



## **Hillsborough County: HC/CPA 21-14 – Transfer of Development Rights**

Meeting Date	July 11, 2022
Meeting Type	Briefing
Staff Planner	Jay Collins; <a href="mailto:CollinsJ@plancom.org">CollinsJ@plancom.org</a> ; (813) 582-7335
Application Type	Publicly Initiated Text Amendment
Action Necessary	No
Attachments	Proposed Language

### **1. Text Amendment Summary**

Hillsborough County's adopted Transfer of Development Rights (TDR) policies have been thoroughly studied, with assistance from consultant team Kimley Horn, resulting in updated proposed policies. Through this policy update, a TDR pilot program is recommended to establish a framework to match landowners that are eligible to transfer development rights with owners that desire to acquire development rights. By establishing a voluntary, incentive-based program, the proposed policies aim to promote ecological conservation, encourage the voluntary sending of density from vulnerable storm surge areas, and send this density to areas deemed appropriate through the level of infrastructure investment now and in the future.

### **3. Proposed Language (Attachment)**

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06/15/2022

## Hillsborough Comp Plan

### SPECIAL AREAS OF CONSIDERATION

#### Transfer of Development Rights Pilot Program

**Objective 32:** ~~By 2014~~ the County will make further amendments to the Comprehensive Plan and 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, preserve historical landmarks and promote the development of a recreational greenway system. The revisions to the transferable development rights regulations may be phased. institute a Transfer of Development Rights (TDR) Pilot Program and 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, preserve historical landmarks, and promote the development of a recreational greenway system.

**Policy 32.1:** ~~Prior to the implementation of the transfer of development rights program outlined in the following policies, the County will amend the Comprehensive Plan to:~~

- ~~Establish maximum density and intensity levels greater than the adopted Future Land Use categories in the receiving areas, outlined in Policy 32.4~~
- ~~Establish multipliers contemplated in Policy 32.7~~ The TDR pilot program is limited to the areas of the County subject to the adopted Balm, Thonotosassa and Wimauma Community Plan (WVR) s, and along Bus Emphasis Corridors, as further depicted on the Hillsborough County Transfer of Development Rights map in the Comprehensive Plan.

**Policy 32.2:** ~~Prior to the~~ As part of implementation of the TDR program outlined in the following policies, the County will amend the Part 5.07.00 – Transfer of Development Rights Pilot Program of the County Land Development Code to, at a minimum:

- a. Establish a sunset date for the pilot program, and
- b. Establish Recognize the maximum increase of density adopted within the Wimauma Community Plan and Bus Emphasis Corridors including the use of incentives; density(s) within these respective areas shall not be exceeded beyond that which is adopted ~~on an individual receiving zone site, and the receiving zone as a whole, and~~
- c. Establish factors for converting density into TDR credits that is reflective of the nature of the lands in the sending zone, and
- d. Establish a method to memorialize the conversion of density into TDR credits and the recordation of same.

~~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 planned growth areas; thereby preserving the environmentally sensitive lands, historical landmarks, the rural character and encouraging the retention of agricultural areas. The County will develop a timeframe for completing the~~

~~necessary revisions to the County's Land Development Code and administrative processes to revise the transferable development rights regulations.~~

**Policy 32.3:** Lands in Sending Zones that are donated, fee simple, or for which conservation easements have been given to local, state or federal environmental or similar land conservation agency shall be eligible to receive TDR credits consistent with the Land Development Code Part 5.07.01 .

~~The following will be potential sending areas on the Future Land Use Map series TDR Sending and Receiving Area Map:~~

- ~~• lands located within the Coastal High Hazard Area,~~
- ~~• properties designated as Significant Wildlife Habitat,~~
- ~~• lands approved for the Environmental Lands Acquisition and Protection Program,~~
- ~~• properties designated as historical landmarks,~~
- ~~• areas identified in a Community Plan as sending areas shall be designated sending areas~~
- ~~• Properties in the Rural Area with Future Land Use categories with densities greater than 1 unit per acre.~~

~~Historical Landmarks are not identified on the TDR Sending and Receiving Areas Map; locations of landmarks can be obtained from Hillsborough County. 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 32.4:** Should TDR credits for any particular site in a sending zone remain unused the owner of that site may convert those credits back into densities on the site from which they originated.

~~Potential receiving areas on the Future Land Use Map series, TDR Sending and Receiving Areas Map will include:~~

- ~~• areas identified as such in adopted Community Plans limited to the Wimauma Village Residential Community Plan and Bus Emphasis Corridor,~~
- ~~• lands within designated activity centers, and lands located within the land use categories of 9 units per acre or greater and within close proximity to transit lines of the Urban Service Area~~
- ~~• lands currently designated as RP-2 on the Adopted Future Land Use Map may be eligible for consideration as a receiving area with further study and subsequent amendment of the Comprehensive Plan to establish appropriate multipliers for transfers to areas outside the Urban Service Area (See Policies 32.7 and 32.8).~~

~~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 32.5:** The TDR pilot program is hereby initially established for a period of 20 years at which time the County shall assess the merits of the pilot program at which time the Board of County Commissioner shall determine the future of the Pilot Program.

~~Adopted Community Plan TDR sending and receiving areas will be incorporated in the County TDR Sending and Receiving Area map as appropriate. In the event designate County sending and receiving areas map and policies conflict with adopted Community Plans related TDR programs, the Community Plan map and policies will supersede the County TDR program and related regulations and prevail in identifying specific sending and receiving areas.~~

**Policy 32.6:** The properties designated as Sending Zones and Receiving Zones are depicted on a map designated the “Hillsborough County Transfer of Development Rights Map.” This map is included as part of this Comprehensive Plan as part of the Future Land Use Map Series are limited to those areas as identified as part of the Pilot Program in Policy 32.1 above; however,

may be amended by the County in concert with an amendment to a Community Plan or similar initiative.

~~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 32.7:** The County Administrator or designee shall be responsible for maintaining permanent records of all TDR Certificates issued, easements recorded, and TDR Credits transferred to Receiving Area sites or purchased and held by ELAPP or another organization as approved by Hillsborough County or otherwise extinguished. An annual summary of TDR Certificates issued and transferred shall be submitted to the Hillsborough County Board of County Commissioners for information.

~~The County 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. The results of this analysis may result in the development of a multiplier to give greater credit value to one transferable development right than may be permitted under current regulations. The maximum density and intensity levels for the receiving areas and multipliers will be adopted into the Comprehensive Plan prior to the implementation of the transfer of development rights program. This will also be outlined in the Land Development Code.~~

**Policy 32.8:** The County shall develop a monitoring/reporting template to ensure consistent application for all Zones designated in the Pilot Program.

~~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. Receiving areas located outside the Urban Service Area should have a lower multiplier than receiving areas inside the Urban Service Area. 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 urban service area; and/or~~

~~(f) Use of credits in a designated activity center.~~

~~(g) Whether receiving area is located inside or outside the Urban Service Area.~~

~~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 32.9:** Hillsborough County shall evaluate the pilot TDR program annually to measure program effectiveness and modify the pilot program accordingly. Consideration may be given to the following:

- a. Number of transactions completed
- b. Areas where transactions have occurred
- c. Spatial distribution of land conserved
- d. Relative conservation values of land conserved
- e. Annual amount of land conversions prior to and after pilot TDR program implementation
- f. Credit price fluctuations
- g. Costs of program administration
- h. Characterization of community composition and population growth in Receiving Zones
- i. Qualitative feedback on user experience and County's role in transactions
- j. Number of additional units added to Receiving Zone

~~In addition to or instead of the multipliers described in Policy 32.8, the County may consider revising its Land Development Code 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 Code.~~

**Policy 32.10:** The County shall undertake a 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.

~~All properties must be left with the ability to accommodate one dwelling unit; no non-conformities shall be created through the TDR program.~~

**Policy 32.11:** ~~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 32.12:** The County shall investigate other techniques successfully used in other communities to facilitate the administration of the TDR program.~~

~~**Policy 32.13:** 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 32.14:** The County shall undertake a 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.~~