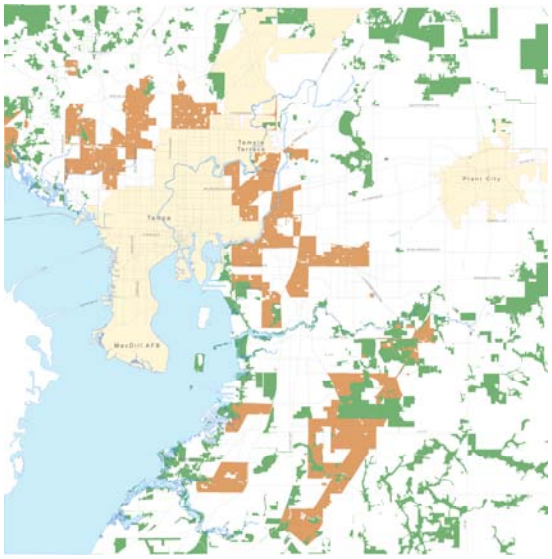
Evaluation & Appraisal Report
Amendments to the Comprehensive Plan
First Cycle of 2007

Transfer of Development Rights Strategy



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Hillsborough County
City-County
Planning
Commission

THE PLANNING COMMISSION

2025 Plan

The recommendations of this report were not adopted in their entirety. To view the changes that were adopted into the Comprehensive Plan, please go to the following link:

http://www.theplanningcommission.org/hillsborough/comprehensiveplan

Data & Analysis

I. Introduction

Hillsborough County, located on Florida's west coast, was home to 1,123,300 people in 2004, according to the University of Florida's Bureau of Economic and Business Research. The County's land area is 682,687 acres, and includes three municipalities: Tampa, Temple Terrace, and Plant City. In 2004, the population of the unincorporated areas was estimated at 734,430, representing 65% of the County's total. The unincorporated portions of the County saw steady growth between 1994 and 2004, increasing in population from 560,630 to 734,430.

This growth in population is accompanied by an increase in the percentage of developed land. Fifty eight (58) percent of the unincorporated area was classified as being either in agricultural use or vacant in 1994. By 2004, only 41 percent of the unincorporated area remained as agriculture or vacant. Table 1 shows how municipal annexations affected the acreage of the unincorporated area from 1994 to 2004, as well as the estimated change in agricultural and vacant lands.

Table 1: Acreage of Agricultural and Vacant Lands, 1994 and 2004

Year	Acreage of Unincorporated Area	Percent of Agricultural and Vacant Lands	Acreage of Agricultural and Vacant Lands
1994	595,357	58%	345,303
2004	588,708	41%	241,370
Net Change	(6,642)	--	(103,933)

Source: Hillsborough County *Evaluation and Appraisal Report*, June 2005.

The unincorporated portion of the County is divided into an Urban Service Area (USA) and a Rural Service Area. The comprehensive plan encourages the majority of the unincorporated area's growth to occur within the USA. Between 1995 and

2004, the County met this goal, with 87 percent of population growth occurring within the USA. Despite the success of the Plan in directing growth to the USA, the County identified the need to ensure that growth occurs in areas with adequate infrastructure as a component of several of its major issues in its recent *Evaluation and Appraisal Report* (EAR). Other major issues identified in the EAR are the loss of rural and environmentally sensitive lands and the need for better development design standards as a way to ensure more open and green spaces are created. For each of these major issues, Transferable Development Rights (TDRs) were identified as a potential strategy to address the concern.

The purpose of this document is to provide an overview of TDR programs; review the County's current TDR program; describe TDR programs in other areas of the country; and to identify strategies to enhance the County's program as a way to ensure that desirable development patterns are encouraged.

II. Overview of Transferable Development Rights

A landowner in the United States actually owns a bundle of rights tied to the land. These rights include: water rights, mineral rights, air rights, the right to use the land, the right to sell the land, pass it on to heirs, the right to lease the land, and the right to develop the land (Daniels and Bowers 1997). Any right in the bundle may be separated from the others and either sold or given away. For instance, it has been a common practice for landowners to sell off mineral rights to mining companies. The landowner still owns the property but the mining company has the right to search for minerals on the property.

A. Definition of Transferable Development Right

A transferable development right (TDR) is a right to construct a dwelling unit or another measure of development, such as floor area ratio, that can be transferred from one property to another. A landowner can sell one or more TDRs to someone who will then be allowed to build more dwelling units per acre or more nonresidential intensity (floor area) than normally permitted in the zoning ordinance. When all of the TDRs are transferred from a property, a perpetual conservation easement is placed on that property and it no longer has any development rights. A conservation easement is a legally binding contract between the landowner and the local government, stating the restrictions that apply to the property, such as only agricultural, forestry, or open space land uses. The property is still privately owned and there is no right of public access.

It is important to note that the bundle of rights that comes with land ownership does not include a right to transfer development rights. Therefore, a state government must enact specific legislation to enable a local government to allow a landowner to send a building right to another parcel owned by someone else. A local government creates a market in development rights between landowners in designated preservation areas (sellers) and developers (buyers) who can then use the TDRs to build at a higher density in the designated growth areas.

The concept of transferable development rights arose in the late 1960s (Costonis 1974, Preutz 1997, Maraist 2001). In 1968, New York City adopted the nation's first TDR program to protect historic landmarks. In a famous U.S. Supreme Court case, the court ruled that New York City's transferable air rights program was legitimate and that the owners of Grand Central Station could earn a

reasonable profit by transferring development potential above Grand Central Station to another site in the city. Thus, the owners of Grand Central Station could build higher than the zoning would normally allow on another site (see U.S. Supreme Court. Penn Central Transp. V. New York City, 438 U.S. 104 (1978)). In 1974, Collier County, Florida used TDRs to transfer 526 development rights to protect 325 acres of saltwater marshes and mangrove swamps. Collier created a much larger TDR program in 2004 (see Collier County 2006). TDRs to protect agricultural areas were first applied on a county-wide basis in Calvert County, Maryland in 1977.

B. Creation and Implementation of a TDR Program

A TDR program is a creation of local government, but state enabling legislation is required to allow local governments to use TDRs. In creating a TDR program, a local government first identifies a sending area from which TDRs are to be taken, known as the preservation area; and then the local government identifies a receiving area, or growth area, where the TDRs will be applied. Next, the local government allocates TDRs to landowners in the preservation or sending area, such as one TDR per five acres. In turn, the local government determines how many TDRs a developer must acquire in order to build at a higher density (known as a "density bonus") in the receiving area. For example, the ratio of TDRs to additional development could be one for one, such as where one TDR is required to build one additional dwelling unit above what the zoning would normally allow. For instance, if the zoning would normally allow two dwelling units per acre, a developer who acquires a TDR could then build an additional dwelling unit or a total of three dwelling units per acre. The value of the TDRs is determined in the market between willing sellers of TDRs (landowners in the

sending area) and willing buyers (developers) who would use the TDRs in the receiving area.

To implement the TDR program, the local government will need to amend the text and maps of the local comprehensive plan and zoning ordinance to permit TDRs. The local government will need to draft a standard conservation easement document to preserve land from which the TDRs have been sold. And finally, the local government will need to approve bonus density and site plans that use TDRs on sites in the receiving area. Since TDR programs are developer-driven, there has to be a demand from the developers to build in the receiving areas or else the developers will not make offers to purchase TDRs. TDR programs have not performed well in rural areas where there is little development demand.

Some local governments, notably the New Jersey Pinelands Program, have used a TDR bank, in which the local government will actively purchase TDRs from willing sellers in the sending area and then sell them to willing buyers to use in the receiving area. A TDR bank provides liquidity, especially in slow economic times, and can establish a floor for TDR prices.

C. Types of TDR Programs

There are essentially two types of TDR programs: voluntary and mandatory (see Johnston and Madison (1997)). Voluntary TDR programs allow a landowner to decide how many TDRs to sell off and how much to develop his/her property. For instance, a landowner owns 50 acres, the property is zoned at one house per five acres, and the landowner has 10 TDRs. The landowner could sell four TDRs

(preserving 20 acres) and then subdivide the property into five lots of 6 acres along with the 20 acre lot. In other words, some residential development in the countryside is allowed along with some preservation. The landowners are the ones who decide on the balance between development and preservation. Voluntary TDR programs also tend to use a single zone which serves as both the sending area and the receiving area (see Board of Commissioners of Calvert County, Maryland (2000)); but may also utilize separate sending and receiving areas.

Mandatory TDR programs restrict or prohibit development in the sending area, depending upon the reasons for the program. A mandatory TDR program designed to protect agricultural lands would not allow any non-farm development in the sending area, while a program designed to preserve scenic vistas would most likely prohibit any development in the sending area. In mandatory TDR programs the landowners decide whether or not to sell TDRs, but they cannot subdivide lots for residential or commercial development in the sending area. The landowners can sell TDRs instead of developing their property. TDRs cannot be applied in the sending area but must be used in a separate designated receiving area where growth is desired. In other words, there are dual zones, a sending area where development cannot occur and a separate receiving area where development is desired. The Tahoe Regional Planning Agency TDR program (in California and Nevada) is the leading example of a mandatory TDR program.

The well-known Montgomery County, Maryland TDR program combines features of both a voluntary and a mandatory TDR program. Like a mandatory

TDR program, the Montgomery program uses a dual zones approach. The sending area was downzoned from one house per five acres to only one house per 25 acres. Landowners were given one TDR per five acres, and have the choice of selling all of their TDRs or else selling some TDRs and developing some lots at the one house per 25 acre density. For example, a landowner who owns 100 acres has 20 TDRs. The landowner could sell all of the TDRs or sell 16 TDRs and subdivide 4 lots. Daniels and Bowers (1997) have described Montgomery's TDR program as compensable zoning.

D. Legal Aspects of TDR Programs

TDRs have drawn the interest of elected local officials because of the potential to avoid the takings issue that has plagued zoning. According to the 5th Amendment to the United States Constitution, government may not take private property unless the government pays the landowner "just compensation." The law is clear on a physical taking of property, but less clear on a regulatory taking of property. That is, a regulation can go too far and result in the loss of any reasonable economic use of the property. But often the courts have to determine when a regulation has gone too far.

To date, the courts have not directly ruled on the legality of using TDRs as just compensation. In *Suitum v. Tahoe Regional Planning Agency*, 96 U.S. 243 (1997), the U.S. Supreme Court ruled that the plaintiff, Mrs. Suitum, did not have a "ripe" situation because she had not tried to sell her TDRs and thus could not say what they were worth (see Preutz 1998).

Similarly, in *Williamstown County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), the Supreme Court ruled that "if a State provides an adequate procedure for seeking just compensation, the property owner cannot claim a violation of the Just Compensation Clause [of the Fifth Amendment] until it has used the procedure and been denied just compensation."

In the first Florida TDR case, *Hollywood v. Hollywood, Inc.*, 432 So. 2d 1332 (Fla. 4th DCA 1983), review denied, 442 So. 2d 632 (Fla. 1983), the court ruled:

> "[A] TDR plan provides a third alternative to either buying the land sought to be preserved (which most municipalities cannot afford) or simply abandoning any attempt to preserve ecologically sensitive areas. This third alternative consists of offering a developer 'fair compensation' in the form of increased development rights on other land in return for land use restrictions on the land south to be preserved" (at 1337).

In *Glisson v. Alachua City*, 558 So. 2d 1030 (Fla. 1st DCA 1990), review denied, 570 So. 2d 1304 (Fla.1990), the court held that a beneficial use of the sending property remained in the TDR program:

> "[B]ecause the regulations permit most existing uses of the property, and provide a mechanism whereby individual landowners may obtain a variance or a transfer of development rights, the regulations on their

face do not deny individual landowners all economically viable uses of their property."

In short, the role of TDRs as "just compensation" has not been fully resolved by the courts. Yet, TDRs rely on state enabling legislation, and thousands of TDR transactions have occurred.

E. Evaluation of TDR Programs

According to figures provided by Grant DeHart, a Maryland planning consultant, there are 53 TDR programs to protect farmland and open space in the United States. Only eight programs have each preserved more than 1,000 acres. Twenty-one programs have preserved more than 100 acres; and 24 programs have each preserved less than 100 acres. More than 100,000 rural acres have been preserved with TDRs, and more than two-thirds of those acres have been preserved by just two TDR programs: Montgomery County, Maryland (more than 40,000 acres) and the New Jersey Pinelands (more than 40,000 acres). Why are some programs more successful than others?

There are three general reasons why TDRs have not worked well in most jurisdictions, and to some degree the three reasons are interconnected.

Economics. TDR programs rely on supply and demand situations that result in negotiated TDR prices and transactions. Often, there is a lack of demand from developers to build in the receiving areas. Part of the reason is that local governments offer insufficient density bonuses for using TDRs in receiving areas. Another reason is that developers can build very profitably in the receiving areas

without acquiring TDRs; and a third reason is that developers can build profitably outside of the receiving areas. As a result of these three situations, developers will not make offers to purchase TDRs from landowners in the sending areas.

Similarly, there may be too many willing sellers of TDRs, but too few willing buyers. This will keep TDR prices low and discourage landowners from selling TDRs. Likewise, if there are too few receiving areas or there is too little space to build on in the receiving areas, the demand for TDRs will be low relative to supply, producing downward pressure on TDR prices and discouraging landowners from selling their TDRs.

Poor Planning and Zoning. Even after adopting a TDR program, few local governments have devoted the time or expertise to do the necessary community-wide planning to make TDRs work (Daniels and Bowers 1997). In some cases, the TDR program simply was not used after the local government adopted it (Bowers 1995). This tended to be the case with voluntary TDR programs; neither landowners nor developers showed much interest. Second, some local governments have not changed their comprehensive plans and zoning to delineate sending and receiving areas; in these situations, developers are able to build just about anywhere and have little incentive to purchase TDRs. If the zoning ordinance does not allow high enough densities in receiving areas for developers who acquire TDRs, then developers will have little incentive to do so. Similarly, if as-of-right zoning capacity exceeds market demand in receiving areas, developers will not need to acquire TDRs to build their projects. Likewise, if the local government is unwilling to grant density increases in receiving areas

only with TDRs, then developers will have no reason to purchase TDRs. In other words, developers can obtain density bonuses in receiving areas without buying TDRs.

On the other hand, if a local government is unwilling to limit development densities in the sending areas to protect farms and open space, then the community may be unable to establish a sufficiently large receiving area to accommodate the large number of TDRs. With lenient zoning in the sending areas, such as one house per three acres, too much development will tend to occur in the sending areas and landowners there will tend to develop their properties rather than sell TDRs. Also, voluntary, single zone TDRs generally do not work well to minimize conflicts between farms and non-farm residential development. Single zone TDR programs allow a fair amount of development near farms.

Some local governments have approved TDR programs without hiring the necessary qualified staff to make the programs work. A successful TDR program requires competent staff and in adequate numbers. The staff must be able to designate places for development and land to protect along with zoning and policies to locate infrastructure. The staff must be able to review and recommend approval of proposed housing developments using TDRs in receiving areas.

Politics. Property owners in the receiving areas often resist the higher densities that allow TDRs to function. Levy (1988) notes that if the transfer of development rights simply increases traffic and congestion, then they will only

make life in the receiving areas worse. This fear, along with a concern about reduced property values, has led to opposition to TDR programs both before they can get started and after they have begun. Also, the infrastructure costs of higher densities are paid by local government or existing residents in the receiving areas through higher taxes. In addition, residents in the receiving areas may not value the benefits of preserving open space in sending areas. Finally, poorly designed housing developments in a receiving area can raise opposition to TDRs and higher densities.

In the sending areas, landowners are often skeptical about the monetary value of TDRs, and they tend to resist downzoning as an infringement on their property rights. In short, TDR programs are difficult to establish in the first place as well as to implement even once they are created.

The transfer of development rights works best in places where land identified for protection is clearly separated from existing development and areas planned for development. This separation enables the local government to create distinct sending and receiving areas, and more effectively promote protection of the countryside and development in designated growth areas. The elements of a successful TDR program are as follows.

1. The TDR system is easy for the public, landowners, and developers to understand, and the system is fairly simple to administer.
2. The local government uses a solid comprehensive plan and appropriate zoning ordinances to support the TDR program. Sending areas

generally limit development and receiving areas include zoning incentives for developers to use TDRs and build at higher densities.

3. There is sufficient development activity which makes landowners in the sending areas confident that there will be a demand for their TDRs.
4. Landowners have an adequate incentive to sell TDRs. Developers have an incentive to purchase TDRs rather than build under existing zoning regulations.
5. The local government has adopted planning policies, zoning ordinances, and capital improvements programs to assure communities in the designated growth areas that TDRs will not overburden local public infrastructure.
6. A landowner is not required to sell all of his/her TDRs at once; rather a landowner can sell a few TDRs at a time. An effective TDR program includes accurate record keeping to let the public know where landowners have sold TDRs and how many TDRs have been sold from a parcel.
7. Political leaders show a commitment to the TDR program.
8. Public involvement and public outreach generate public support for the TDR program.
9. Local governments have hired people skilled in planning and public relations to create the program, explain it to landowners, developers, politicians, and the public, and to make it work.
10. A government TDR bank that purchases and sells TDRs can help keep a program active during slow economic times, and provide a floor underneath TDR prices. Developers may find it easier to purchase TDRs from the government agency than several individual landowners.

11. Ensure that the TDRs are worth something. Factors to consider are: a) the size of the receiving areas and b) density bonuses for developing with TDRs in receiving areas. Landowners must be assured that their TDRs have value and can provide a reasonable return if they are sold. If the receiving area is too large, then the value of TDRs will be diluted. Density bonuses for developers who acquire and then use TDRs in receiving areas will stimulate developer demand for TDRs (Treasure Coast regional Planning Council 2005, 2006).
12. Carefully balance TDR supply and demand. Estimate the total number of TDRs that can be sold and estimate the number of TDRs which developers can use in receiving areas, including both base TDR density and highest TDR bonus density. In general, there should be at least twice as many receiving sites for TDRs than TDRs in the sending areas. This ratio will tend to keep TDR prices high enough for landowners in the sending area to be willing to sell their TDRs.
13. Minimize the uncertainty of TDR transactions and government decisions for developers in receiving areas and landowners in sending areas. TDRs are likely to be a new concept for both landowners in sending areas as well as developers who want to build in receiving areas. A successful TDR program requires a high degree of certainty of where development will happen and where it will not. Landowners in sending areas must understand that their ability to develop their property is tightly restricted. This creates an incentive for landowners to sell TDRs, and it must be easy for them to sell TDRs. If the sale of TDRs is time-consuming and expensive, landowners will be reluctant to participate. Also, landowners must understand their options in terms of developing

their property and selling development rights. An education and information program by the local government is essential to earn the support of landowners for TDRs.

It is important for developers to be able to obtain approval to build in receiving areas using TDRs with a minimum of red tape. It should be clear to developers that they will not receive a density bonus unless they apply TDRs to the project. But the bonus density must be worth the cost of purchasing the TDRs. If developers know they can complete projects involving TDRs in a timely fashion, then they are going to be more likely to purchase TDRs from landowners in the sending areas and more likely to pay good prices for TDRs.

14. Provide design guidelines for development in receiving areas so that higher density will be accepted by local residents. It has been said that Americans hate sprawl and density. But what Americans really dislike is poor design. Mixed-use development at a human scale of height and bulk can be very attractive as well as pedestrian-friendly. Even fairly dense residential areas can be well-designed and highly desirable places to live. In addition to good design guidelines, the local government must be willing to provide or help provide the necessary infrastructure to enable more dense development to function well.

How to Tell if a TDR Program is Successful

1. Large number of acres preserved in the sending area (more than 1,000 acres).
2. Many contiguous or nearly contiguous acres preserved in sending area.
3. Small amount of new residential or commercial development in sending area.

4. Takings challenges avoided (i.e. landowners in sending area satisfied with TDR prices).
5. Developers able to avoid legal challenges (NIMBY suits) in receiving areas.
6. Developers satisfied with cost of TDRs and profit from additional development with TDRs.
7. Low cost to local government to set up and administer TDR program.
8. Periodic monitoring and adjustment to improve TDR program.
9. Durability of the TDR program over time.

Source: Daniels and Bowers (1997, p. 189)

III. Examples of Transferable Development Rights Programs

This section presents examples for ten TDR programs: Montgomery County, MD, New Jersey Pinelands, Calvert County, MD, and seven Florida counties (Collier, Alachua, Marion, Dade, Pinellas, Palm Beach, and St. Lucie). The TDR programs in Montgomery County and the New Jersey Pinelands are widely recognized as the leading programs in the nation. The Calvert County program is Maryland's leading single zone TDR program. The most widely known TDR programs in Florida are those in Collier, Dade and Palm Beach Counties. The programs from Alachua, Marion and Pinellas are included for comparison purposes, and the St. Lucie County TDR Credit Program, approved by the St. Lucie County Commissioners on May 30, 2006, and currently under review by the Florida Department of Community Affairs, is one of the newest programs in the State.

A. Montgomery County, Maryland

Montgomery County, Maryland is a suburban area of 316,800 acres and 820,000 residents just northwest of Washington, D.C. The Montgomery County TDR program was started in the early 1980s. The county created a sending area first by "downzoning" 78,000 acres of farmland from one building right per five acres

to one per 25 acres. Then, the county government gave landowners in the sending area one transferable development right for every five acres owned. The county also identified receiving areas and downzoned these areas from three dwelling units per acre to two units per acre; the county adopted a rule stating that a developer could build an extra dwelling unit per acre by purchasing one transferable development right. The reason why the Montgomery County TDR model has not been widely copied is probably because of the downzoning that the county used in both the sending and receiving areas.

The county has protected a total of more than 65,000 acres within the 78,000 agricultural reserve. Through over 6,000 TDR transactions, the county has protected more than 40,000 acres of farmland. Private developers have spent more than $60 million to acquire TDRs. The other 25,000 acres were preserved through the public purchase of development rights programs and easement donations by landowners. Since 1980, only about 6,000 acres of farmland have been converted to other uses within the agricultural reserve. Montgomery County has had a very active real estate market, thanks in part to its proximity to Washington, DC. Montgomery County initially created 18,000 TDRs in the sending area but only 9,000 TDR residential units in the receiving areas, an unfavorable balance to landowners in the sending areas. As a result early TDR sales averaged only $600 an acre. But more recently TDRs have averaged about $8,000 an acre.

Montgomery County has combined several techniques to make its TDR program work: 1) a county comprehensive plan and 26 area master plans; 2) agricultural zoning to protect farmland in the agricultural reserve; 3) a permit system for

construction projects that involve TDRs; 4) capital improvements programs to influence the location and timing of public services; 5) a TDR bank, which the county has not had to use.

To obtain approval for a project using TDRs, a developer submits a subdivision preliminary plan to create lots and build houses on a piece of land in a growth area. The developer may build one additional dwelling unit more than the base zone allows for each TDR the developer has purchased. But the overall density may not exceed what the master plan for that area allows or may not overburden public services.

The developer must show proof of an option to purchase enough TDRs or the ownership of enough TDRs for the proposed project. The developer must show the deed of transfer from the land in the sending area.

County officials use the final subdivision plan to record the conservation easement on the land in the sending area and to keep track of how many TDRs are being used and how many remain on a particular farm in the sending area. This record keeping helps avoid a duplication of sales of the same TDRs by a landowner or a developer using the same TDRs more than once. Once the conservation easement is recorded, the developer's final subdivision plan receives a site plan approval permit. The developer can now subdivide the land and build houses in the growth area.

B. New Jersey Pinelands

The New Jersey Pinelands is a seven-county area in southeastern New Jersey, stretching from just east of the New Jersey Turnpike down to Cape May. The Pinelands covers 934,000 acres of pitch pines, cedar swamps, cranberry and blueberry operations, as well as towns and hamlets. Underneath the Pinelands is one of the largest aquifers in the entire Northeast.

Selling TDRs in the New Jersey Pinelands Program

1. A landowner in the sending area asks the Pinelands Commission to determine the number of development rights on a property (Letter of Interpretation).
2. The landowner then conducts a title search, obtains subordination agreements from mortgage holders, and records a conservation easement on the property.
3. The Pinelands Development Credit Bank issues a Pinelands Development Credit Certificate to the landowner, stating the number of TDRs.
4. The Pinelands Development Credit may be sold to the Credit Bank or a developer.

At best, the entire process takes about six months.

Source: Daniels and Bowers, 1997.

In 1978, the U.S. Congress passed a motion to protect the Pinelands. In 1979, the State of New Jersey established the Pinelands Commission. The Commission drafted a comprehensive plan for the region's 52 municipalities (approved by the U.S. Secretary of the Interior), featuring a Preservation Area and a Protection Area. The comprehensive plan placed the most environmentally sensitive land in the Preservation Area, and recommended only very limited development. In the Protection Area, development can occur according to certain standards.

In 1981, the Pinelands Commission established a TDR program. Landowners in the Preservation Area were allocated four development rights (equal to one development credit) for every 39 acres of upland or woodland owned. A

developer could purchase four development rights and transfer them to build four additional houses in the Regional Growth Area.

Landowners in the Protection Area were allocated eight development rights per 39 acres of uplands, woodlands, or actively farmed wetlands owned (equal to two development credits). The preservation sending areas have about 24,400 TDRs available for sale, and the receiving areas allow 46,000 more homes to be built than would be allowed under the current zoning.

Very few transfers of development rights occurred in the early 1980s, partly because landowners and developers did not understand the program. In 1985, the State of New Jersey created the Pinelands Development Credit Bank to purchase TDRs from landowners and to sell the TDRs to developers. As of late 2005, the Pinelands TDR program had preserved more than 40,000 acres involving more than 5,200 transactions of TDRs (Pinelands TDR Program 2005).

C. Calvert County, Maryland

Calvert County, Maryland is located on the western shore of the Chesapeake Bay The county covers about 140,000 acres on a peninsula 35 miles southeast of Washington, DC, and 55 miles south of Baltimore, Maryland. In 1977, Calvert County became the first local government to create a transfer of development rights program aimed at preserving farmland. When Calvert County began its TDR program, participation was voluntary and the county did not designate sending and receiving areas. The county considered both sending and receiving sites on a case-by-case basis. Landowners received one TDR per acre.

Developers could add an additional dwelling unit per acre for every five development rights they purchase.

In 1993, the county established sending and receiving areas, a county fund to purchase TDRs, and a goal to preserve 36,000 of the remaining 45,000 acres of farm and forest lands. In the sending zone, a landowner has the option to sell TDRs at the rate of one TDR per acre or to develop the property with houses clustered onto 20 percent of the site. The county zoned land in the sending and receiving areas at one dwelling unit per ten acres and allows increased density in the receiving area when the developer applies TDRs.

Calvert County set up a Purchase and Retirement Fund to acquire TDRs from landowners who want to sell them when there is no private buyer. In 2001, the county added a "Leverage and Retire" (LAR) program. Landowners enter the LAR program by selling all of their TDRs to the county; in return, they receive tax-free interest payments over a 15-year period and are paid the principal at the end of the 15 years. The program allows the county to retire more acreage with a smaller up-front expenditure; it buys zero-coupon bonds to finance the stream of payments.

Owners of farm or forest lands of at least 50 acres can create Agricultural Preservation Districts which make the landowners eligible to sell development rights to the county, the state farmland preservation program, or to developers. There are now more than 30,000 acres enrolled in the Preservation Districts. As of 2006, more than 13,000 TDRs had changed hands and the current price is

$9,000 an acre. Calvert County has preserved over 16,000 acres through the transfer of development rights (Calvert County 2006).

Table 2: Examples of Active TDR Programs, July 2006

Location & Start Year	Acres Preserved	Number of Transfers	Estimated Cost
Calvert County, MD - 1977	16,928	> 13,000	Not Known
Montgomery County, MD - 1982	> 40,000	> 6,000	> $60 million
Pinelands, NJ – 1981	> 40,000	5,200	Not Known

D. Collier County, Florida

Collier County is located along the southwestern coast of Florida, west of the Everglades. Collier County's initial TDR program was adopted in 1974 to preserve coastal areas and inland wetlands. The County created an overlay zone that covered over 80 percent of the County and required stricter environmental standards. Within this overlay zone, property owners were allowed to transfer one dwelling unit per two acres to receiving areas (with a minimum size of two acres) located outside the overlay zone. The density of the receiving parcel could not exceed 20 percent of the maximum density allowed by the zoning district. This original program protected 325 acres, which would not be considered a success under the criteria presented in Section II, but is still significant given the weakness of the program. This weakness was that the zoning regulations outside of the overlay zone were not restrictive enough (e.g. allowed higher densities) and did not create strong enough incentives for the transfer of development rights (NOAA 2006).

Since the original 1974 program, Collier County implemented two other land protection programs. One is a classic TDR program while the other is an innovative approach that goes beyond the traditional TDR principles and was

the basis for the State's Rural Land Stewardship Program. In February 2004, Collier County revised its TDR ordinance to include protection for environmentally sensitive lands in the Rural Fringe Mixed Use (RFMU) District. The RFMU District was established to "provide a transition between the Urban and Estates Designated lands and between the Urban and Agricultural/Rural and Conservation designated lands farther to the east." Property owners within the RFMU District who have environmentally sensitive lands can sell residential development rights at the rate of one unit per five acres, and are guaranteed a minimum sales price of $25,000 per credit, unless the transfer is between related parties (then the price can be lower). TDRs severed from the RFMU District can be used in designated RFMU receiving areas, the Urban Area, and the Urban Residential Fringe (Collier County 2006).

Collier County is proactive in promoting this TDR program and has a designated web page where property owners can register to either sell or purchase TDRs (www.co.collier.fl.us/compplanning/tdr/index.htm). Bonus density incentives were also developed to encourage the use of TDRs in residential infill areas. Additional TDR credit can be achieved through increased preservation of wetlands and native vegetation beyond code requirements or the provision of workforce housing units. A review of the County's website shows that 169 TDR credits have been severed from sending lands since the inception of this program, representing 845 acres of preserved lands (Collier County 2006).

A representative from Collier County stated that an unintended consequence of the revised program is that developers are purchasing designated sending lands outright to obtain TDR credits instead of only purchasing the credits. For these

property owners, this has been the silver lining since many of them initially wanted to sell their lands but were unsuccessful because of the development restrictions in place. This turn of events also enhances the County's preservation goals because many of the developers are donating the sending lands to state environmental agencies once the TDRs are severed. As a result, the County recently revised the TDR ordinance to allow for additional credits if the sending lands are donated to state environmental agencies following the transfer of the development rights.

The other land protection tool utilized in Collier County is the Rural Land Stewardship Area. Unlike TDR programs that focus only on the development rights associated with the land, the Rural Land Stewardship Program generates credits based on specific natural resource characteristics of the land. The credits are more than just additional residential units; they include infrastructure credits and other non-residential uses, such as commercial, civic, cultural and open space (Wilson Miller 2002). The one component of the Rural Land Stewardship Program that makes it less attractive for Hillsborough County is that the transfer of these credits occurs within the rural area and does not allow for more dense development in designated urban areas.

E. Alachua County, Florida

Alachua County lies in the North-central portion of the Florida peninsula and is comprised of approximately 892 square miles. The County is home to the University of Florida and is the main agricultural center for the state. Sprawling development increasingly threatens the rural agricultural landscape of the County (Alachua County 2000). The County adopted comprehensive plan

policies to establish a TDR program in 2002. Four TDR zoning districts were established: Silvicultural (SLV-TDR), Agriculture (AG-TDR), Rural residential (RR-TDR) and Planned Development (PD-TDR).

Alachua's program, like the other Florida programs, is voluntary, and landowners receiver greater TDR credits than development credits for their property. For example, the permitted density in the SLV-TDR district is one unit per 40 acres; however, if TDRs are purchased, these credits are equivalent to one unit per 5 acres. Therefore, an individual with 40 acres of land can either develop it with one residential unit or sell eight TDR credits. Once the TDRs are severed, the property is rezoned to one of the TDR districts. Implementation of the TDR program through the Unified Land Development Code is still underway, with regulations established only for the PD-TDR district at this point in time. A representative from Alachua County indicated that the first TDR transfer was currently underway for the PD-TDR district, and that it was not proceeding as smoothly as anticipated.

F. Marion County, Florida

Located south of Alachua County in North-central Florida, Marion County is known for its livestock and natural attractions. In 2000, the County adopted a policy in its Future Land Use Element requiring the creation of a TDR program by the year 2008. The objectives and policies for the TDR program were adopted into the comprehensive plan in December 2004. The goal of their program is to protect environmentally sensitive lands and locally important farmlands. Their program is dual zone, with separate sending and receiving areas designated in both the text and on maps in the comprehensive plan.

The designated sending area is primarily located in the northwest quadrant of the County, and is known as the "Farmland Preservation" area. To qualify for participation in the TDR program, a parcel must be a minimum of 30 acres in size. Property owners have to petition the County to participate in the TDR program and if approved, a conservation easement is placed on the property. Three residential dwelling unit credits are assigned to each full ten acres covered by the conservation easement. The designated receiving area is located near the City of Ocala, and only property with a land use designation of Urban Reserve can utilize TDR credits. The maximum density permitted in the Urban Reserve land use designation is one unit per ten acres. Through the use of TDR credits, a property owner could increase the density to one unit per acre. The property receiving the TDR credits has to be rezoned to an appropriate district and development has to comply with the standards of that zoning district (Marion County 2005). Information on the number of acres protected under this program was not available.

G. Dade County, Florida

Now known as Miami-Dade County, this county is a stark contrast of land uses. Its urban coastal areas, particularly Downtown Miami, are bordered by suburban development, which leads to ever decreasing agricultural areas, and eventually the eastern edge of the Everglades. In the early 1980's, development was booming in South Florida, and the County recognized the need to protect the environmentally sensitive areas adjacent to its urban fringe. The TDR program was adopted in 1981 and assigned TDR value based on the development pressure. Under this program, lands located adjacent to urban areas received a

greater number of TDR credits (one per 5 acres) compared to agricultural and other lands, which received one credit for every 12 or 40 acres. This program's success is based on the strong regulations that prohibited or limited development of environmentally sensitive lands, the strong market for development, and the fact that in most cases, the use of the TDRs was a matter of right in the receiving areas, no additional zoning approval was required (Dorfman *et al* 2005). No information is available regarding the number of acres preserved under this program.

H. Pinellas County, Florida

Pinellas County is located on Florida's west coast, just west of Hillsborough County. Pinellas County is a peninsula, and as such has a significant area of coastal and other environmentally sensitive lands. In 1990, Pinellas County created two zoning districts that allow for the transfer of development rights: Residential Planned Development District and the Planned Residential Resort District. Unlike other TDR programs, Pinellas' ordinance only allows for the transfer of development rights within a parcel that is under common ownership and that is part of a master planned development. The purpose of the program is to allow developers to transfer the development potential from environmentally sensitive areas to more appropriate locations within their development. This is more commonly referred to as clustering development, and is not a true TDR program.

I. Palm Beach County, Florida

Palm Beach County is located 60 miles north of Miami on Florida's Atlantic Coast. The County had an estimated population of 1,268,548 in 2005, up from just

114,000 in 1950. The population growth and development have taken a heavy toll on the County's environmentally sensitive areas. According to Pruetz (1997), "Between 1943 and 1970, the County lost 64 percent of its sawgrass habitat, 77 percent of its mangroves, 79 percent of its wet prairies, 91 percent of its scrub forest and 96 percent of its coastal vegetation"(p. 285).

Like Miami-Dade, Palm Beach has striking contrasts in its land use patterns. The County first adopted a TDR program in 1980, which saw only one transaction in 10 years and the preservation of less than 1,000 acres of environmentally-sensitive land (Pruetz, 1997). In 1990, the County enacted a $100 million bond program to acquire environmentally-sensitive lands. The County placed the development rights from those purchases in a TDR bank.

In 1993 and in 1998, the County again revised the TDR program to allow sending areas that are lands classified as Agricultural, Conservation, RR-20 (Rural Residential, zoned at one unit per 20 acres), and land designated as "A" quality sites on the Inventory of Native Ecosystems. Conservation, RR-20 and "A" quality sites were assigned TDR credits on the basis of one credit per five acres. Agricultural sending areas may transfer TDRs at a ratio of one TDR per acre. The minimum parcel size for Agricultural lands is 20 acres and for RR-20 or Conservation lands is 10 acres. In the event that either of these classified lands are located adjacent to other preserved lands, the minimum parcel size can be reduced to five acres (Palm Beach County 2005).

The County has purchased over 43,000 acres and has sold more than 9,300 TDRs from those lands. Developers can buy TDRs only from the County TDR bank. In

nearly all situations, developers must buy TDRs to increase density. Receiving areas include subdivisions and planned developments that must be consistent with the comprehensive plan. When the County sells TDRs, the revenue generated is placed in the Natural Areas Fund to acquire and manage environmentally-sensitive areas. In 1998, the County made the TDR program mandatory. Only in cases where the need for a rezoning (up zoning) or plan amendment could be justified would TDRs not be required. At first, the County set the price of a TDR at $6,000 a unit; and later increased to the $8,000-$9,000 range (Audubon 1999).

Pruetz noted that the County does not have pre-designated receiving sites for TDRs. Property owners may propose an area as a TDR receiving site in one of three ways. First, if the proposed receiving area is within the Urban Service Area, landowners may apply for a Planned Development to increase density above the density permitted by the future land use designation. Or, landowners may apply for a Traditional Neighborhood Development (TND) to exceed the density allowed by the underlying land use designation. Or third, a landowner may apply for a residential subdivision which is not part of a Planned Development or a Traditional Neighborhood Development (Palm Beach County, 2005).

Pruetz points out that TDR receiving sites are allowed a density bonus of an additional two dwelling units per acre. But a Planned Development has a maximum density of eight units per acre, unless the proposed project would provide affordable housing. A receiving site must not contain any environmentally-sensitive lands classified as "A" Native Ecosystems.

J. St. Lucie County, Florida

St. Lucie County, Florida is located along the southeastern coast of Florida. In 2004, the County, together with the Treasure Coast Regional Planning Council, held a charrette in the northeastern portion of the county. This area contains considerable rural land zoned at one house per acre. The charrette participants recommended that the county pursue a TDR program to concentrate development and yet maintain a large amount of open space.

In May of 2006, the St. Lucie County Commissioners approved the Towns, Villages, and Countryside Element of the St. Lucie County Comprehensive Plan and unanimously adopted a TDR program (Treasure Coast RPC 2006). Although the county's TDR program has not yet been implemented, the program contains several innovations:

- it avoids the downzoning problem and complications with the Bert Harris Act;
- it ties the sending area to the receiving area; and
- the scale of the required TDR transfers results in the creation of mixed use towns and villages with a large amount of retained open space (Treasure Coast 2005).

The St. Lucie County TDR program requires landowners with 500 or more acres who wish to develop their properties to use TDRs and create mixed-use towns or villages with 60% to 75% open space. The base density in these developments is five dwelling units per acre. The receiving area is the 500 or more acre properties or inside the county's urban service area. The sending area is any designated

land outside of the urban service area or environmentally-sensitive land within the urban service area.

A drawback to conventional TDR programs is that resource protection and development are done on a piecemeal, parcel by parcel basis. The St. Lucie County program attempts to overcome this problem by preserving a large amount of land and allowing a new town or village in a TDR project.

The number of redeemable development rights for use in the receiving area exceeds the number of available transferable development rights in the sending area. This was done purposely to avoid the excess of sending area TDRs over receiving areas, which occurred in the early days of the Montgomery County TDR program. The St. Lucie County TDR program includes bonus multipliers for sending transferable development rights within the Towns, Villages, and Countryside (TVC) zone. Thus, developers will have a greater incentive to acquire TDRs and build certain features in the new towns and villages that the County wants.

IV. Hillsborough County's Transferable Development Rights Program

The County's Comprehensive Plan supports the creation and use of transferable development rights for a variety of reasons, including the protection of the public water supply, significant wildlife habitat, environmentally sensitive areas, economically important agricultural and mineral resources, rural areas, and right-of-way for future transportation corridors (Policies AA-1.7, B-2.5, B-9.9, and B-10.1 of the Future Land Use Element; Policies 8.11, 13.5, and 19.2 of the Conservation and

Aquifer Recharge Element; and Policy 1.5.6 of the Transportation Element). The Future Land Use Element also includes policies identifying receiving areas for TDRs, such as Traditional Neighborhood Developments (Policy E2-2.5), the intersection of Gunn Highway and North Mobley Road in the Keystone-Odessa Community Planning Area, and identified town centers in the Northwest Hillsborough Community Plan. Other Community Planning Areas have included or are planning to include TDR provisions in their plans, including Thonotosassa, Citrus Park, and Wimauma.

The County's TDR ordinance (see Appendix A) was adopted in the 1980s and last updated in 2002. The regulations enact the provisions of the Comprehensive Plan, and establish sending and receiving areas. One hundred percent of a vacant sending parcel's development potential can be transferred. These sending areas are generally defined by zoning districts (AM, A, AR, AS-0.4, AS-1, AI, and Rural Reserve Zone of a TND District or Community Plan), Environmentally Sensitive Areas, Rural Areas designated as a sending area in a Community Plan, and historic landmarks. The receiving areas are also generally defined by zoning district (TND and TOD) or as identified by the Comprehensive Plan or a Community Plan. Development potential from historic landmarks can be transferred to any property within the Urban Service Area provided public water and sewer are available. The increased development of the receiving site is as permitted by the Comprehensive Plan for all of the sending areas except historic landmarks. Sites that receive development rights from an historic landmark are allowed to increase the development potential by 50 percent of the underlying zoning designation.

The County's comprehensive plan more specifically identifies TDR sending and receiving areas in its policies regarding the Residential Planned-2 (RP-2) land use category. These policies identify RP-2 designated parcels with less than 160 acres, and that are unable to aggregate with existing development to achieve the 160 acre size, as potential TDR receiving areas. The qualified sending areas for TDRs are identified as lands within (1) the Environmentally Sensitive Areas Land Use Overlay Zone on the Future Land Use Map; (2) the Coastal High Hazard Area; (3) Community Plan boundaries within which the Plan calls for a reduction of density; (4) the Rural Service Area with bonafide agricultural uses or with Future Land Use densities less than one unit per five acres; and (5) other RP-2 lands.

The County's current TDR program has not been effective in either preserving land or encouraging growth in desired areas. According to a representative from the County's Planning and Growth Management Department, not a single TDR transaction has occurred. In discussing the issue with representatives from the County's Economic Development Council, it was learned that the productive agricultural lands in the County (strawberry fields, vegetables, and ornamental plants) are not threatened by non-farm development because these sectors are able to generate enough income for the farmers to stay in business. The agricultural sectors that are threatened by development are the citrus groves and the cattle pastures. According to the Economic Development Council's representative, protection of these lands through TDRs is not likely to succeed since individuals are reportedly willing to pay up to $300,000 for a five acre tract.

As mentioned earlier, the County's Plan has been successful in directing growth to the Urban Service Area. The County has experienced strong population growth

over the last few decades, and such strong population growth can be expected to continue in the foreseeable future. The County's population grew by 19.7% in the 1990s compared to the national average of 13.2%. From 2000 to 2005, the County grew by an estimated 11.3% compared to the national average of 6.4%. Based on these historic growth rates and projected future populations, it is vital that the County's TDR program be enhanced to ensure the preservation of the agricultural, rural and environmentally significant lands. The next section of this report discusses several strategies to improve the current TDR program.

V. Recommendations and Strategies to Enhance the TDR Program

Evaluating the current TDR program against the elements of successful TDR programs (see pages 12 to 15) results in the following conclusions.

1. The Hillsborough County TDR program does not appear easy for the public, landowners, or developers to understand, nor does it appear simple to administer. The program mixes agricultural land, environmentally sensitive land, and historic resources without any sense of how many potential TDRs exist in each of the three categories. The capacity in the receiving areas to absorb TDRs is also not clear.
2. The comprehensive plan and zoning ordinances that support the TDR program need to be improved. Sending areas should generally limit development and receiving areas should include zoning incentives for developers to use TDRs and build at higher densities.
3. There is sufficient development activity in the County so that landowners in the sending areas should be confident that there will be a demand for their TDRs.

4. At present, it is not clear that landowners have an adequate incentive to sell TDRs or that developers have an incentive to purchase TDRs rather than build under existing zoning regulations.
5. It is unclear whether the County has adopted planning policies, zoning ordinances, and capital improvements programs to assure communities in the designated growth areas that TDRs will not overburden local public infrastructure.
6. The County TDR program does contain procedures for accurate record keeping to let the public know where landowners have sold TDRs and how many TDRs have been sold from a parcel.
7. Political leaders in the past have not shown a strong commitment to the TDR program.
8. The County does appear to have conducted much public outreach to generate public support for the TDR program.
9. It is unclear whether the County has dedicated one or more members of its professional staff skilled in planning and public relations to the implementation of the TDR program.
10. The County has not used a TDR bank to purchase and sell TDRs.
11. The County has not been able to convince landowners that their TDRs are worth something. The County has not assessed the size of the receiving areas (total TDRs potentially available for sale) or the total number of dwelling units that could be built as density bonuses for developing with TDRs in receiving areas.
12. The County has not balanced TDR supply and demand. In general, there should be at least twice as many receiving sites for TDRs than TDRs in the

sending areas. This ratio will tend to keep TDR prices high enough for landowners in the sending area to be willing to sell their TDRs.

13. The County does not appear to have minimized the uncertainty of TDR transactions and government approvals for developers in receiving areas. A successful TDR program requires a high degree of certainty of where development will happen and where it will not. The County's comprehensive plan allows a considerable amount of development outside of the Urban Service Area. The minimum densities in the Rural Service Area are shown in Table 3. Apparently, it is not clear to developers that a density bonus will be worth the cost of purchasing the TDRs.
14. It is unclear whether the County has provided design guidelines or infrastructure for development in receiving areas so that higher density will be accepted by local residents.

Table 3: Minimum Densities in Rural Service Area Future Land Use Categories

Future Land Use Category	Minimum Density
Agricultural/Mining	1 unit per 20 acres
Agricultural	1 unit per 10 acres
Agricultural/Rural	1 unit per 5 acres
Agricultural Estate	1 unit per 2.5 acres
Residential-1	1 unit per acre
Residential – 2	2 units per acre
Residential Planned – 2	2 units per acre

Source: Hillsborough County Adopted 2015 Future Land Use Map

Based on this evaluation of the current TDR program, several recommended actions or strategies are suggested to improve the program. These recommendations are as follows.

Recommendation # 1: Maintain the TDR program as a voluntary program, but target areas designated as Agricultural/Mining, Agricultural, Agricultural/Rural on the Future Land Use Map. The other rural designated land allows so much development on site that it will be difficult for a TDR program to compete with the development option and could create an oversupply of TDRs. If landowners currently designated Agricultural Estate, Residential-1, Residential-2 or Residential Planned-2 wish to amend their land use category to Agricultural/Mining, Agricultural, or Agricultural/Rural, then they can participate in the TDR program. These sending areas should be clearly mapped. Sending areas generally should consist of at least 1,000 contiguous acres. *(Note: It was decided, based on the number of acres of rural land compared to potential receiving areas, to phase the implementation of the TDR program. Policies to address rural land preservation at a later date (following the creation of a County vision) are included in the proposed policy language on pages 61 and 62.)*

Recommendation # 2: The County should determine how many TDRs to allocate to landowners in the Agricultural/Mining, Agricultural, or Agricultural/Rural categories, the Coastal High Hazard Area, the Environmentally Sensitive Areas Land Use Overlay Zone, and within Community Plan boundaries (for example, one TDR per 5 acres). *(Note: Addressed in the proposed policy language on page 63.)*

Recommendation # 3: The County should determine how many TDRs developers must acquire in order to build at a higher than base density in the receiving areas. The County should strive to have initially about two times more places to use TDRs in the receiving areas as TDRs in the sending areas. These receiving areas should be clearly mapped. These receiving areas should be located inside the Urban Service

Area, and especially in the Urban Expansion Areas, with an exception for designated receiving areas in adopted Community Plans. The receiving areas also need clear and appropriate zoning for developers to use TDRs. Areas where developers can use TDRs should be identified in the text of the comprehensive plan and zoning ordinance and mapped as a TDR overlay area. The county needs to describe and cross reference the TOD and TND zones. *(Note: Addressed in the proposed policy language on page 63.)*

Recommendation # 4: The County should devise a system of density bonus multipliers that include commercial space and residential units to promote mixed-use development within the receiving areas. See, for example, the schedule of density bonuses multipliers offered in the St. Lucie County, TDR program in Table 4. *(Note: Addressed in the proposed policy language on page 63.)*

Recommendation # 5: The County should create a TDR bank to keep the TDR program active and to provide a floor underneath TDR prices. Developers often find it easier to purchase TDRs from the government agency than several individual landowners. *(Note: Addressed in the proposed policy language on page 65.)*

Table 4: Transferable Development Right Bonus Multipliers, St. Lucie County, FL, TDR Ordinance, May 2006

Transfer Condition	Bonus Multiplier
From Countryside in a Village located Outside the Urban Service Boundary to an Eligible Receiving Site located Outside the Urban Service Boundary.	1.25
From Countryside in a Town located Outside the Urban Service Boundary to an Eligible Receiving Site located Outside the Urban Service Boundary.	1.5
From Countryside located Inside the Urban Service Boundary to an Eligible Receiving Site located Inside the Urban Service Boundary.	1.75

Transfer Condition	Bonus Multiplier
From Countryside of a Town located on Contiguous Property both Inside and Outside of the Urban Service Boundary to the Net Developable Area.	1.75
From Countryside Outside the Urban Service Boundary to an Eligible Receiving Site Inside the Urban Service Boundary.	2.0
From a Parcel Less than 500 acres in size Inside the Urban Service Boundary to an Eligible Receiving Site Inside the Urban Service Boundary.	2.0
From a Parcel Less than 500 acres in size Outside the Urban Service Boundary to an Eligible Receiving Site Inside or Outside the Urban Service Boundary.	2.0
From Targeted Industry Site to an Eligible Receiving Site.	2.5
From Higher Education Site to an Eligible Receiving Site.	2.5
From Facilities within the TVC provided in connection with the St. Lucie County Agricultural Research and Education Park to an Eligible Receiving Site.	2.5
From Created Habitat in the Countryside to an Eligible Receiving Site.	2.5
From Environmentally Significant Land to an Eligible Receiving Site.	2.5
From Countryside to a Workforce Housing Unit	2.5

Recommendation # 6: The County should draft a model conservation easement that will be placed on a landowner's property when TDRs are sold. *(Note: Not addressed by proposed policy language due to administrative nature of recommendation.)*

Recommendation # 7: Rephrase the language in Sec. 5.07.01 B.3. "Those portions of said properties for which a permanent conservation easement is held by the County is to be held in common ownership or is to be deeded into public ownership" to "Private property under a permanent conservation easement held by the County is still private property with no right of public access. Property under easement that has been deeded into public ownership allows public access." *(Note: Not addressed by proposed policy language since proposed change is to County's Land Development Regulations.)*

Recommendation # 8: Clearly place the County TDR program on the County website, so it is easy to find. There should be maps of the sending and receiving areas on-line, and a clear description of the TDR program. For instance, see Collier County's TDR website: www.colliergov.net/compplanning/tdr/index.htm. *(Note: Addressed in the proposed policy language on page 65.)*

Recommendation #9: Consider providing incentives, such as exemptions from roadway concurrency, for developers who utilize TDRs. As part of the development of the recommended goals, objectives and policies, various incentives for the use of TDRs will be considered. *(Note: Addressed in the proposed policy language on page 64.)*

Recommendation #10: Evaluate the different sending areas and determine if there is a priority for protection. If so, consider assigning bonus credits to TDRs severed from those lands. For example, if preservation of Agricultural/Rural lands adjacent to Agricultural or Agricultural/Mining lands is a priority, assign an additional 0.5 credit to TDRs severed from these lands.

VI. Conclusions

The Hillsborough County TDR program cannot be called a success to date. The program has preserved no land and developers have not used TDRs to build projects in growth areas. The county's program is voluntary and did not involve the downzoning of properties in sending areas or receiving areas to establish the TDR program. Downzoning is difficult in Florida because of the Bert Harris Act and the

possibility of government having to pay compensation to landowners for downzoning that reduces private property values.

The County's TDR program has attempted to target environmentally sensitive lands, agricultural lands, and historic resources for preservation, as well as the Coastal High Hazard Area and other low density lands. The county should be strategic in targeting those lands most critical for preservation and also lands with a Future Land Use category that allows less than one unit per five acres (Agricultural/Mining, Agricultural, and Agriculture/Rural). The county then needs to determine how many TDRs should be allocated to landowners, such as one TDR per 5 acres. Other rural lands have densities of one house per 2.5 acres, one house per acre, or one house per half acre. Allowed development densities in these categories make TDRs difficult because of the on-site development possibilities and the likelihood that allocating TDRs to landowners in these areas would result in an oversupply of TDRs, low TDR prices, and few willing sellers. Furthermore, a primary purpose of the TDR program should be to preserve areas with environmentally significant qualities or long-term commercial agricultural potential, rather than rural residential areas, in keeping with the County's EAR report.

The County needs to clearly define, map, and zone receiving areas and implement bonuses that would make it attractive for developers to use TDRs in exchange for higher densities. To help get the TDR program jump-started and to provide liquidity in the TDR market, the County should create a TDR bank. The Bank can buy TDRs from landowners in the sending areas and sell to developers who wish to use TDRs in their projects in the receiving areas.

Finally, there needs to be greater public involvement in and awareness of the County TDR program. The County needs to promote the TDR program through the County Commissioners, Planning Commission, planning staff, the County website, publications and information materials, and public meetings.

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APPENDIX A:

HILLSBOROUGH COUNTY'S TRANSFERABLE DEVELOPMENT RIGHTS REGULATIONS

PART 5.07.00 TRANSFER OF DEVELOPMENT RIGHTS

Sec. 5.07.01. Generally

A. Intent

It is the policy of the County that landowners subject to development restrictions as the result of regulations protecting environmentally sensitive lands, agricultural resources, or historic sites, should be provided regulatory incentives to permanently restrict such lands from urbanization. While such regulations may be legally imposed where they further a legitimate public purpose and are reasonable, the transfer of development rights provides a vehicle to enable the private market to allocate economic benefits to landowners in the restricted areas, thereby enhancing the viability of businesses in the sending areas and avoiding potential legal disputes between the private landowners and the County. This Part establishes procedures for transferring densities from sending to receiving parcels. At the voluntary request of the landowners in the sending areas and the receiving areas, the County may increase densities in the receiving areas and correspondingly reduce densities in the sending areas.

B. Transfer Requirements

This Section is intended to be used for the protection of preservation or conservation areas, and historic landmarks which have been designated within sending areas by the Board of County Commissioners, preserving farmland for agricultural purposes, providing public waterfront access or farm worker housing. The transfer permits the transfer of densities or floor area between two (2) separately owned or commonly held properties, whether or not they are contiguous to each other. Provided that the standards as set forth below are met, all or part of the development potential of a property may be transferred to a property within a receiving area.

1. Development rights shall only be transferred from a property located in a designated sending area to a property located in a designated receiving area identified in Table 5.07-1 below.

2. The property from which the development rights are transferred shall be placed under a permanent conservation easement running in favor of Hillsborough County. If the properties are in common ownership, the

owner shall sign the easements transferring said development rights. Should two (2) or more owners be involved, the owner(s) of the property to be restricted shall sign over the easement and proof of the sale of the development rights documents shall be recorded with the County Register of Deeds in the same manner that a sale of the fee simple would be recorded.

3. No property shall be left with less development rights than there are existing dwellings on said properties, or less than one (1) dwelling unit development right for any parcel which would otherwise be eligible for a dwelling unit. Those portions of said properties for which a permanent conservation easement is held by the County is to be held in common ownership or is to be deeded into public ownership.

C. Sending Areas

Severable Development Rights are hereby created in the Sending Areas designated below. Sending properties require that the landowner has recorded a conservation easement, or reserved rights-of-way, in accordance with the provisions of this Part.

D. Receiving Areas

No severable development rights shall be exercised in conjunction with the development of a subdivision of any parcel of land that is not located in a receiving area. A parcel of land which receives development rights pursuant to this Section shall be referred to as a "receiver site." The areas listed in Column "C" of Table 5.07-1 are hereby designated as receiving areas for purposes of transferring severable development rights.

Table 5.07-1

TABLE INSET:

A Sending Area	B Percent of Development Potential Which May be Transferred [2]	C Eligible Receiving Areas	D Increase in Development Potential on Receiving Site Over Underlying Zoning Designation
Environmentally Sensitive Areas may be transferred except as provided elsewhere. [3]	100% [1]	TND (Greenfield) [4] TOD [5] Any receiving area designated in the Comprehensive Plan or a Community Plan, including town centers or economic development target areas designated as eligible TDR receiving areas	As permitted by the Comprehensive Plan
Farmland. The farmland shall contain a minimum of 25 acres. The farmland shall be located in the AM, A, AR, AS-0.4, AS-1 or AI zoning districts.	100% [1]		
Rural Reserve Zone within a TND District or Community Plan	100% [1]		
Any site within the Rural Area designated as a sending area in a Community Plan.	100% [1]		
Historic landmarks designated pursuant to Article III	100% [1]	Any property in the Urban Service Area with Public Water and Sewer available	50%

Footnotes for Table 5.07-1:

1. Except as limited by Section 5.07.01.B.3.
2. "Development potential" means the density or floor area ratio permitted by the underlying zoning district and applicable policies of the Comprehensive Plan. Notwithstanding, for development rights transfer for historic sites, the development rights are based on the underlying adopted land use category of the historic landmark's sending parcel(s).
3. Environmentally Sensitive Areas include any of the following: (1) any land area approved for acquisition or transfer of a less than fee interest pursuant to the provisions of the Hillsborough County Environmental Lands Acquisition and Protection (ELAP) Program established by Ordinance No. Ord. 87-1, as amended, or (2) any land area approved for acquisition or transfer of a less than fee interest pursuant to the Land Conservation Act of 1972, Chapter 259, Florida Statutes.

4. "TND" refers to that portion of a Traditional Neighborhood Development District designated as a Neighborhood subarea, Commercial subarea or Core subarea.
5. "TOD" refers to a Transit-Oriented Development as defined by this Code.

(Ord. No. 02-13, § 2, 8-1-02)

Sec. 5.07.02. Procedures

A. Application For Permit

Transfer of Development Rights requests shall be reviewed in accordance with the general procedures and requirements for amendments to the official zoning atlas at Part 10.03.00.

B. Agreement Between Property Owners With Enforcement Running to the County

For development rights transfer in farmlands and environmentally sensitive areas, the applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed in such a way that for the area of application as a whole there will be conformity with applicable zoning regulations. Parties to enforcement of such agreement shall include Hillsborough County. No such agreement shall be accepted without approval of the Office of the County Attorney as to the legal sufficiency of the documents involved; and no such Transfer of Development Rights Permit shall be issued prior to such approval.

C. Findings Required to Support Issuance of Permit; Limitations on Effect of Permit

1. Upon written findings by the Board of County Commissioners that, in fact, the area of land covered by the application is compact, regular, and logical in relation to the form of development proposed, that the proposed development for the area as a whole conforms to the intent and requirements set forth above, and that the proposed agreement assures future protection of public interest and achievement of public objectives to the same or a higher degree than would application of the regulations to the individual properties, the Transfer of Development Rights Permit shall be issued, provided approval as to the legal sufficiency of the documents involved has been obtained from the Office of the County Attorney.

2. No such permit shall have the effect of diminishing the requirements or increasing the maximum allowances of this Code, as applied to the area of the application as a whole, but the Transfer of Development Rights Permit may allow specified changes in the effect of the regulations on specified individual lots or locations within the area of application, so long as the overall balance remains in accord with regulations generally applicable.

D. Recording Agreement

At time of issuance of the Transfer of Development Rights Permit, the agreement, including the amount of credits transferred and the legal description of the sending parcel(s) which shall be part of the conditions, shall be filed by the Administrator with the Clerk of the Circuit Court of Hillsborough County, the office of the Administrator, and the office of the Building Inspector. Notations shall be made by the Administrator on the Official Zoning Atlas for future guidance in administration and as a public record.

E. Changes in Development Pattern or Agreement

The pattern of development, and the agreement between the owners, shall not be changed except by the issuance of a new Transfer of Development Rights Permit in the manner herein established.

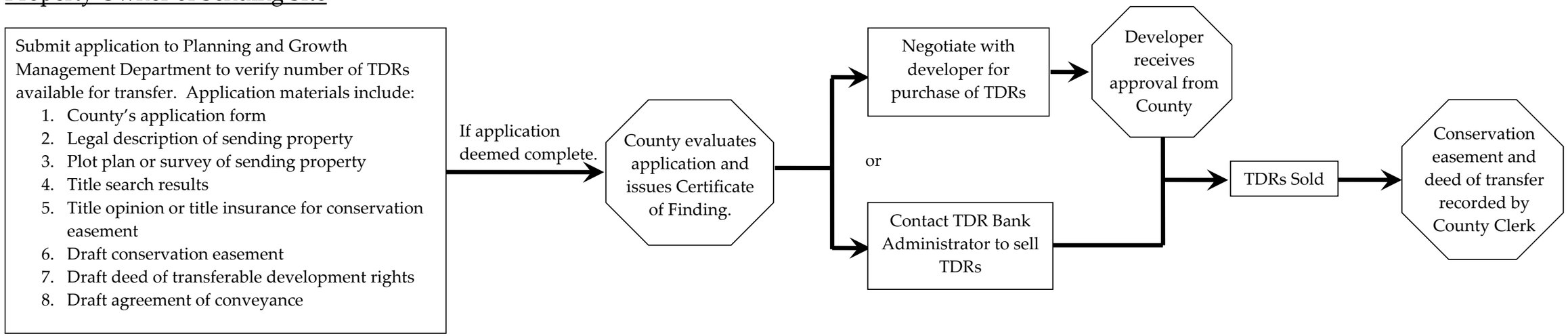
(Ord. No. 02-13, § 2, 8-1-02)

APPENDIX B:

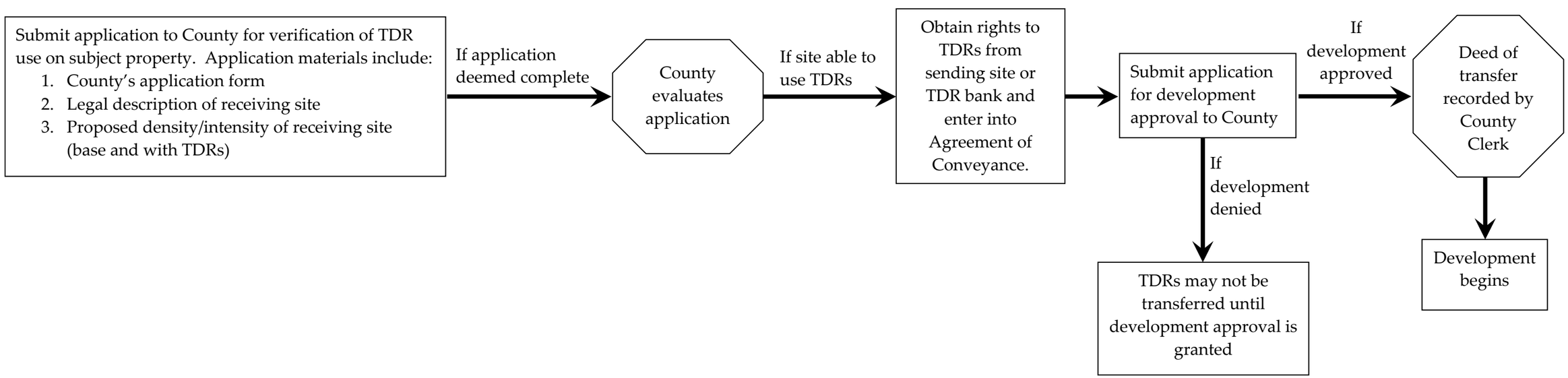
FLOWCHARTS OF TDR PROCESS FROM APPLICANT AND COUNTY PERSPECTIVES

Flowchart of Transferable Development Rights Process from Applicant's Perspective

Property Owner of Sending Site

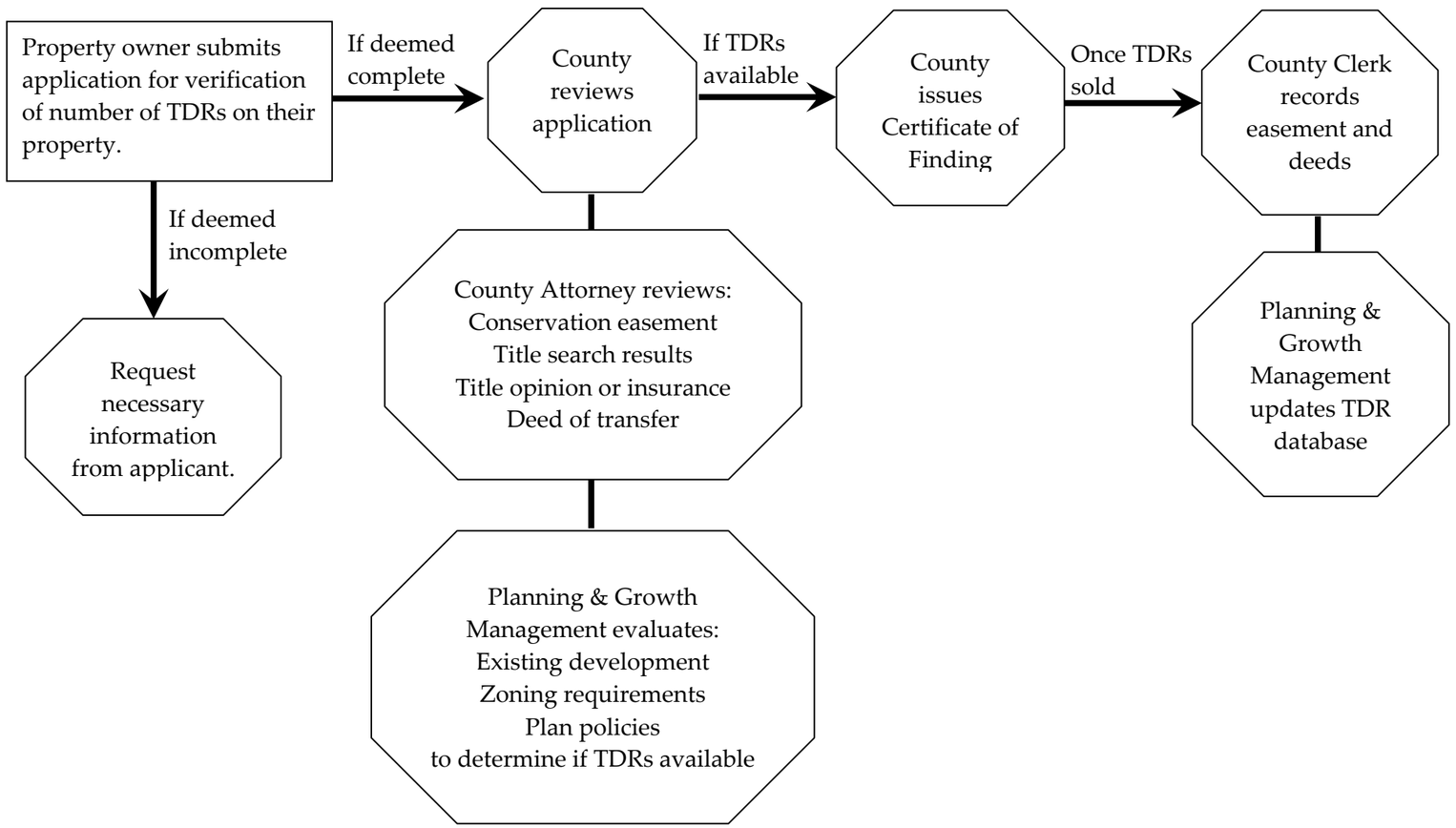


Property Owner/Developer of Receiving Site

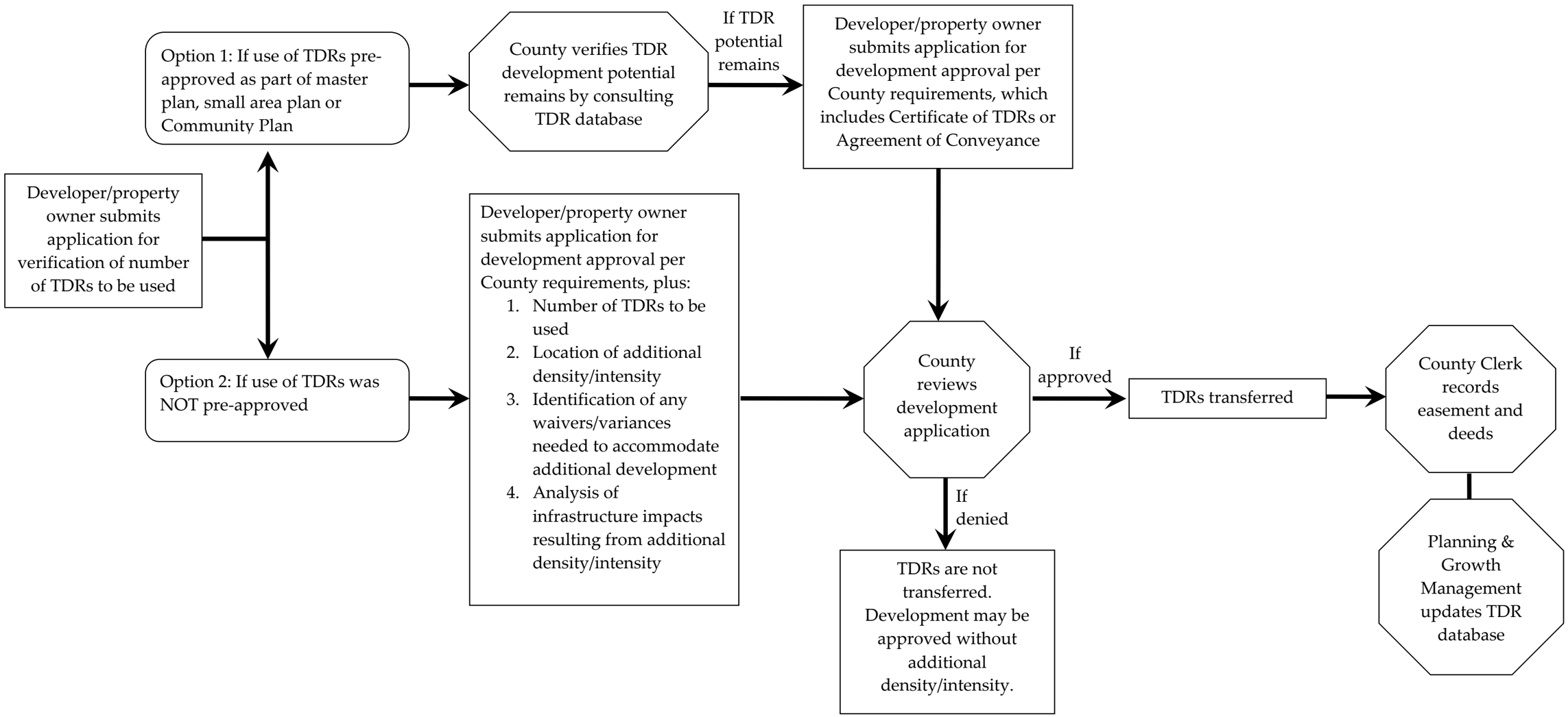


Flowchart of Transferable Development Rights Process from County's Perspective

Sending Site Verification



Application of TDRs to Receiving Site



Recommended Amendments to the

Future Land Use Element of the Comprehensive Plan

Policy AA-1.7:
By April ~~2000~~ 2011, Hillsborough County will explore expansion of the ~~a~~ transfer of development rights program to transfer densities from the Rural Service area into the Urban Service Area.

Policy B-2.5:[x]
~~T~~By 2008, the County will establish techniques to be adopted into the Comprehensive Plan/County Land Development Code, which will be directed toward ensuring mixed use development in the mixed use categories ~~(by July 2004)~~. Such techniques may include:

- establishing standards and guidelines for mixed use development (including criteria, such as, percentages for mixed use);
- developing a definition for, delineating the boundaries of, and creating incentives to attract growth, and to recognized activity centers;
- establishing transportation corridor network plans for the Urban Service Area (USA), which support and link recognized activity centers with a variety of transportation modes to encourage the concentration of growth to these areas;
- establishing strategies for concurrency standards that do not impede infill development and the desired development type, form, design and location in mixed use areas;
- establishing development criteria for Traditional Neighborhood Development (TND), including application of mixed uses; and
- establishing a transfer of development rights program for sending and receiving zones, and an ongoing monitoring and evaluation process to promote Traditional Neighborhood Development (TND), as appropriate.

Policy B-9.9:
Hillsborough County shall explore opportunities to establish an incentive based long range agricultural policy program to help retain productive farmland and discourage its conversion to non-agricultural use. This may be accomplished through the land development code and/or other programs to compensate farmland owners for purchase or transfer of development rights, conservation easements, or other such mechanism as deemed appropriate. Participation in such a program would be voluntary on the part of the property owner and the development community ~~County~~.[xix]

Policy B-10.1:
Following the adoption of a County vision, or by April 2011, the County with support by the Planning Commission shall evaluate the potential for expanding the ~~Create~~ transfer of development rights programs to allow property owners in rural areas to sell development rights to direct growth into ~~target~~ designated sending areas, such as urban infill areas, redevelopment areas, activity centers and ~~or~~ economic development areas, as identified in the Future Land Use Map series, TDR Sending and Receiving Areas Map .[xxii]

Policy E2-2.5:[xxxvii]
Traditional Neighborhood Development~~'~~s, located within areas for which the County has adopted a Community Plan ~~that has been incorporated into the Community Plan and Special Area Studies section of the Future Land Use Element,~~ are eligible to receive transfers of development rights (see the Future Land Use Map series, TDR Sending and Receiving Areas Map) in addition to the density increases identified in E2-2.4.

Application of Residential Densities and Non-Residential Intensities
RESIDENTIAL- Densities are applied on a gross residential acreage basis which means that each development proposal is considered as a "project". Only those lands specifically within a project's boundaries may be used for calculating any density credits. ~~In applying densities to~~ A~~a~~creage dedicated to, ~~certain nonresidential~~ commercial, office and industrial land uses ~~types~~ that fall within a project's boundaries~~, such as office, commercial, or industrial,~~ are excluded. ~~Also, only those lands specifically within a project's boundaries may be used for calculating any density credits.~~ Density may be transferred between non-contiguous parcels in accordance with the County's transferable development rights regulations or when, ~~Density cannot be transferred from one parcel of land to another when such~~ the parcels are physically separated from each other ~~unless the separation is created~~ by a roadway, stream, river, lake or railway. ~~If Hillsborough County adopts regulations providing for the transfer of development rights, then density may be transferable in accordance with said regulations.~~ Along coastal areas, only land above the mean high tide may be used in determining acreage size.

~~In addition, t~~ The following lands may be included when calculating gross residential density: planned but unobstructed ~~streets~~ roads and ~~street~~ road rights-of-ways, utility rights-of-way, public and private parks and recreation sites, sites for schools and churches, open space sites and land uses, and

community facilities sites such as sewage treatment plants, community centers, well fields, utility substations, and drainage facility sites. Additionally, full density credit cannot be applied when more than 25% of a project's acreage is ~~are~~ comprised of conservation/preservation~~s~~ areas as defined. Density and other calculations may be based on a site plan or the development potential inherent in the requested or existing zoning district, whichever is applicable.

Any density increase shall be compatible with existing, proposed, or planned surrounding development. Net project densities within a particular project located within surrounding developments shall not be used as a measure of such compatibility. Compatible densities need not be interpreted as "comparable" or "the same as" surrounding developments, if adequate provision for transitioning to higher densities is required and met by, but not limited to, such means as buffering, setbacks, and graduated height restrictions.

NON-RESIDENTIAL - For purposes of calculating the maximum permitted gross building square footage for non-residential uses within a development proposal the following procedure shall apply:

In applying floor area ratios (FAR) to acreage, all residential land use types that fall within a project's boundaries are excluded. Also, only those lands specifically within a project's boundaries may be used for calculating maximum permitted gross building square footage. Except in accordance with the County's transferable development rights regulations, ~~I~~intensity cannot be transferred from one parcel of land to another when such parcels are physically separated from each other unless the separation is created by a roadway, stream, river, lake or railway. ~~If Hillsborough County adopts regulations providing for the transfer of development rights, then intensity may be transferable in accordance with said regulations.~~ Along coastal areas, only land above the mean high tide may be used in determining acreage size.

Gross non-residential intensity refers to gross building square footage of nonresidential land use types within a given project or, in the case of mixed use projects, portion(s) of a project. A project's total non-residential acreage, for purposes of calculating its gross non-residential land uses to which the owner or owner's agent or developer has surface development rights, includes the following land within the non-residential portion(s) of the project to be used for: ~~street~~ planned and unobstructed roads and ~~street~~ road rights-of-way, public and private parks and recreation sites, sites for schools and churches, open space sites

and land uses, and public facilities such as sewage treatment plants, community centers, well fields, utility substations, and drainage facility sites.

Lands designated for residential uses shall not be included in a project's total non- residential acreage for purposes of calculating gross non-residential intensity. Additionally, full density/intensity credit cannot be applied when more than 25% of a project's acreage is ~~are~~ comprised of conservation/preservations areas as defined.

Objective #: By 2011, the County will revise its transferable development rights regulations in order to promote development in planned growth areas, preserve the unique character of established communities, support the agricultural industry, preserve environmental lands, and promote the development of a recreational greenway system. The revisions to the transferable development rights regulations may be phased in over time in order to ensure an effective market exists.

Policy #:

The transferable development rights regulations will be revised to facilitate the desired development pattern. The regulations will be revised to create incentives that direct the use of transferable development rights to areas with adequate infrastructure and where additional density or more intense development is desired; thereby preserving the environmentally sensitive lands, the rural character and encouraging the retention of agricultural areas. Density increases not associated with the transferable development rights program, another County development strategy (e.g. activity centers, mixed use, redevelopment and infill) or adopted Community Plan shall not be permitted outside of the Urban Service Area.

Policy #:

The County, with assistance from the Planning Commission, will develop a timeframe for completing the necessary revisions to the County's Land Development Regulations and administrative processes to revise the transferable development rights regulations.

Policy #:

Initially, lands located within the Coastal High Hazard Area, designated as Significant Wildlife Habitat, nominated for the Environmental Lands Acquisition and Protection Program, or identified in a Community Plan as

sending areas shall be designated sending areas on the Future Land Use Map series TDR Sending and Receiving Areas Map. At such time as these development rights are depleted, the County adopts a vision plan, or the market for development warrants the expansion of the program, the County's regulations may be revised to protect additional rural and agricultural lands. The criteria for identifying additional sending areas are:

a) Lands designated on the Adopted Future Land Use Map as Agricultural/Mining, Agricultural, or Agricultural/Rural, or any other designation that allows residential density less than one dwelling unit per five acres;
b) Lands adjacent to properties nominated for the Environmental Lands Acquisition and Protection Program;
c) Lands that meet the criteria for but that have not been nominated for the Environmental Lands Acquisition and Protection Program;
d) Lands identified on the Greenways Master Plan;
e) Lands adjacent to active farming or mining uses that could serve as a buffer between such uses and residential areas;
f) Lands with designated historic or archaeological sites; and/or
g) Lands included in the Environmental Overlay on the Adopted Future Land Use Map.

Policy #:

Appropriate receiving areas on the Future Land Use Map series, TDR Sending and Receiving Areas Map will include lands designated as RP-2 on the Adopted Future Land Use Map, areas identified as such in adopted Community Plans, lands within designated activity centers, and lands located within the Tier 1 of the urban service area. Sufficient infrastructure (water, sewer, transportation, and parks) must be available for the transfer of development rights to any of these receiving areas to occur. Additional receiving areas may be identified based on the following:

a) Proximity to (within ¼ to ½ mile) an identified fixed guideway transit station (such fixed guideway facility shall be part of the adopted Long Range Transportation Plan);
b) Ability to achieve workforce or affordable housing goals;
c) Designation as a redevelopment and infill area;
d) Designated for mixed use on the Adopted Future Land Use Map; and/or

e) Joint Planning Area where additional density is desired.

Policy #:

When the use of transferable development rights in a receiving area has not been previously approved by the County as part of a master plan, small area plan or adopted Community Plan, the County may require additional review of the proposed development to ensure the additional density is compatible with the area.

Policy #:

The County, with assistance from the Planning Commission, will complete an analysis of the sending and receiving areas to determine the appropriate number of density and floor area ratio credits that are available for transfer and that are necessary to meet development goals in the receiving areas. Depending upon the outcome of this analysis, the County may elect to assign a higher credit value to one transferable development right than may be permitted under the current regulations. For example in the Agricultural/Rural land use category where five acres are required for one unit, one acre may represent five credits. In completing the analysis, the County should try to achieve a minimum 2:1 ratio of receiving credits required to sending credits available, in order to create an effective market for the transfer of development rights.

Policy #:

To encourage the transfer of development rights and create an effective market for their use, the County may establish multipliers that can be applied to specific density transfers. The value of the multiplier should be weighted based upon the desired public benefit and the ability to encourage sustainable development patterns. Criteria to consider when establishing multipliers include:

a) Dedication of the sending area to a state or federal environmental agency;
b) Preservation of land adjacent to existing conservation or preserve areas, such as Environmental Land Acquisition and Protection Program properties, State or Federal Wildlife Management Areas, Water Resource Protection Areas, Significant Wildlife Habitat, or Surface Water Protection Areas;

c) Preservation of an entire parcel designated as Significant Wildlife Habitat;
d) Use of credits to develop affordable or workforce housing units;
e) Use of credits as part of redevelopment or infill projects located within the Tier 1 urban service area; and/or
(f) Use of credits in a designated activity center.

In coordination with the County's schedule to revise and implement the TDR program, the County will determine the value of any multipliers prior to revising its land development regulations.

Policy #:

In addition to or instead of the multipliers described in Policy #, the County may consider revising its land development regulations to provide incentives by allowing for example, density increases by right or for the waiver of certain bulk regulations (i.e. setbacks, landscaping, height limits, etc.) when transferred development rights are utilized.

In coordination with the County's schedule to revise and implement the TDR program, incentives will be established by revising its land development regulations.

Policy #:

The County shall maintain its current policy of prohibiting the transfer of all development rights from a parcel that has existing residential or non-farm uses on site.

Policy #:

Transferable development right credits that are not applied in a built project within 10 years of their creation and transfer shall sunset in value and shall no longer be available for use in development.

Policy #:

All transfers of development rights are deemed to sever the transferred development rights from the sending property and their use are subject to approval by the County.

Policy #:

If multipliers are established, the committed public benefit (i.e. workforce housing, use in a designated activity center, etc.) used to acquire such multiplier shall be secured in the development approval for the development. The Board of County Commissioners shall establish the forms of adequate security and penalty stipulations.

Policy #:

The County, with assistance from the Planning Commission, shall investigate the means to administer the TDR program such as the creation of a transferable development rights "bank", in which property owners in targeted sending areas may sell their development right credits to the "bank" without having an identified receiving area. The reasons for establishing this "bank" are to encourage preservation of targeted sending lands and to simplify the process for developers seeking to utilize transferred development rights by providing an identified source for these development rights. The County may consider partnering with a local, regional, state or national non-profit land protection agency, such as a land trust, in order to create this "bank".

Policy #:

The County, with assistance from the Planning Commission, shall investigate other techniques successfully used in other communities to facilitate the administration of the TDR program including but not limited to the establishment of a web-based registration program, which allows both property owners within sending areas and developers wishing to utilize transferred density to register and easily identify each other.

Policy #:

In order to ensure sufficient interest in the program on behalf of property owners within identified sending areas, the County may consider establishing a minimum dollar value for one transferable development right. This minimum value may be waived for transaction between properties under single ownership or related property owners.

Policy #:

The County, with assistance from the Planning Commission, shall undertake an extensive public outreach campaign in coordination with other visioning and community planning initiatives, targeting property owners in designated

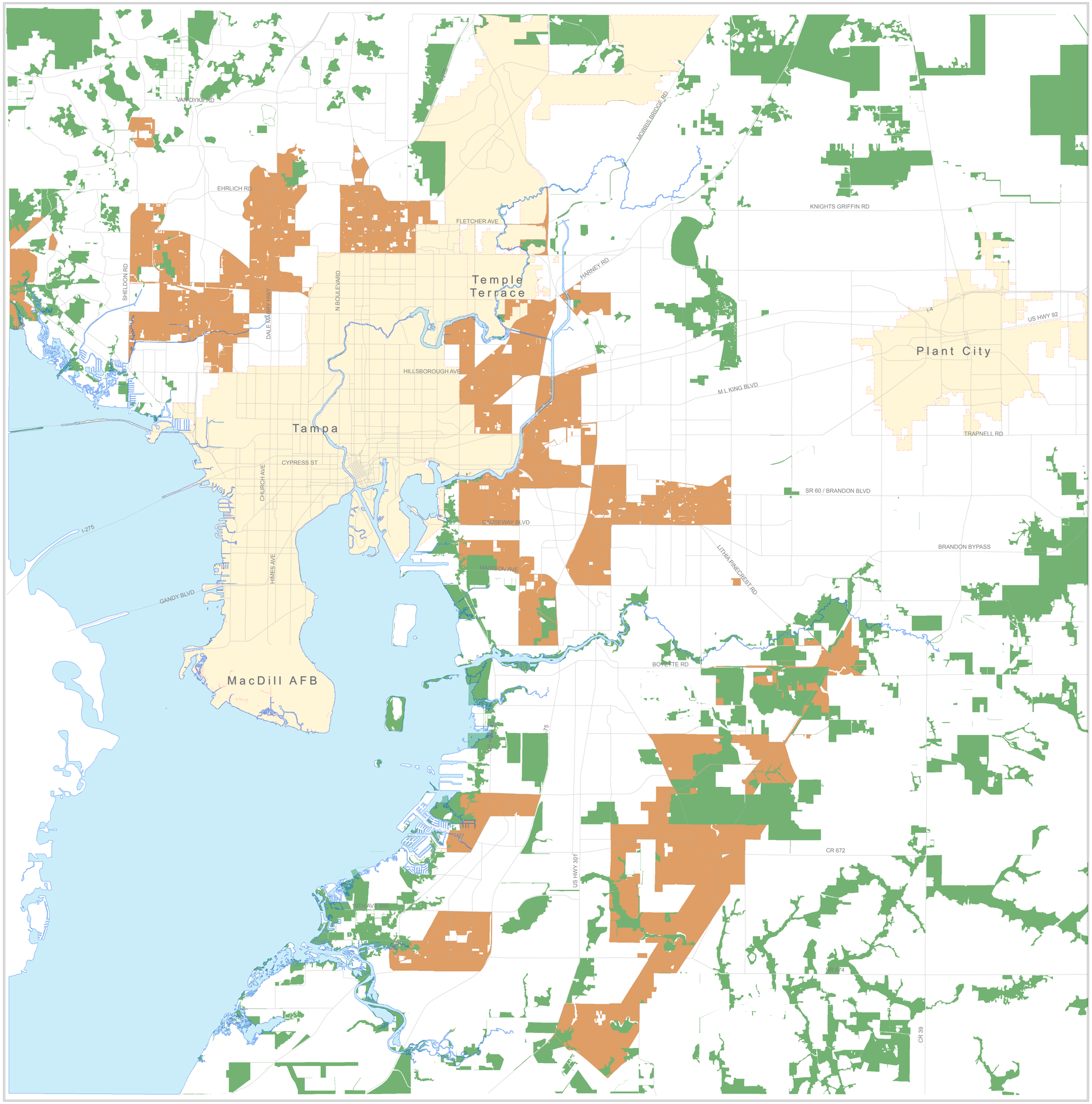
sending and receiving areas, to encourage the use of transferable development rights. Examples of outreach include production of a brochure explaining the program, creation of a web page specifically for the program, and preparation of a presentation that explains the program.

New Definitions for FLUE

Transferable Development Rights or Transfer of Development Rights (TDRs) – The right(s) to construct one or more dwelling units or another measure of development, such as floor area ratio, that can be severed from one property (sending property) and used to increase the development rights of another property (receiving property).

Sending Areas or Properties – Those parcels of land identified on the Future Land Use Map series, TDR Sending and Receiving Areas Map as being located within the Sending Area; or any parcel of land the County deems to meet the criteria established for Sending Areas.

Receiving Areas or Properties – Those parcels of land identified on the Future Land Use Map series - TDR Sending and Receiving Areas Map as being located within the Receiving Area; or any parcel of land the County deems to meet the criteria established for Receiving Areas.



TRANSFER OF DEVELOPMENT RIGHTS (TDR) SENDING AND RECEIVING AREAS MAP

UNINCORPORATED HILLSBOROUGH COUNTY

October 5, 2006

DRAFT

- Sending Areas
- Receiving Areas
- Major Roads
- Jurisdiction Boundary

Sending Areas Size: 86,093 Acres (134.5 Sq. Miles)
Receiving Areas Size: 59,162 Acres (92.4 Sq. Miles)

Notes and Data Sources

Sending Areas

- Coastal High Hazard Areas (Source: Tampa Bay Regional Planning Council, 2006)
- Significant Wildlife Habitat (Source: Hillsborough County)
- Wetlands greater than 40 acres in Community Area Plans: Lutz and Thonotosassa (Source: The Planning Commission)
- ELAPP: Along coastal areas, only land above the mean high tide may be used in determining acreage size for density or density credit calculations. (Source: Hillsborough County, 2006)

Receiving Areas

- Future Land Use Designations R2-P (Source: 2015 Adopted Land Uses, The Planning Commission)
- Zoning Overlay Designation: TND (Source: Hillsborough County)
- Community Area Plans: Keystone-Odessa (at the intersection of Gunn Hwy & Mobley), Northwest (town centers), and Wimauma (town center) (Source: The Planning Commission)
- Activity Centers (Source: The Planning Commission, 2006)
- Parcels located within the Tier 1 urban service area may be eligible to receive TDRs.

General

- Publically owned lands are not eligible to be included in sending or receiving areas.

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ACCURACY: It is intended that the accuracy of the base map comply with U.S. national map accuracy standards. However, such accuracy is not guaranteed by the Hillsborough County City-County Planning Commission. This map is for illustrative purposes only.

0 1 2 4 6 8 Miles

AUTHOR: Carter & Burgess
Date: 10/5/06

THE PLANNING COMMISSION

N W E S