property identification number;
 - Section, township, and range;
 - Address of the subject site and general location;
 - Size of property in feet and acres;
 - Zoning district;
 - Plat book and page number; and
 - 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:
 - Legal description;
 - Property identification number;
 - Section, township and range; and
 - 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;
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.
14. A narrative describing how the applicant has complied with the criteria in LDC sections 5.05.15 F.3, including:
 - A list of examples depicting how each criterion is met;
 - A brief narrative describing how the examples meet the criterion; and
 - Illustration of the examples on the conceptual development plan that are described above.

Completeness and Processing of Application The Zoning Division will review the application for completeness. After submission of the completed application packet accompanied with the required fee, the **applicant** will receive a mailed or electronic response notifying the **applicant** that the petition is being

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processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XXX201200000) assigned to the petition. This petition tracking number should be noted on all future correspondence regarding the petition.

Notice Notification requirements are as follows. ⇔ *See Chapter 8 of the Administrative Code for additional notice information.*

15. 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

- Date, time, and location of the hearing;
- Description of the proposed land uses; and
- 2 in. x 3 in. map of the project location.

16. 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.

Public Hearing **17.** The Planning Commission shall hold at least 1 advertised public hearing.

18. 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** 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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Chapter 4. Administrative Procedures

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N. Intent to Convert Application for Golf Course Conversions

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

↔ 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. Approval of this application is required prior to submitting a conversion application (rezone, PUD, SRAA or Compatibility Design Review petition). 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](#).

Pre-Application A pre-application meeting is required.

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

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. Disclosure of ownership and interest information.
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 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:
 - Legal description;
 - Property identification number;
 - Section, township, and range;
 - Address of the subject site and general location;
 - Size of property in feet and acres; and

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- 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:
 - Legal description;
 - Property identification number;
 - Section, township and range; and
 - 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:
 - Any golf course acreage that was utilized to meet the minimum open space requirements for any previously approved project;
 - Existing preserve areas;
 - Sporadic vegetation less than ½ acre, including planted areas, that meet criteria established in **LDC** section **3.05.07 A.4**; and
 - A matrix demonstrating the following as required in **LDC** section **5.05.15 G.3**:
 - For conventionally zoned districts:
 - County approved preserve acreage; and
 - Any sporadic vegetation acreage used to meet the preserve requirement for the conversion project.
 - For PUDs:
 - County approved preserve acreage; and
 - 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. Stormwater management requirements as required by **LDC** section **5.05.15 G.4**.
 15. Floodplain compensation, if required by **LDC** section **3.07.02**.
 16. 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**.

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17. List of deviations requested, as described in 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. 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:

19. The Developer’s Alternatives Statement as described in **LDC** section 5.05.15 C, including:

- A narrative clearly describing the goals and objectives for the conversion project.
- *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.
- *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.
- *Conceptual Development Plan Alternative*: A conceptual development plan consistent with **LDC** section 5.05.15 C.2.b.iii, and as described in the following section.

20. The conceptual development plan shall include all information described in **LDC** section 5.05.15 C.2.b.iii, and the following:

- An Access Management Exhibit, identifying the location and dimension of existing and proposed access points and legal access to the site.
- A dimensional standards table for each type of land use proposed within the plan.
 - 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.

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- 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.**
- A plan providing the proposed location and design of the greenway (this may be included on the conceptual development plan):
 - *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**):
 - The proposed location of passive recreational uses;
 - Existing and proposed lakes, including lake area calculations;
 - Preserve areas;
 - Any structures or trails related to passive recreational uses;
 - Greenway widths demonstrating a minimum average width of 100 feet and no less than 75 feet shall be identified every 100 feet;
 - 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**;
 - 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
 - Location of any proposed wall or fence pursuant to **LDC section 5.05.15 G.2.f**.
 - 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 plan.
- 21. A narrative statement describing how the greenway will meet the purpose as described in **LDC section 5.05.15 G.2** to retain open space views for stakeholders, support passive recreational uses, and support existing wildlife habitat.

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22. A narrative statement describing the public outreach methods proposed for the **SOMs**, consistent with Administrative Code Chapter 8.F.
23. Web-based survey, including the following:
 - A copy of the web-based survey;
 - The user-friendly website address where the survey will be available; and
 - The dates the survey will be available.

Completeness and Processing of Application

After submission of the completed application packet accompanied with the required fee, the **applicant** will receive an electronic response notifying the **applicant** that the petition is being processed. Accompanying that response will be a receipt for the payment and the tracking number (i.e., XX201600000) assigned to the application. The tracking number should be noted on all future correspondence regarding the petition.

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.*

24. **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 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:

- Explanation of the intention to convert the golf course.
- 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.
- 2 in. x 3 in. map of the project location.
- Applicant contact information.

25. **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 shall remain posted until all **SOMs** are complete. For the purposes of this section, signage, measuring 16 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 **SOM** and the web-based visual survey. The sign shall

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remain posted for 7 days after the last required **SOM**. The location of the signage shall be consistent with *Chapter 8 of the Administrative Code*.

Notice of application for intent to convert [golf course name] to [brief description of the project].

To access materials for the Stakeholder Outreach Meeting and participate in the web-based visual survey, visit [user-friendly URL].

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

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.

Updated