



**Hillsborough County
City-County
Planning Commission**

Memorandum

December 3, 2020

To: Honorable Chair Pat Kemp and Board of County Commissioners

From: Melissa Zornitta, AICP, Executive Director *MZ*

Re: Wetland Density Credit - Future Issue

This memo provides information in response to the original Future Issue raised earlier in 2020 regarding Wetland Density Credits and their calculation. Planning Commission staff prepared three informational items that are as follows:

1. **Examples of how the adopted Wetland Density Credit calculations work.** Two examples were utilized based on recently approved rezonings; one is in the Urban Service Area and the other in the Rural Area. In each example, the calculation of density without the wetland density credit is also provided. These examples are labeled Attachment A.

2. **Analysis of impact.** At workshops earlier this year, the Board had considerable discussion about future growth and in particular the idea of maximizing growth in the Urban Service Area. As such, Planning Commission staff examined the potential impact of removal of the wetland density credit on future growth projections both inside and outside the Urban Service Area. The chart below outlines our estimates based on vacant and developable land, wetlands and allowable density in each current future land use category. There are many variables in these estimates; they are provided to give the Board an idea of the impact of this potential change, not exact numbers.



Total Number of Units Lost with removal of Policy 13.3

Inside the USA	18,888 units
Outside the USA	30,488 units
Both	49,376 units

Total population not accommodated (units x 2.59 Persons Per Household)

Inside the USA	48,919
Outside the USA	78,969
Both	125,139

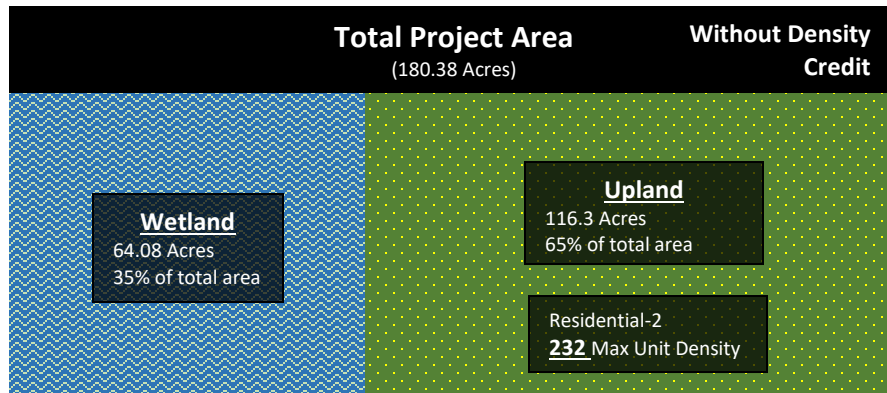
3. **Other local government calculations.** Attachment B of this memo provides information on how other local governments in Florida, both cities and counties, handle the calculation of density when wetlands are present. The spreadsheet illustrates that there are a wide variety of ways in which this is handled across the state. Of the 12 jurisdictions examined, 5 (City of Palm Coast, Gulf County, Manatee County, Pasco County, and Leon County) have a wetland density credit similar to Hillsborough County. 7 of the 12 jurisdictions allow for a transfer of density through a Transfer of Development Rights program.

It is our pleasure to provide you this additional information regarding this issue.

Attachment A

Wetland Density Credit Rezoning Examples

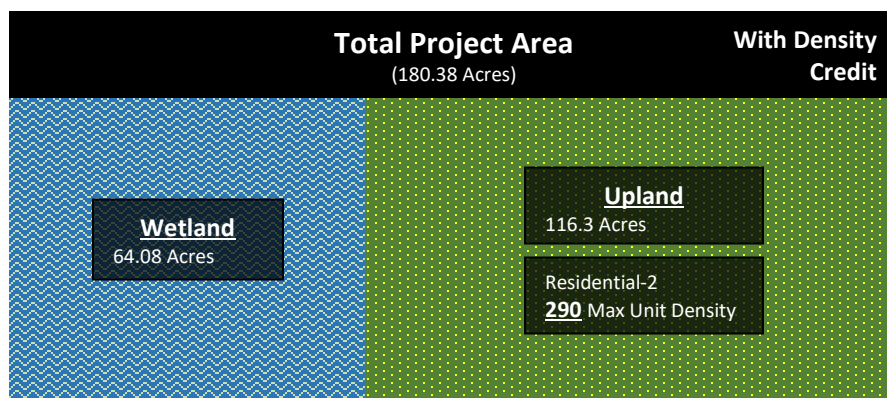
Policy 13.3: Environmentally Sensitive Land Credit (PD-18-0304)



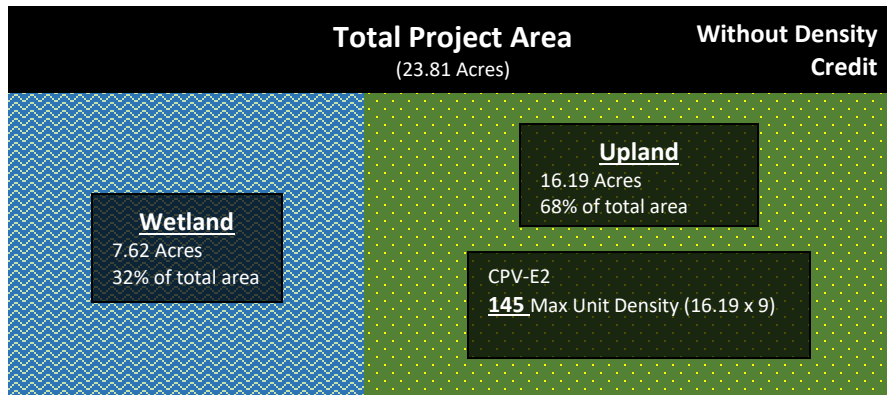
- 1** Is the project area (180.38 acres) with a mix of wetland and upland areas eligible for environmentally sensitive land credits? **YES.**
- 2** Does the wetland area make up more than 25% of the total project area to be eligible for credit factor (1.25)?
 - **YES.** This project site has 35% wetland area.
- 3** When calculating the Environmentally Sensitive Land Credit, you will need to review 3 elements.
 - Acreage of wetland compared to the upland acreage
 - The credit factors
 - The future land use category

The upland acreage of the site will be multiplied by 1.25.

For this example, the formula is structured as **116.3 (acres of upland) x 1.25 (credit factor) x 2 (future land use category Residential-2) = 290 Max Unit Density**



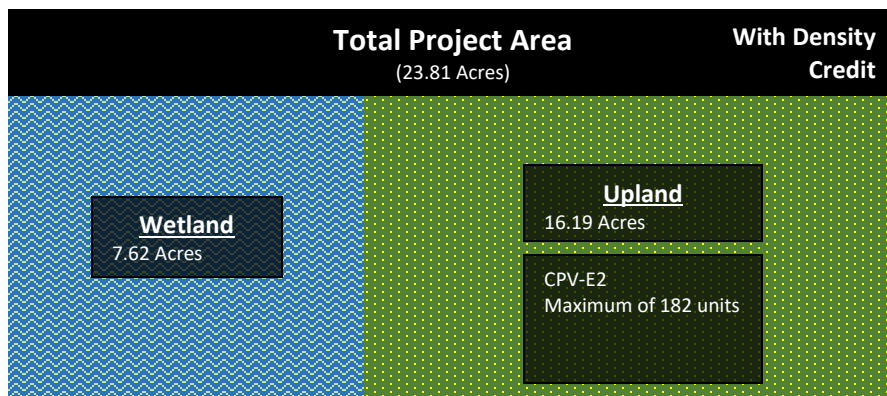
Policy 13.3: Environmentally Sensitive Land Credit (MM 19-1297)



- 1** Is the project area (23.81 acres) with a mix of wetland and upland areas eligible for environmentally sensitive land credits? **YES.**
- 2** Does the wetland area make up more than 25% of the total project area to be eligible for credit factor (1.25)?
 - **YES.** This project site has 32% wetland area.
- 3** When calculating the Environmentally Sensitive Land Credit, you will need to review 3 elements.
 - Acreage of wetland compared to the upland acreage
 - The credit factors
 - The future land use category

The upland acreage of the site will be multiplied by 1.25.

This formula is structured as **16.19 (acres of upland) x 1.25 (credit factor) x 9 (future land use category CPV-E2) = 182 Max Unit Density**



Attachment B

Wetland Density Credit Spreadsheet

County / City	Reference	Alternatives	TDR	Policy Notes	Calculations	
Broward County	2.23.3	<input checked="" type="checkbox"/> TDR <input checked="" type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input type="checkbox"/> Density Credit <input type="checkbox"/> Other		<p>Municipalities may adopt "Transfer of Development Rights" (TDR) programs within their jurisdictions, or, with other Broward County local governments pursuant to a legally binding agreement. At a minimum, a TDR program must include the following: 1. Any TDR "receiving area" must be identified and designated in advance of any action to transfer rights from a TDR "sending area." 2. Broward County's barrier island (i.e. land east of the Intracoastal Waterway) is not eligible to be a TDR "receiving area," unless the associated "sending area" is from within the barrier island and meets all other criteria of this policy. 3. A TDR "sending area" must further a public purpose, such as, but not limited to, enabling the creation of significant public or private open space areas or corridors, protect environmentally sensitive lands, historic/archaeological resources, or areas identified as appropriate for climate resiliency strategies (e.g. "repetitive loss" properties, "Priority Planning Areas," or "Adaptation Action Areas") 4. A TDR program must ensure that any "sending area" properties which utilize the program do not have any legal residual development rights that are not consistent with the stated public purpose to be furthered by the TDR program. 5. A municipal TDR program must ensure that "sending area" properties which utilize the program are properly managed and maintained after development rights have been transferred. Policies 30 6. A TDR "receiving area" must be, by the applicable municipality, suitable and preferred for growth and redevelopment and be within areas such as "activity centers," designated on the Broward County Land Use Plan, and/or identified redevelopment areas approved by Broward County. 7. Prior to TDR allocations to a property within a designated "receiving area," municipalities must demonstrate that resulting development will address the following: - be compatible with adjacent existing and planned land uses; - public facilities and services (e.g. potable water, sanitary sewer, solid waste, transportation, etc.) will be adequate, consistent with adopted level of service standards; - meet applicable storm evacuation standards - not negatively impact environmental and historic resources. 8. The chief elected official and municipal manager, or equivalent, of municipalities and unincorporated areas located within 1000 feet of a proposed TDR "receiving area" must be notified in writing at least 30 days prior to the first hearing and 30 days prior to any adoption hearing.</p>	<p>Broward County shall implement strategies for the protection of Local Areas of Particular Concern and other environmentally sensitive lands such as: acquisition by public or private organizations; establishment of a County trust fund for acquisition; adoption of innovative land development regulations; conservation easements; transfer of development rights; deed restrictions; and restrictive covenants.</p>	<p>N/A Confirmed they have no detailed calculation; most developable land is already in use (Comprehensive Planning and GIS Services Main: 954-357-6634)</p>
City of Palm Coast	1.1.1.6, 1.1.1.7, 1.1.1.8, 6.1.9.6	<input checked="" type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input checked="" type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>The City shall continue to maintain in its Land Development Code (LDC) to grant partial credit for preserved wetlands in making density or intensity calculations. This is an on-site transfer of development rights, which may involve allowing part of the preserved wetland area to count as gross developable acreage in making the calculation. Applicants who demonstrate an ability to protect on-site wetlands by approving requests for relief from LDC requirements in the nature of variances (i.e., setbacks, required buffers, landscape areas, etc.). The City shall consider utilizing density credits, transfers or other incentives.</p>	<p>N/A Provided an updated look at land development code (Sec. 10.01) but confirmed there are no specific calculations. (Jordan Myers 386-986-3736)</p>	
Duval / Jacksonville	7.1	<input type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input checked="" type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>The construction of the proposed residential sub-division without density credit transfer will have adverse effects on existf.ng structures and uses in the event that flooding occurs or adverse effects to wetlands and natural water bodies are likely to result; and the density credit transfer will not increase the density of residential development on the land to which the transfer occurs by more than the density of the residential development on the total land area (boundaries of the development or subdivision) permissible prior to the transfer. If this subsection can be satisfied by density credit transfer from only a portion of the land lying within a special flood hazard area, then this section shall apply to said area. On property with more than 50% wetlands within its boundaries, 50% of the wetland may be used to calculate density transfers. The density credit transfer-shall be consistent with the permitted uses allowed by the zoning classification. The density credit transfer shall only be allowed in subdivisions developed and approved pursuant to the City of Jacksonville Regulations and the fact of the density credit transfer shall be noted on the face of the plat in such form as prescribed by the City. Said notice-shall constitute a covenant juring with the land, enforceable by the City.</p>	<p>On property with more than 50% wetlands within its boundaries, 50% of the wetland may be used to calculate density transfers.</p>	
Gulf County	1.1.9	<input checked="" type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input checked="" type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>Except for areas governed by Policy 1.3.10 where a transfer of density from the wetland areas to the upland portion of the parcel occurs and consistent with Policy 1.1.10, such transfer shall be at a one to one ratio.</p>	<p>Where a transfer of density from wetlands to upland portions occurs within coastal areas as depicted on the revised Future Land Use Map, such transfer shall be at a density of 1 unit per five acres of wetlands or 20% density value per acre when wetland acreage is more or less than five (5) acres.</p>	

Manatee County	706.9	<input checked="" type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input checked="" type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>Transfer Allowed. The acreage within a wetland and wetland buffer may be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of a zone, in conformity with the requirements of the Comprehensive Plan. The allowable development potential may be transferred to upland portions of the site outside the Wetlands and Wetland Buffer. Examples of Wetland and Wetland Buffer Density/Intensity Credit are provided in the Administrative Procedures. Limitation on Credit. The alteration or relocation of any jurisdictional wetland shall be minimized by limiting the density or intensity credit which may be transferred from any acreage of altered or relocated jurisdictional wetlands to 50% of the maximum density or intensity associated with the Comprehensive Plan Land Use Classification on any such wetland. Any such reduction in density or intensity credit shall be in addition to any reduction caused by wetland acreage being in excess of 20% gross project acreage.</p>	<p>The relocation of wetlands will be minimized by limiting the density or intensity credit which can be transferred from acreage of relocated wetlands to 50% of the maximum density or intensity associated with the Comp Plan. Any reduction in density or intensity credit will be in addition to any reduction caused by wetland acreage in excess of 20% gross project acreage.</p>
Orange County	FLU 6.6.8 (Also, FLU 4.1.2)	<input checked="" type="checkbox"/> TDR <input checked="" type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input type="checkbox"/> Density Credit <input type="checkbox"/> Other	<p>In order to encourage the implementation of the greenbelt requirements in FLU4.5.1, preserve other important uplands, agricultural areas, water reuse areas, Floridan aquifer recharge, wetland connections and wildlife corridors, Orange County may allow the Transfer of Development Rights. Transfer will be limited to the property on which the right-of-way is located or within 1/4 mile of the right-of-way sending area, whichever is greater. The TDR ordinance enhances the preservation of ecologically sensitive areas and reinforces the defined village edge by identifying TDR sending areas within the Village Greenbelt as identified in FLU4.5.1. The use of TDRs also provides for protection of private property rights within the sending areas. Additionally, limits are placed on the amount of development rights that can be transferred within any neighborhood to ensure a compact and integrated development form that has a population density to meet the requirements of a neighborhood school while providing for a diversity of housing types. Village Upland Greenbelt TDR (Ratio Units / Acre Units / Acre) (Lakeside 11 units / 1.0 acre) (Bridgewater 17.1 units / 1.0 acre) (Village F 17.1 units / 1.0 acre) (Village H 25.5 units / 1.0 acre) (Village I 38.9 units / 1.0 acre) (Town Center 5.8 units / 1.0 acre or 8,700 sq. ft. / 1.0 acre) (Wetland TDR Ratio) (Units / Acre Units / Acre) (Lakeside 1 unit / 3.5 acres) (Bridgewater 1 unit / 2.9 acres) (Village F 1 unit / 2.9 acres) (Village H 1 unit / 2.9 acres) (Village I 1 unit / 2.9 acres) (Town Center 1 unit / 3.3 acres (non-residential – N/A))</p>	<p>Dedication of conservation easements. Land acquisition, both fee simple and less-than-fee. Clustering of development. Density credits and density incentives that result in permanent protection of open space. Low to very low density development in the Rural Service Area.</p>	<p>Each community, shall have a minimum thirty-five percent (35%) of net developable land incorporated within the open space and community space systems as identified in Policy FLU6.8.1. Community space as identified in Policy FLU6.8.1 may occupy a maximum of five percent (5%) of the combined total open and community space.</p>
Pasco County	POLICY CON 1.3.7	<input type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input checked="" type="checkbox"/> Density Credit <input type="checkbox"/> Other	<p>Density or intensity transfers pursuant to this subsection shall be evidenced in accordance with 804.7.E, and by recorded deed restriction, in a form acceptable to the County, on the sending and receiving properties, at the time of County final MPUD approval for the sending property. A recorded deed restriction on the receiving parcel shall not be required if a Transferable Density certificate is issued pursuant Section 804.10.A.4. until the certificate is utilized for a receiving parcel. For example: The receiving property is zoned R-3 Medium-Density Residential, which allows for 4.6 dwelling units per acre. As a result of the density transfer, the receiving property would be allowed an additional 3.0 dwelling units per acre, or a resulting 7.6 dwelling units per acres. The next zoning classification that allows for this density is the MF-1. Multiple-Family Medium-Density District, which allows for 12 dwelling units per acre. R-4 High Density Residential only allows for 7.3 dwelling units per acre, less than the resulting allowable density. The subject property would not be allowed to exceed the allowable 7.6 dwelling units per acre resulting from the density transfer; however, it would be subject to the other area, lot width, coverage, yard, and height regulations in accordance with the MF-1 District.</p>	<p>Pasco County shall provide density/intensity credits for preserving wetlands based on size, type/category, and quality. In those cases where proposed residential or nonresidential acreage contains lands which are classified as Category I Wetlands (except naturally occurring water bodies), a twenty-five (25) percent density/intensity incentive will be allowed provided that the areas so classified are not impacted by the development and are preserved in perpetuity by conservation easement or dedication to a government entity as approved by Pasco County. In those cases where proposed residential acreage contains lands which are classified as critical linkages, 100 percent of the base density of the upland portion of the critical linkage may be transferred to the developed portion of the property as well as an additional twenty-five (25) percent density incentive, provided that the areas so classified are not impacted by the development and are preserved in perpetuity by conservation easement or dedication to a government entity as approved by Pasco County. See Policy CON 1.2.2.a for a discussion of other permissible density/intensity transfers for critical linkages In those cases where proposed residential or nonresidential acreage contains lands which are classified as Category II or Category III Wetlands, a ten (10) percent density/intensity incentive will be allowed, provided that the areas so classified are not impacted by the development and are preserved in perpetuity by conservation easement or dedication to a government entity as approved by Pasco County.</p>	<p>25% density/intensity incentive will be allowed when not impacted by the development and are preserved in perpetuity by conservation easement. In those cases where proposed residential acreage contains lands which are classified as critical linkages, 100% of the base density of the upland portion of the critical linkage may be transferred to the developed portion of the property as well as an additional 25% percent density incentive.</p>
Sarasota County	VIII. NU-11	<input checked="" type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>In Sarasota County, a TDR is the right to transfer the build of a single dwelling unit from one property to another. The purpose is to conserve environmentally sensitive lands by directing development off environmentally sensitive lands (the "sending" property) onto lands that are more suitable for development (the "receiving" property). To be eligible to pursue TDRs owned by Sarasota County, a party must file and pursue an application for zoning approval of a Sarasota 2050 development. This establishes a qualifying Receiving Zone. All sales and uses of TDRs must be consistent with the Sarasota County Comprehensive Plan and zoning regulations. The Comprehensive Plan (see Chapter 8, 2050 Resource Management Areas) provides guidance.</p>	<p>Calculation of Transferable Development Rights. The Development Rights appurtenant to a particular parcel of land in a designated Sending Zone shall be determined according to Table TDR-1 (Page 40)</p>

Collier County	2.03.07	<input checked="" type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>Lands in all residential zoning districts and residential components of planned unit development zoning districts are eligible to receive residential development units provided that the maximum number of residential units which may be transferred to the receiving land does not exceed ten percent of the maximum number of residential units permitted under the receiving property's basic zoning district. For the purpose of calculating the final fractional residential unit of the total number of residential units eligible for transfer to an eligible parcel of land, the following shall apply: Any fractional residential unit shall be converted upward if one-half or more of a whole unit, or downward if less than one-half of a whole unit, to the nearest whole unit value.</p>	<p>For the purpose of determining the number of residential units which a parcel of land is capable of receiving, the following formulas shall apply: RSF-1 through RSF-5 districts, up to and including five units per acre: Units per base density \times 10% = .1 to .5 units per acre. RMF-6 district, up to and including six units per acre: 6 units \times 10% = 0.6 units per acre. RMF-12 district, seven to and including 12 units per acre: 12 units \times 10% = 1.20 units per acre. RMF-16 district: 16 units \times 5% = 0.80 units per acre. RT district: 16 units \times 5% = 0.80 units per acre. PUD district: Residential tract units \times 5% = permitted units per acre.</p>
Lee County	LDC Sec. 2-151	<input checked="" type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>A Wetland TDU is a transfer of development unit generated from undeveloped wetlands in unincorporated Lee County, outside of Greater Pine Island or Southeast Lee County in accordance with the LDC.</p>	<p>Sending Areas: Up to one TDU per 5 acres. Up to two TDUs for lots with an affirmative MUD. TDUs created in the Coastal High Hazard Area will be doubled. Receiving Areas: One wetland TDU credit may be redeemed for two dwelling units when transferred to Future Urban Areas that allow for bonus density.</p>
Osceola County	ARTICLE 2.9	<input checked="" type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>Property owners within designated Sending Areas are not compelled by this Section to convey TDR credits from their property. If conveyances or transfers do occur, they shall be accomplished on a voluntary basis, between willing buyers and sellers working in accordance with rules and procedures outlined in this Section. Eligible property owners within the UGB are not compelled by this Section to purchase TDR Credits as a condition for developing their property consistent with the designated land use classification. The monetary value of TDR credits shall be determined between the seller and buyer. The County may assess additional administrative fees by resolution to implement the provisions of this Section. TDR SENDING AREAS. For purposes of this Section, only properties that have not been perpetually preserved by an easement or deed to the U.S. government, State of Florida, or Water Management District, or other governmental entity or which have otherwise extinguished their development rights and which fall within one (1) of the three (3) categories listed (Agricultural Lands, Military Installation Lands, or Historic or Cultural Lands) shall be considered eligible "Sending Areas." Sending Areas fall under the following categories with the goal of meeting the purpose and intent as identified in this Section. TDR RECEIVING AREA. TDR Receiving Area is an area of land within the UGB designated for urban development by the Comprehensive Plan's Future Land Use Map series excluding lands designated as rural enclaves and with access to existing or planned public infrastructure and services shall hereafter be referred to as an eligible "TDR Receiving Area."</p>	<p>TDR Sending Sites, TDR credits shall be calculated by taking the total acreage and subtracting any portions of the property considered sovereign water bodies or wetlands, and any portions of the property within a floodway, as determined by the County Manager, thereby deriving the "developable land." The determination of developable land shall be made by the applicant using available aerial photography and soil delineations. If the applicant disputes any calculations of the County, a formal wetland determination by the applicable regulatory agency outlining the applicable areas and certifying land area may be submitted to the County for the property under review. The County Manager shall review the formal wetland determination and make a final determination which shall be communicated to the applicant. Specific credit calculations shall be determined based on the generation factors located within the TDR Siting Standards herein.</p>

Leon County	Policy 1.3.3	<input type="checkbox"/> TDR <input type="checkbox"/> Land Aquisition <input type="checkbox"/> Financial Incentive <input checked="" type="checkbox"/> Density Credit <input type="checkbox"/> Other	n/a	<p>In all cases the transfer of development to non-environmentally sensitive areas is preferable. Density transfer shall be within the parcel; no off-site transfer is permitted. Transfer of development density to non-environmentally sensitive areas will be allowed up to the density permitted by the future land use category in which the parcel is located.</p>	<p>The amount of density transfer may be limited by other applicable requirements and ordinances implemented during the development review process, such as requirements for stormwater retention, open space and landscaping, buffer, setbacks, parking, transportation access and any concurrency requirements. If there is no area on the site suitable for transfer, development will be allowed at one unit per acre unless otherwise stated. Where open space requirements are part of the land development code, 50% credit may be given for conservation areas that are preserved. In no case can the density on the developable portion of the site be more than double the allowed density of the Land Use category in which the parcel is located.</p>
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