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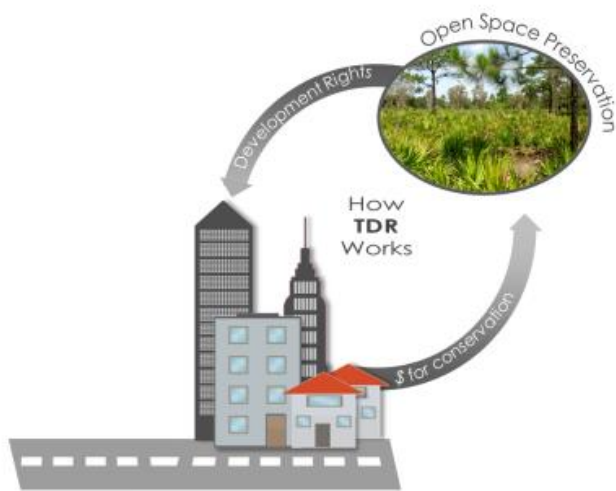
Transfer of Development Rights: Innovations from Florida

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Transferable development rights (TDR) programs are a land use planning tool used by more than 250 local governments in the U.S. These programs allow for the transfer of density and development potential away *from* a location where a community wants to limit growth and *into* areas targeted for growth. The top-performing TDR program in the U.S. hails from King County, Washington, where it has protected over 144,500 acres of farm, forest, and rural lands.

Transferred development rights in the King County program have been used to develop commercial and residential projects in the City of Seattle and other municipalities in the region.



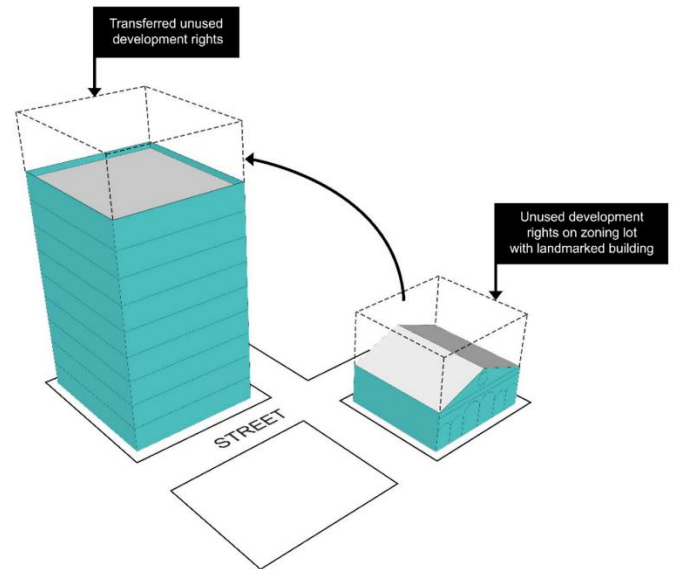
the receiving area. Ideally, a TDR program provides value to both sending and receiving area landowners, while supporting community land use objectives.

TDR is a flexible tool that can serve a wide array of community planning goals. The first step in designing a TDR program is the identification of a "sending" area a community wants to protect from additional development, such as a rural area or historic properties. The next step is to identify a "receiving" area where additional development may be transferred to. Receiving areas may include redevelopment areas, locations targeted for transit-oriented development, and other areas where additional density is both appropriate and in demand. Once a TDR program is established, a sending area property owner can sell development rights to developers interested in obtaining additional density in

Although best known as a tool that supports rural area protections and growth management, Florida local governments are pioneering innovative applications of TDR as part of transformative community building. This blog post highlights three Florida TDR programs that use TDR in unconventional ways to create more resilient communities.

I first turn to Palm Beach County, Florida—one of the oldest and most successful TDR programs in the nation. Palm Beach County has used TDR since the 1980s to preserve environmentally-sensitive lands. In 1991, Palm Beach County voters approved a \$100-million bond to purchase 35,000 acres of environmental lands. Development rights from these protected lands were "banked" for sale to developers, creating a revolving fund for ongoing maintenance and acquisition of environmental lands. Palm Beach County updated its successful TDR program in 2004 in response to the 2000-2005 Florida housing boom—which saw home prices in Florida rise by 82%. Responding to concerns that many important community workers were being priced out of the area, Palm Beach County offered TDR credits for sale at discounted rates for developers in exchange for providing workforce housing units. Developers get a density bonus and the community offers a greater housing choice. In 2009, the County expanded its efforts to address housing affordability through TDR with introduction of an affordable housing program. The workforce and affordable housing TDR programs work in tandem to target provision of housing for different income categories. The workforce TDR program has been especially successful, with 65% of TDRs tracked by the County used to facilitate workforce housing.

A second unique use of TDR in Florida comes from the Wynwood neighborhood in Miami, Florida—a global cultural destination distinguished by its industrial character and mural arts program. Wynwood was once one of the largest garment districts in the U.S., but deindustrialization and suburbanization contributed to its decline by the 1970s. Revitalization of Wynwood took off in the late 1990s when developer Tony Goldman envisioned the neighborhood’s windowless warehouse and factory walls as canvases for graffiti art. The Wynwood Walls open air mural art project debuted in 2009 and is a central part of Miami’s annual Art Basel event, as well as ongoing improvements and cultural activities occurring in Wynwood. In 2016, the Wynwood Business Improvement District worked with the City of Miami to create the City’s first Neighborhood Revitalization District plan. The plan establishes a TDR program for Wynwood aimed at protecting Legacy Structures, defined as existing buildings that are maintained and repurposed to contribute to the character of Wynwood. Legacy Structures must be associated with a significant industry important to the area’s history, exemplify Wynwood’s industrial past, or provide public art such as murals. Wynwood’s TDR program can also be used to protect publicly-accessible open space. These provisions aim to protect the community’s unique appeal, which comes in large part from the low-rise industrial buildings and public spaces that invite pedestrian activity. Although a relatively new program, Wynwood’s TDR program has been used twice, with a third transfer in the pipeline.



Finally, the City of Miami, Florida is pioneering the use of TDR for climate adaptation in its Arch Creek Basin area. Approximately 67% of the Arch Creek Basin Area is located in a Special Flood Hazard Area. This prompted the City to designate Arch Creek Basin as its first Adaptation Action Area—an optional planning designation authorized by the State of Florida to support planning for areas vulnerable to climate change. Together with the Urban Land Institute, Miami is exploring the use of TDR for the Arch Creek Basin. The vision is to use TDR to support implementation of a new, large-scale slough park that would transform the area’s historic creek corridor into a neighborhood green space. In addition to serving as a floodwater management tool, the slough park would create new recreation areas and serve as a focal point for future development. Parcels to be included in the park could comprise the sending area. These parcels are primarily single-family residential properties facing flood risk, and a central concern in designing the TDR program is providing the certainty, flexibility, and value that could support voluntary relocation of residents. Potential provisions include giving eligible occupants priority for low-income housing options and allowing residents to pre-sell a property, but remaining in place for up to ten years or until inundated.

As these examples show, TDR is an ever-evolving subject for planning innovation, adapting to emerging challenges and responding to unique local conditions. Florida is poised to remain at the forefront of creative use of TDR, especially as local governments work to accommodate projected population growth while protecting community assets and vulnerable populations.