

9.0 TRANSFER OF DEVELOPMENT RIGHTS

9.0. TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

OBJECTIVE 9.1

To create a tool that, in addition to other County policies and regulations, will protect the County's environmental resources and promote viable agriculture and the rural landscape while encouraging efficient use of services and infrastructure by concentrating development in more suitable areas of the County.

Policy 9.1 Transfers of development rights may be proposed for two or more separate legally created parcels to facilitate transfers of development rights from regulated conservation and viable agriculture areas to areas within the Urban Cluster or potentially within other municipalities.

Policy 9.1.2 Sending Areas

- a. Agricultural Sending Areas shall be defined as any legally created parcel or combination of contiguous parcels that meet the following criteria:
 1. property has an approved agricultural classification from the Alachua County Property Appraiser;
 2. property is located outside the Urban Cluster; and
 3. property is ≥ 160 acres.
 - a. An exception to the size threshold may be permitted where the property is determined to be contiguous to another designated sending area.
 - b. An exception to the size threshold may be permitted where the property is determined by the County to be of exceptional agricultural value.
 - c. No agricultural sending area property may be smaller than 40 acres in size.
- b. Conservation Sending Areas shall be defined as any legally created parcel or combination of parcels that meet the following criteria:
 1. property contains Strategic Ecosystems or is on the Alachua County Forever (ACF) active acquisition list; and
 2. property is ≥ 160 acres.
 - a. An exception to the size threshold may be permitted where the property is contiguous to an established Preservation area or designated sending area.
 - b. An exception to the size threshold may be permitted where the property is determined by the County to be of exceptional conservation value based upon ground-truthing of the property.
 - c. No conservation sending area property may be smaller than 40 acres.
- c. Calculating Development Rights
 1. Development rights available for transfer shall be equal to the lesser of the following, minus the residual units not to be included in the transfer:
 - a. number of residential units otherwise allowed on the sending area property; or
 - b. number of upland acres on the sending area property.

2. As an incentive to transfer development rights away from a sending property, a total of 2 development rights in addition to the number of rights granted through the calculations identified above are allowed, plus one additional right per every 10 acres of conservation area on site and one additional right per every 20 acres of non-conservation area on site, consistent with Policy 6.2.9 of this Element.

d. Residual Uses

1. Agriculture – Residential densities of up to one dwelling unit per 40 acres may be retained in the sending area and continuation of agricultural uses in accordance with the most recent best management practices (BMPs) adopted by the State. When mapped conservation areas are located on site, Conservation Sending Area residual guidelines apply.
2. Conservation – Residential densities of up to one dwelling unit per 200 acres may be retained on the sending parcel where consistent with a Conservation Management Plan.
 - a. Higher densities of up to one dwelling unit per 40 acres may be proposed where it can be demonstrated that there is no impact on resource protection and where consistent with the Conservation Area Management Plan.
 - b. The amount of density to be retained shall be based on what is necessary to protect the integrity of the ecological system and conservation resources.
 - c. Continuation of agricultural uses is allowed in accordance with the most recent best management practices (BMPs) adopted by the State.
 - d. Residual units shall be developed in a clustered pattern, when necessary, to protect the integrity of the environmental resources on and adjacent to the site.

Policy 9.1.3 Receiving Areas

- a. Any nonresidential development in the unincorporated area may become a receiving area through the purchase of development rights in order to reduce the amount of open space required on the development site, at a transfer rate to be established in the Land Development Regulations.
- b. Receiving areas may be located within any of the municipalities in Alachua County through the establishment of interlocal agreements.
- c. Any proposed amendment to expand the Urban Cluster must include a commitment to purchase development rights at a rate equivalent to the proposed increase in density or intensity in accordance with Policy 7.1.3.e of this Element.

Policy 9.1.4 Program Administration

- a. The County shall create and maintain a publicly accessible database of development rights.
- b. Sending property owners shall record a conservation or agricultural easement on the sending parcel and commit to a County-sponsored rezoning of the parcel to a sending area zoning designation.