

ORDINANCE NO. 06-018

AN ORDINANCE OF ST. LUCIE COUNTY, FLORIDA, ADOPTING LAND DEVELOPMENT REGULATIONS FOR TRANSFERABLE DEVELOPMENT RIGHTS TO APPLY TO PROPERTY GENERALLY LOCATED IN THE TOWNS VILLAGES AND COUNTRYSIDE (TVC) COMPREHENSIVE PLAN ELEMENT BOUNDARY AND AS MORE SPECIFICALLY DESCRIBED IN EXHIBIT A HERETO, WHICH REGULATIONS ARE ATTACHED AS EXHIBIT B HERETO; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the St. Lucie County Board of County Commissioners (the "Board") has prepared comprehensive plan amendments and land development regulations to implement the results of the North St. Lucie County Charrette; and

WHEREAS, the implementation of the aforesaid Charrette results and the comprehensive plan amendments by the adoption of land development regulations shall serve to further guide land use and development, so that the public health, welfare and safety is protected and the aesthetic, and environmental resources of the County are further enhanced and protected from impairment and suburban sprawl is avoided; and

WHEREAS, an important element of the County's growth management strategy includes development and implementation of balanced land development regulations, including the use of Transferable Development Rights, to manage the emerging trend for extensive development activities arising within the northern part of the County; and

WHEREAS, the regulations for transfer of development rights as a component of the implementing land development regulations were subject to a public workshop before the Board on March 7, 2006; and

WHEREAS, the County Local Planning Agency has reviewed the regulations set forth in this Ordinance and has determined that the regulations are consistent with the applicable provisions of the Comprehensive Plan of the County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. Each of the above stated recitals is hereby adopted and confirmed.

Section 2. Adoption of Transferable Development Rights Land Development Regulations. The Board hereby adopts the Transferable Development Rights regulations, attached as Exhibit B hereto, as a part of the Towns, Villages and Countryside regulations of the St. Lucie County Land Development Code. These regulations shall apply to that property generally located in the Towns, Villages and Countryside (TVC) comprehensive plan element boundary and as more specifically depicted in the cross hatched area of Exhibit A attached hereto.

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. It is the intention of the Board, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Land Development Code of St. Lucie County, Florida, and that the sections of the Transferable Development Rights regulations as set forth on Exhibit B may be renumbered or relettered to accomplish such intentions.

Section 5. Effective Date. This Ordinance shall be filed with the Secretary of State, and its effective date shall be the same date on which the Towns, Villages and Countryside Comprehensive Plan amendments shall become effective in accordance with Chapter 163, Part II, Florida Statutes.

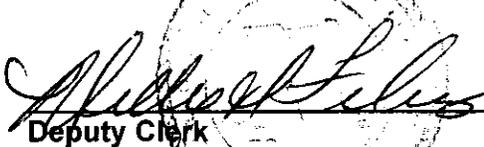
After motion and second, on second hearing and adoption, the vote on this ordinance was as follows:

| | |
|---------------------------------|------------|
| Chairman Doug Coward | <u>Aye</u> |
| Vice Chairman Chris Craft | <u>Aye</u> |
| Commissioner Joseph E. Smith | <u>Aye</u> |
| Commissioner Paula A. Lewis | <u>Aye</u> |
| Commissioner Frannie Hutchinson | <u>Aye</u> |

PASSED AND DULY ADOPTED this 30th day of May, 2006.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**


Deputy Clerk

BY


Chairman

**APPROVED AS TO FORM AND
CORRECTNESS**

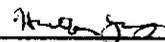
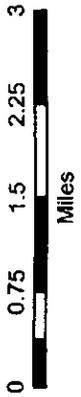

County Attorney

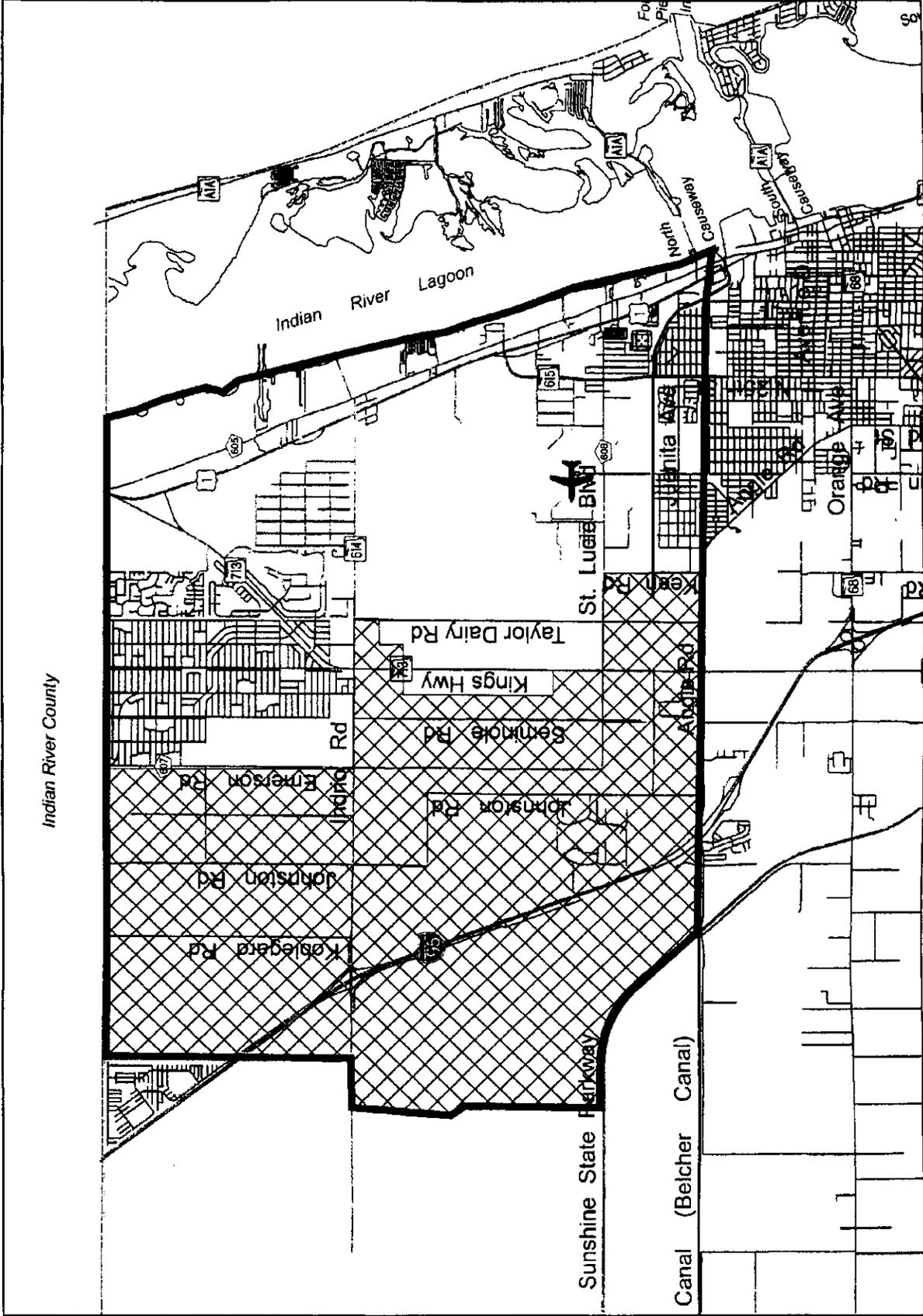
EXHIBIT A



St. Lucie County
Storm Management Department
Map prepared April 7, 2006



- North County Study Area
- TVC Element Boundary



4.04.05 TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

A. Applicability.

Section 4.04.05 establishes procedures for the Transfer of Development Rights Program for the North St. Lucie County Special Area Plan (SAP). This section establishes procedures by which transferable development rights are calculated, applied, conveyed, and recorded, for the purpose of the preservation of the County's valuable agricultural land, open space, and environmental quality, and in promoting well-designed communities, social diversity, and economic growth. Paragraph C describes how transferable development rights are assigned to land within the North St. Lucie County SAP. Paragraph D explains that landowners are under no obligation to exercise their transferable development rights and how Transferable Development Rights Credits (TDR credits) are created. The description of the qualifying sending and receiving areas are set out in paragraphs E and F herein. The use of transferable development rights, including calculation of the number of TDR credits that may be transferred is established in paragraph F. Procedures for approval of use of TDR credits are set out in paragraph G.

B. Findings

St. Lucie County finds that the planning approach outlined in the Towns, Villages and Countryside (TVC) Comprehensive Plan Element promotes more efficient, predictable, and sustainable patterns of development, by encouraging new development in mixed-use Towns and Villages that reduce automobile dependency and provide greater opportunities for transit use, walking, and biking. The Town and Village developments

also protect and enhance the natural environment, maintain agricultural land, and improve the citizens' quality of life. In furtherance of the Element, this section preserves and enhances existing private property rights of small and large landowners while providing incentive-based options to landowners for new development consistent with the TVC Comprehensive Plan Element.

C. Allocation of Transferable Development Rights Within the North St. Lucie County Special Area Plan (SAP).

1. Transferable development rights are afforded only to properties with residential densities consistent with Figure 3-3 of the TVC Element. Except as noted below, every parcel within the TVC Overlay Zone which is also outside of the USB, on the effective date of the TVC Element, is allocated one (1) transferable development right for each gross acre contained therein, excepting one acre of the curtilage around any existing house that is designated to remain on the property. Except as noted below, every parcel within the TVC Overlay Zone which is inside the USB is allocated transferable development rights equal to the number of dwelling units allowed per acre as depicted on the Transferable Development Value Map (figure 3-3 of the TVC Comprehensive Plan Element) for each gross acre contained therein, excepting one acre of the curtilage around any existing house that is designated to remain on the property. Except as noted below, parcels within the North St. Lucie SAP which are both inside the USB and designated by the County as Environmentally Significant are allocated transferable development rights equal to the number of dwelling units allowed per acre in the Future Land Use Element for each gross acre contained therein, excepting one acre of the curtilage around any existing house that is designated to remain on the property.

2. Allocations for the Future Street Network. Parcels within the TVC Overlay Zone that provide right-of-way for the Future Street Network, shall not have the gross transferable development rights reduced by the accommodation of the roadway. For parcels located outside the USB less than 500 acres in size, the area donated for the right-of-way is afforded the multiplier offered in Table F-2.

D. Obligation to Convey Transferable Development Rights; TDR Credits

1. The conveyance of transferable development rights from a sending area to a receiving area is intended to occur solely on a voluntary basis between consenting landowners. Landowners are not compelled by this section to convey their transferable development rights; but if they are conveyed, the conveyance shall occur pursuant to the procedures and standards of paragraphs F and G. Transferable development rights may be severed from the sending area and conveyed by sale, donation or bequest.

2. Transferable Development Rights Credits (TDR credits) are created when a multiplier (Table F-2) is applied to the transferable development rights of a property. Each TDR credit secures one (1) additional residential dwelling unit when applied to an eligible receiving site.

3. Once transferred, TDR credits may be used to construct residential development within that receiving site without a time limitation; however, TDR credits that are not applied to that receiving area within 20 years of their initial transfer shall no longer be available for transfer to another receiving area. Planned Towns or Villages (PTV) that do not use the TDR Credits generated by the Open Space and Countryside requirement within 20 years of approval shall not be eligible to transfer the unused TDR Credits to another receiving site; however such credits may be used to construct residential development within the PTV without time limitation.

E. The TDR Sending Area.

1. The area from which transferable development rights may be transferred is designated as the sending area, and is identified as those properties within the North St. Lucie County SAP and which are identified as desirable for conservation based on the existing natural habitat, agricultural use, location, or historic status. Sending sites are either designated by the County as Environmentally Significant or shown on the Transferable Development Value Map (figure 3-3 of the TVC Comprehensive Plan Element), excepting one acre of the curtilage around any existing house that is designated to remain after TDR transfer. The following areas may participate in the TDR Program as sending sites:

a. Areas permanently designated for the Open Space and Countryside (See Section H, Conditions of Conservation Easement or Deed Restriction) including land used for the following uses:

- i. Agricultural uses,
- ii. Restored or Preserved Native habitat; or Environmentally Significant Land;
- iii. Flow Way System;
- iv. Community Parks, trails, or recreation areas;
- v. Golf course (limited to 18 holes within a Planned Town or Village);
- vi. Civic Spaces within a Planned Town or Village (PTV) including neighborhood parks, greens, squares, plazas, and playgrounds provided they are publicly accessible in perpetuity;

b. The following areas may also participate as sending sites (See Section H, Conditions of Conservation Easement or Deed Restriction) :

- i. Parcels designated for higher education;
 - ii. Parcels designated for targeted industry;
 - iii. Additional Building Lots designated for workforce housing above the requirement for 8% of the proposed number dwellings in a PTV (See Section 3.01.03.EE.2.q);
 - iv. Civic Building Lots including schools, police stations, houses of worship;
 - v. Parcels containing sites of archaeological or historical significance (See Section I, Conditions of Deed Restriction);
 - vi. For parcels less than 500 acres, land donated as right-of-way for the Regional Street Network. Parcels greater than 500 acres may not count land used as right-of-way for the Future Street Network as Open Space and Countryside or use a multiplier on the underlying transferable development rights.
2. The properties within the North St. Lucie County SAP include two distinct areas: (a) lands outside of the Urban Service Boundary, and (b) lands within the Urban Service Boundary.
- a. Outside of the USB, TDR credits may be sent from any one property to another providing the receiving site is a minimum of 500 acres in size.
 - b. Outside the USB, TDR credits may be sent from any one property, to any property within the USB providing the receiving site is within the TVC Overlay Zone or is designated on the North St. Lucie County Preferred TDR Receiving Site Map (Figure 3-12 of the TVC Comprehensive Plan Element).
 - c. Inside the USB, within the TVC Overlay Zone, TDR credits may be sent from any one property to another.

d. TDR Credits may not be sent from a property within the USB to a property outside of the USB, except if (1) the sending property is both within the North St. Lucie County SAP and is designated by the County as Environmentally Significant or (2) the property is contiguous (parcels are adjoining for a minimum of ¼ mile) and partially located both inside the USB and outside USB but wholly located within the TVC Overlay Zone.

3. In addition, the following limitations apply for parcels of less than 500 acres located outside of the USB:

a. A parcel of less than 500 acres located outside the Urban Service Boundary may not be developed at a higher density, including by the use of TDR Credits generated on-site or acquired from off-site locations, than that allowed by the density permitted by the Transferable Development Value Map (figure 3-3 of the TVC Element), unless a landowner of less than 500 acres enters into an agreement with one or more adjoining landowners to develop 500 or more acres into a Town or Village pursuant to these land development regulations.

b. Properties of less than 500 acres located outside of the USB may be subdivided into individual home sites equal to or less than the number of lots permitted by the Transferable Development Value Map (figure 3-3 of the TVC Element), however, any unused transferable development rights are not eligible for participation in the TDR Program.

c. Transferable development rights on properties of less than 500 acres located outside of the USB may be transferred but only (i) in a minimum amount of 90% of the total transferable development rights on the property; and (ii) to an eligible

receiving site within the North St. Lucie County SAP. Once a minimum of 90% of the transferable development rights is transferred or designated for future transfer pursuant to the process outlined in Section H, the sending property may then be subdivided into individual home sites up to the number of lots permitted by the remaining development rights. Such home sites are eligible to receive urban services only at the property owner's expense. Parcels of at least 1.5 acres and under 10 acres may transfer development rights provided only one transferable development right remains on the parcel and all others are transferred or designated for future transfer.

4. Parcels of 500 or more acres located outside of USB and parcels of 110 or more acres located inside the USB may use the TDR Program to increase density to create a Village or Town, pursuant to these land development regulations. Landowners may act as both transferor and transferee of the TDR Credits and may apply TDR credits generated on site to developing the Net Developable Area of the Town or Village. In addition, the following limitations apply:

- a. Landowners who own 500 or more contiguous acres outside the USB in the TVC Overlay Zone may not subdivide the property into individual home sites according to the underlying base zone.
- b. Subdividing parcels of 500 or more acres located outside the USB for the express purpose of avoiding the regulations of the TVC Overlay Zone is prohibited.

5. Parcels inside the USB that opt to develop in accordance with a planned zoning district other than a PTV (See Section 4.04.04.E(1)(b)) may not participate in the TDR

Program as sending sites for either internal or off-site transferable development right transfers.

F. The Use of Transferable Development Rights Within the Receiving Area.

1. The area to which TDR credits may be transferred is the receiving area. Eligible receiving sites must be located within the North St. Lucie County SAP and include the following:

- a. Sites located inside the Urban Service Boundary that are (i) designated on the North St. Lucie County Preferred TDR Receiving Sites Map (Figure 3-12 of the TVC Element) or (ii) located within the TVC Overlay Zone; or
- b. Sites located outside the Urban Service Boundary, of 500 or more acres in size, on which there is County approval to build a Town or a Village. In such case, however, TDR credits sent from inside the USB may only be from lands designated as Environmentally Significant by the County, unless the land is contiguous. In addition, the transferable development rights assigned to properties of 500 or more acres may be used to develop the site as a Town or Village pursuant to this Section.
- c. The Net Developable Area of a Town or Village.

2. Consolidation of Property. A parcel of 500 or more acres outside the USB or 110 acres or more inside the USB in the TVC Overlay Zone may be developed as a Town or Village through the use of transferable development rights. If a landowner completes a Town or Village and owns remaining land not associated with the Town or Village, the transferable development rights from that remaining land may be sold to another landowner or the land may be consolidated with other properties to form the minimum size required to

create another Town or Village development using transferable development rights pursuant to this Section. Separately owned, noncontiguous parcels of less than the minimum size of a Town or Village in the TVC Overlay Zone may be consolidated to create a Town or Village.

3. Calculation of Transferable Development Rights Credits. The number of TDR credits that can be transferred from an eligible sending site to an eligible receiving site is calculated by (a) on the sending site, multiplying the acreage and the dwelling units per acre allowed on the Transferable Development Value Map (figure 3-3 of the TVC Element), then subtracting the number of existing dwellings designated to remain on the site and (b) multiplying the resulting sum by the applicable multiplier on Table F-2 to yield the total number of TDR credits. (See Table F-1 as an example).

Table F-1. Example A: Outside the Urban Service Boundary – Transferable Development Rights Credits Sent From a Parcel of Less than 500 Acres to Another Parcel

| | |
|--|---|
| Parcel Size | 20 acres |
| Transferable Development Rights (Base Zone) from TDV Map | 1 dwelling unit per acre |
| Number of Existing Dwellings | 1 |
| Total Transferable Development Rights From Sending Site | 20 acres x 1 du/ac = 20 dwelling units 20 dwellings – 1 dwelling = 19 dwelling units |
| Multiplier from Table F-2 | 2 |
| Calculation of TDR Credits for Use on Receiving Site | 19 dwelling units x 2 = 38 TDR Credits |

Table F-2 indicates the multiplier that is applicable to the appropriate transfer condition, and used to multiply the allowable base zone density of the sending area. For

parcels that have more than one transfer condition as described in Table F-2, the multipliers for the corresponding portions of the site shall be applied. The resulting sums shall be added together to compute the total TDR Credits for the sending site (see the example in Table F-3).

Table F-2. TVC Transferable Development Right Credit Multipliers

| Transfer Condition | 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 in a Town or Village located Inside the Urban Service Boundary to an Eligible Receiving Site located Inside the Urban Service Boundary. | 1.75 |
| 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 located Outside the Urban Service Boundary to an Eligible Receiving Site Inside the Urban Service Boundary. | 2 |
| 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 |
| From Targeted Industry Site to an Eligible Receiving Site. | 2.5 |
| From Higher Education Site to an Eligible Receiving Site. | 2.5 |
| From Agricultural Research and Education Facilities to an Eligible Receiving Site. | 2.5 |
| From Created or Preserved Native 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 |

4. The number of dwelling units available in the Net Developable area of a PTV is established by (1) multiplying the gross acres in the net developable area by the density permitted by the Transferable Development Value Map (figure 3-3 of the TVC Element) then, (2) adding TDR Credits available from both internal and external sending sites. The total number of dwelling units available in the proposed Town or Village, is the sum of the number of TDR credits (as established in Section 3 above) and the number of dwelling units permitted in the Net Developable Area.

Example B. The owner of a 500 acre parcel located outside of the Urban Service Boundary proposes to build a new Village development. At least 75% of the site must be set aside as Open Space and Countryside. The net development density must result in at least 625 dwelling units, and at least 50 units (8%) must be Workforce Housing units. Transferable development rights moved from the Countryside for use as Workforce Housing receives a multiplier of 2.5. The remaining land set aside for Countryside receives a multiplier of 1.25. The TDR credits and total dwelling units for the Village are shown in Table F-3.

Table F-3. Example B: Transferable Development Rights Transferred within a Parcel of 500 acres, Outside of the Urban Service Boundary

| | |
|----------------------------------|--------------------|
| Parcel Size | 500 acres |
| Net Developable Area | 125 acres |
| Minimum Number of Units Required | 625 dwelling units |

| | |
|---|---|
| Open Space and Countryside Provided | 375 acres |
| Minimum Workforce Units Required Workforce Dwelling Units Proposed | 50 dwelling units 53 dwelling units |
| Density permitted by the Transferable Development Value Map | 1 dwelling unit per acre |
| Transferable Development Rights | 375 acres x 1 dwelling unit per acre = 375 dwelling units |
| Multiplier for Workforce Dwelling Units | 2.5 |
| Multiplier for Open Space and Countryside | 1.25 |
| Calculation of TDR Credits for Workforce Units | 53 dwelling units x 2.5 = 132.5 or 133 TDR credits |
| Calculation of TDR Credits for Countryside | 375 dwelling units - 53 Workforce dwelling units = 322 dwelling units 322 dwelling units x 1.25 = 402.5 or 403 TDR credits |
| Dwelling units available in the Net Developable Area | 125 acres at 1 dwelling unit per acre = 125 dwelling units |
| Total Dwelling Units Generated for Village | 125 dwelling units + 133 TDR credits + 403 TDR credits = 661 dwelling units |

Example C. The owner of a 1,000 acre parcel located outside of the Urban Service Boundary proposes to build a new Town development. At least 60% of the site must be set aside as Open Space and Countryside. The net development density must result in at least 2,000 dwelling units, and at least 160 units (8%) must be Workforce Housing units. Transferable development rights moved from the Countryside for use as Workforce Housing receives a multiplier of 2.5. The remaining land set aside for Countryside receives a multiplier of 1.5. The TDR credits and total dwelling units for the Town are shown in Table F-4.

Table F-4. Example C: Transferable Development Rights Transferred within a Parcel of 1,000 acres Outside of the Urban Service Boundary

| | |
|---|---|
| Parcel Size | 1,000 acres |
| Net Developable Area | 400 acres |
| Minimum Number of Units Required | 2,000 dwelling units |
| Minimum Open Space and Countryside Required | 600 acres |
| Workforce Dwelling Units Proposed | 160 dwelling units |
| Density of Underlying Base Zone | 1 dwelling unit per acre |
| Transferable Development Rights | 600 acres x 1 dwelling unit per acre = 600 dwelling units |
| Multiplier for Workforce Dwelling Units | 2.5 |
| Multiplier for Open Space and Countryside | 1.5 |
| Calculation of TDR Credits for Workforce Units | 160 du x 2.5 = 400 credits |
| Calculation of TDR Credits for Countryside | 600 du - 160 du = 440 du 440 du x 1.5 = 660 credits |
| Total TDR Credits | 1060 credits |
| Dwelling units in base zone of Net Developable Area | 400 ac x 1 du/ac = 400 du |
| Total Dwelling Units Generated for Town | 1,060 transferable development credits + 400 du = 1,460 du This is less than the 2,000 units required. |

Note for Example C: 540 additional TDR credits are needed to meet the minimum density required to build a town. Credits can be acquired or generated through various methods in the TDR Program.

Section G. Procedures for Use of Transferable Development Rights Credits.

The use of TDR credits must comply with the following procedures.

1. Application. The owner of the sending site (the “transferor”) and the owner of the receiving site (the “transferee”) shall submit a signed application on a form provided by the St. Lucie County Planning Department. Along with the application form, the following shall be submitted:

- a. A legal description of the sending site.
- b. A plot plan or survey, showing total acreage of the sending site, and that property within the sending site that is subject to any easement or restrictions against development, and one acre of the curtilage around any existing house that is intended to remain.
- c. For parcels proposing to build a Town or Village, in addition to the requirements for the PTV, a plan that clearly indicates the total acreage of the parcel, the amount of acreage in each category of the Transferable Development Value Map (figure 3-3 of the TVC Element), the portion of the parcel from which development rights are to be transferred, the multiplier identified for each transferable development right, the appropriate conservation easement or deed restriction for the sending area; the total TDR credits and number of dwelling units.

- d. For those parcels less than 500 acres located outside of the USB that seek to transfer a minimum of 90% of the transferable development rights from the property, a plan that (1) notes the transferable development rights attributed to the entire parcel, (2) identifies the number of transferable development rights proposed to remain on the site, (3) identifies the proposed multiplier, (4) calculates the number of TDR credits available for transfer.
- e. A title search of the sending site sufficient to determine all owners of the site and all lien holders. Title insurance shall be required for any sending site on which a Conservation Easement or Deed Restriction is recorded.
- f. A copy of the proposed Deed of Transferable Development Rights Credits and a copy of the proposed Conservation Easement or Deed Restriction.
- g. An Agreement of Conveyance for the development rights between the owner of the development rights to be transferred and the purchaser of the transferable development rights. The agreement may be contingent upon approval of a final subdivision plan for the receiving property.
- h. Proof of previously severed transferable development rights, if the transferee proposes to use transferable development rights which were previously severed from a tract in the sending area.

2. The Growth Management Director shall review the application and determine if it is complete. If the application is complete, the Director shall issue a Certificate of Filing to the applicants.

3. Review and Approval for Conveyance of Transferable Development Rights.

- a. Upon receiving a complete application, as required above, the Growth Management Director shall determine the number of transferable development rights which can be conveyed from the sending tract. The Growth Management Director shall also determine, with the advice of the County Attorney and County Engineer, the sufficiency of (1) the Conservation Easement or Deed Restriction, and (2) the Deed of Transferable Development Rights. The Growth Management Director's determination shall be provided to the applicants in a written Preliminary Certification of Transferable Development Rights Credits. A final Certification of Transferable Development Rights Credits shall be approved by the County Commissioners and recorded with the Clerk of the Circuit Court along with the approved Conservation Easement.
- b. Any appeals of the Preliminary Certification of Transferable Development Rights Credits shall be made in accordance with the provisions of Section 11.11.00 of this code.
- c. For proposed developments that rely upon transferable development rights to increase permitted dwelling units per acre beyond that of the base permitted density, no building permit shall be issued until the County has been presented with a copy of the recorded Deed of Transferable Development Rights and a copy of the recorded Conservation Easement. The entity responsible for the administration, management, and maintenance of the land set aside for the Open Space and Countryside of each new Town or Village shall be identified as part of the subdivision approval.

- d. St. Lucie County shall not approve the Deed of Transferable Development Rights Credits or issue a Final Certification of Transferable Development Rights Credits until the County has received evidence that the Conservation Easement or Deed Restriction has been duly signed by all relevant parties and recorded with the Clerk of the Circuit Court.
- e. A transferee acquiring transferable development rights may donate or sell all or part of the required Open Space and Countryside associated with a Town or Village to St. Lucie County or to either a duly qualified conservancy or land trust that has received a 501(c)(3) designation from the Internal Revenue Service. The conservancy or land trust must be approved by the County.

Section H. Conditions of the Conservation Easement or Deed Restriction.

1. The owner conveying transferable development rights shall perpetually restrict the use of the sending site by a Conservation Easement or Deed Restriction. The Conservation Easement or Deed Restriction shall be in a form approved by the St. Lucie County Attorney. The Conservation Easement shall be used to restrict future use of the Open Space and Countryside to the following:

- a. Agricultural uses;
- b. Restored or Preserved Native habitat; or Environmentally Significant Land;
- c. Flow Way System;
- d. Community Parks, trails, or recreation areas;
- e. Golf course (limited to 18 holes within a Town or Village);

f. Civic Spaces within a PTV including neighborhood parks, greens, squares, plazas, and playgrounds provided they are publicly accessible in perpetuity.

The Deed Restriction shall be used to restrict the use of the parcel to the following:

- a. A limited number of dwelling units;
- b. Higher education;
- c. Targeted industry;
- d. Building Lots designated for workforce housing;
- e. Civic Building Lots including schools, police stations, houses of worship;
- f. Parcels containing sites of archaeological or historical significance.

2. The Conservation Easement shall also reference and include a land and water management plan.

3. Any Conservation Easement shall designate, as a third party beneficiary of the restrictions imposed upon the sending property, St. Lucie County, a Conservancy approved by St. Lucie County, or a land trust that has received a designation of 501(c)(3) status from the Internal Revenue Service and approved by St. Lucie County. Such restrictions shall be enforceable by the County as a third party beneficiary.

4. If less than all of the transferable development rights are to be conveyed from the parcel, the remaining number of transferable development rights shall be recorded by Deed Restriction acceptable to the County Attorney. All owners of the tracts from which transferable development rights are conveyed shall execute the Deed Restriction or Conservation Easement. All lien holders of the tract from which transferable development rights are conveyed shall execute a Subordination Agreement to the Conservation Easement.

The Subordination Agreement shall be recorded with the Clerk of the Circuit Court. All owners of the sending site shall also provide title insurance.

Section I. Requirements of Open Space and Countryside Associated with Towns or Villages Created through the Transfer of Development Rights

1. The owner applying transferable development rights to the development of a Town or Village shall perpetually restrict the associated Open Space and Countryside by a Conservation Easement or Deed Restriction. The Conservation Easement or Deed Restriction shall be in a form approved by the St. Lucie County Attorney. The Conservation Easement shall be used to restrict future use of the Open Space and Countryside to the following:

- a. Agricultural uses;
- b. Restored or Preserved Native habitat; or Environmentally Significant Land;
- c. Flow Way System;
- d. Community Parks, trails, or recreation areas;
- e. Golf course (limited to 18 holes within a Town or Village);
- f. Civic Spaces within a PTV including neighborhood parks, greens, squares, plazas, and playgrounds provided they are publicly accessible in perpetuity.

The Deed Restriction shall be used to restrict future use of the parcel to the following:

- a. Higher education;
- b. Targeted industry;
- c. Building Lots designated for workforce housing;
- d. Civic Building Lots including schools, police stations, houses of worship;

e. Parcels containing sites of archaeological or historical significance .

2. The Conservation Easement shall also reference and include a land and water management plan for the Open Space and Countryside portion of the Town or Village.

Section J. Value of Transferable Development Rights.

The monetary value of Transferable Development Rights is determined between buyer and seller.

Section K. Public Acquisition of Transferable Development Rights.

The County Commission may purchase development rights and may accept ownership of transferable development rights through gift. Any such purchase or gift shall be accompanied by a Conservation Easement or Deed Restriction, as specified in Section H of this Ordinance. The County may re-sell, subject to the time limitation in Section D, or retire any transferable development rights credits it has acquired.

Section L. Definitions.

The following definitions shall apply to this Section 4.04.05

Agricultural Research & Education Facilities: the agricultural uses and the associated facilities including green houses, laboratories and field offices related to agricultural research activities such as, but not limited to USDA, the Institute of Food and Agriculture Sciences (IFAS), the St. Lucie Agricultural Research and Education Park and Harbor Branch Oceanographic Institute.

Certificate of Filing: A document issued by the St. Lucie County to an applicant for a development project indicating that a full and complete application has been submitted.

Conservation Easement: A legal document filed in the County's official property records, placing limits on the use of a property. A deed restriction within the TVC extinguishes the right to build homes on or subdivide residential lots from a sending property but allows other uses, such as agriculture, drainage, low intensity recreation, and those described in the TVC element as possible uses for the countryside and open space.

Deed Restriction: A legal document filed in the County's official property records, placing limits on the use of a property. A deed restriction within the TVC required by this Section reduces the right to build homes on or subdivide residential lots from a sending property or may restrict the property to specific uses such as higher education, workforce housing, and those uses described in the TVC element as possible uses for the countryside and open space.

Density: The number of dwellings that can be placed on a unit of land. Density is expressed as the number of dwelling units per acre of land.

Development Rights: The maximum amount of residential development that would be permitted on a parcel of land under the applicable zoning and subdivision regulations. Development rights are expressed as the maximum number of dwelling units per acre.

Dwelling Unit: A dwelling unit as defined in the TVC Overlay Zoning District may consist of a single family detached house, a single family attached house, a condominium, or an apartment.

Encumber: The act of burdening a transferable development right with a financial liability, such as pledging a transferable development right as security or collateral for a loan.

Receiving site: A parcel of land located within the Special Area Plan, to which development rights may be transferred.

Redeem: The act of using transferable development rights to obtain density bonuses on receiving properties. Once redeemed, transferable development rights can never be used again.

Sending site: A parcel of land located within the Special Area Plan (SAP) from which development rights may be transferred.

Severed: The act of officially separating and retiring transferable development rights from sending properties. This occurs after a conservation easement or deed restriction is recorded.

Title Search: A report issued by a title insurance or abstract company. In the Transfer of Development Rights program, it ensures that landowners have a legal right to place a deed restriction on their properties.

Transferable Development Rights Certificate: A document issued by St. Lucie County which attests to the fact that transferable development rights are available for sale or use. It identifies the number of transferable development rights, the current owner, and the originating parcel of land from which the transferable development rights were severed.

The certificate also includes sections that must be completed whenever the transferable development rights are sold, transferred, encumbered, or redeemed.