

Transferable Development Rights (TDR)

A Tool to Balance Conservation & Growth

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Brandywine Conservancy

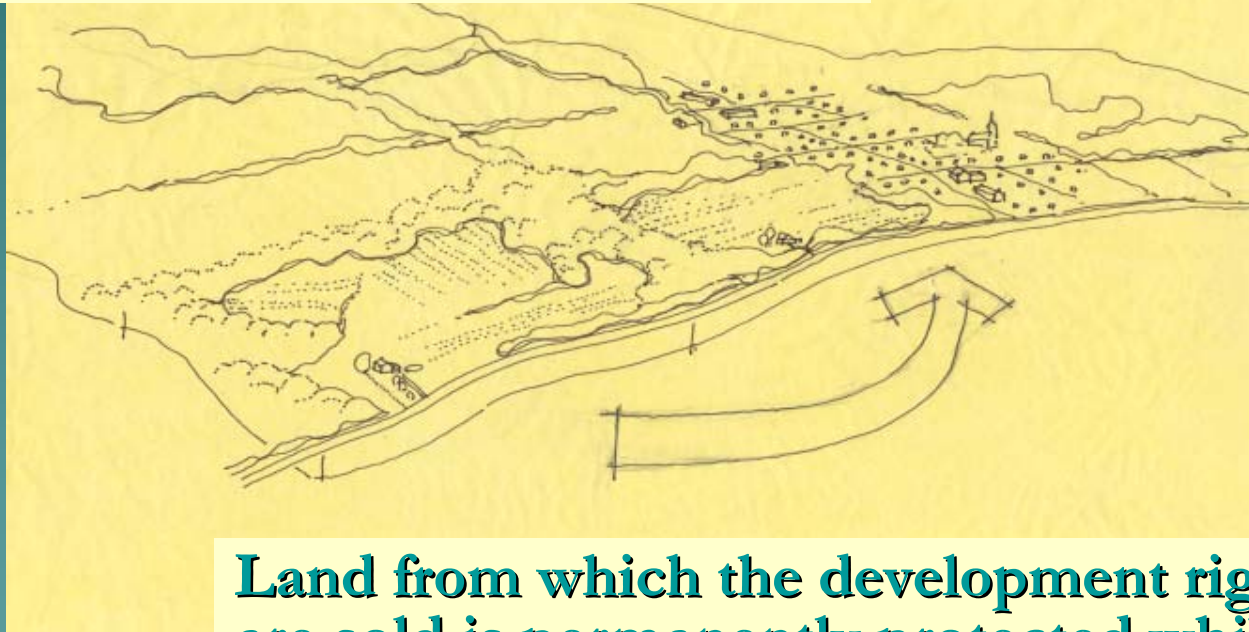
Session F1 – Municipal Protection of Land
and Water Resources
PLCC/C 2009

May 8, 2009



Transferable Development Rights (TDR)

Landowners in one area (sending zone) may sever and sell their development rights to landowners or developers in another area (receiving zone).



Land from which the development rights are sold is permanently protected while land where the sold development rights are applied is enhanced in development value.

Why TDR?



*Conventional zoning often
seems to be a prescription
for Sprawl!*

Where development pressure may ultimately prevail, TDR can offer one more tool to achieve a preferred landscape . . .




TDR – A Unique Tool!



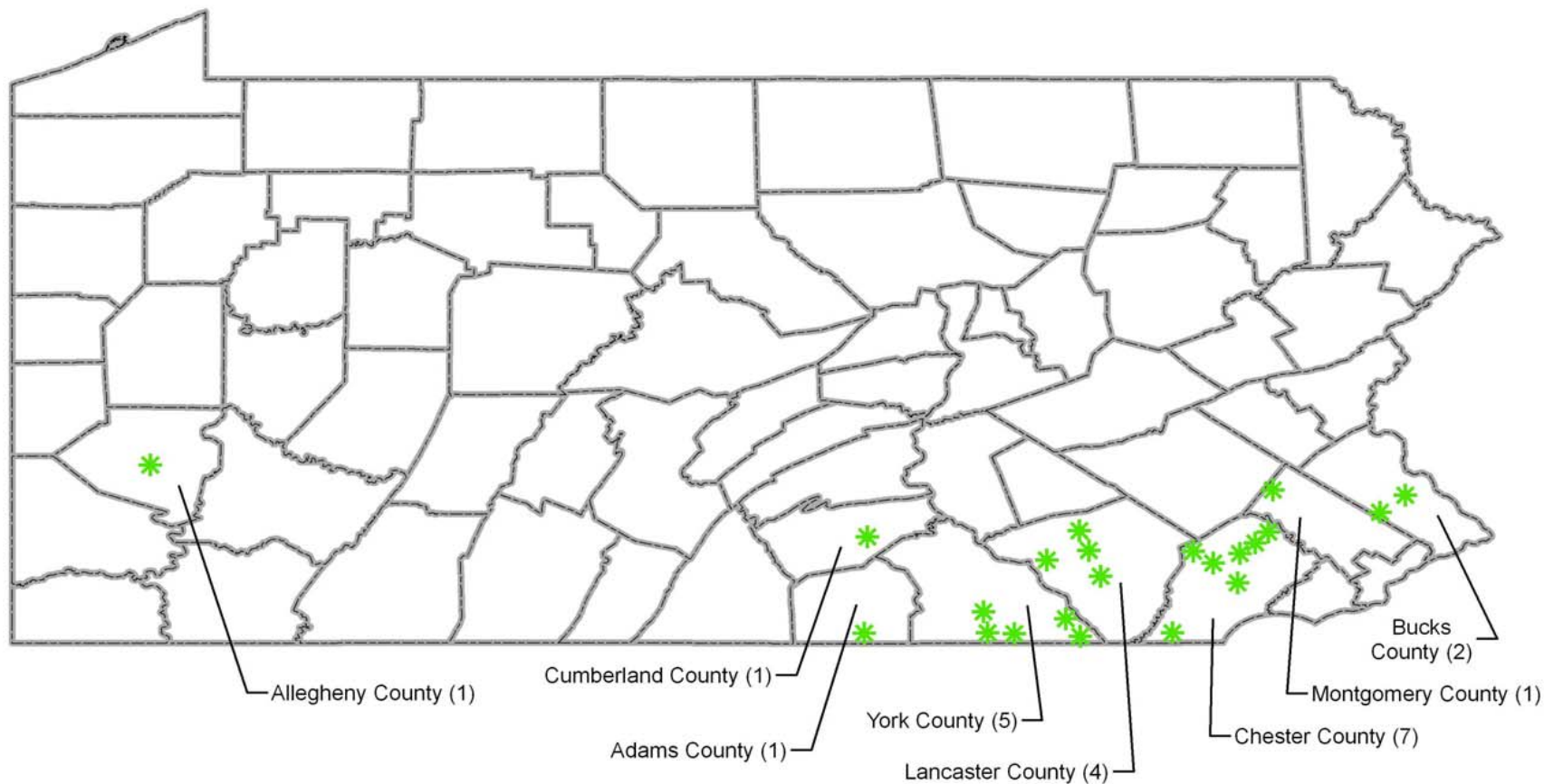
TDRs are established by regulation,
but are driven by the real estate market

Other TDR tool benefits

- ◆ TDRs can help stretch public dollars – private market finance
 - ◆ TDRs are a “non-structural” BMP for watershed management
 - ◆ Mix and match with other tools (Growing Greener, effective ag. zoning, conservation easements)
 - ◆ Revenues generated through Act 153 (open space referendum) can be applied to TDR purchase
- 
- A stylized, layered mountain range graphic in shades of teal and blue, located in the bottom right corner of the slide.

Transfer of Development Rights in Pennsylvania

Municipalities with Active TDR Programs



Brandywine Conservancy

Environmental Management Center

P. O. Box 141 Chadds Ford, Pennsylvania 19317 (610) 388-2700

Data Sources: Pennsylvania county boundaries from PASDA, 2006
TDR program location based on information provided in: Brookings, 2004;
Pruetz, 2003; Brandywine Conservancy, 2003; and Brandywine Conservancy
staff observations

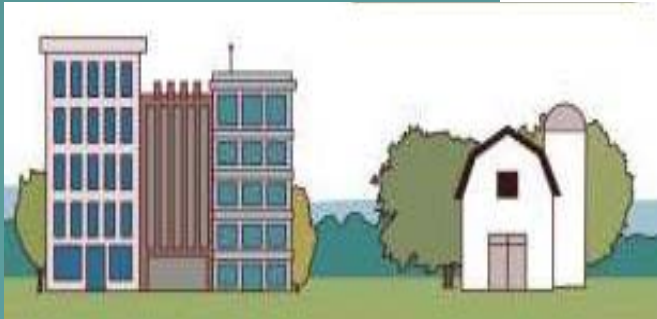
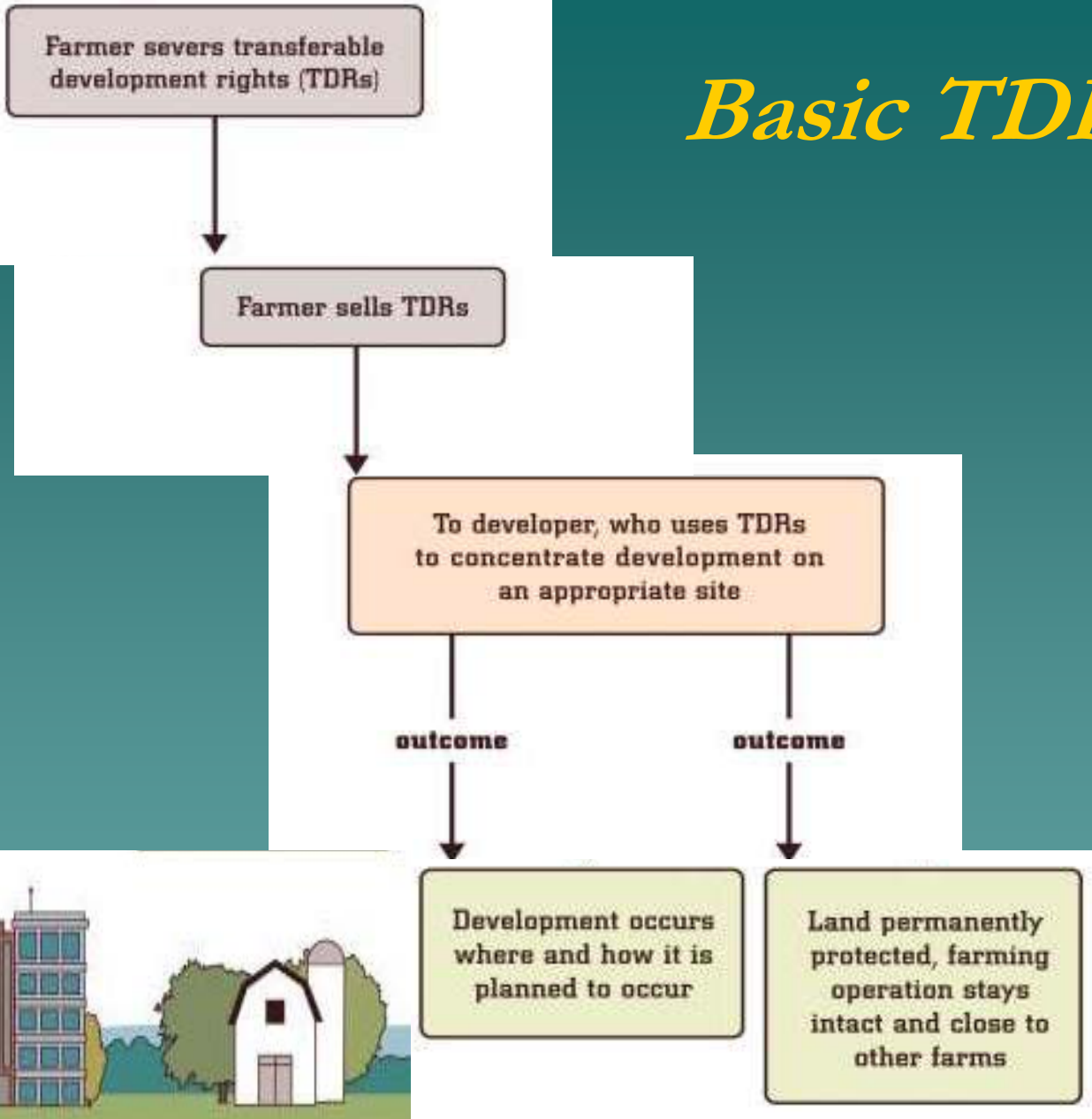
Map Created: March 12, 2007 (KPA) Revised: May 6, 2009

Projection: GCS_North_American_1983


Legend

- Active TDR Programs
- Pennsylvania Counties

Basic TDR Steps



Key TDR Implementation Issues

- ◆ Enable TDR through Zoning Amendment
 - ◆ Determine Sending Area Qualifications
 - ◆ Determine Calculation of TDRs
 - ◆ Establish procedure for Severance of TDRs
 - ◆ Set requirement for Permanent Restriction of Sending parcel(s)
 - ◆ Establish Receiving Area Qualifications
 - ◆ Set up Provisions for Receipt of TDRs
- 
- A stylized silhouette of a mountain range in shades of teal, located in the bottom right corner of the slide.

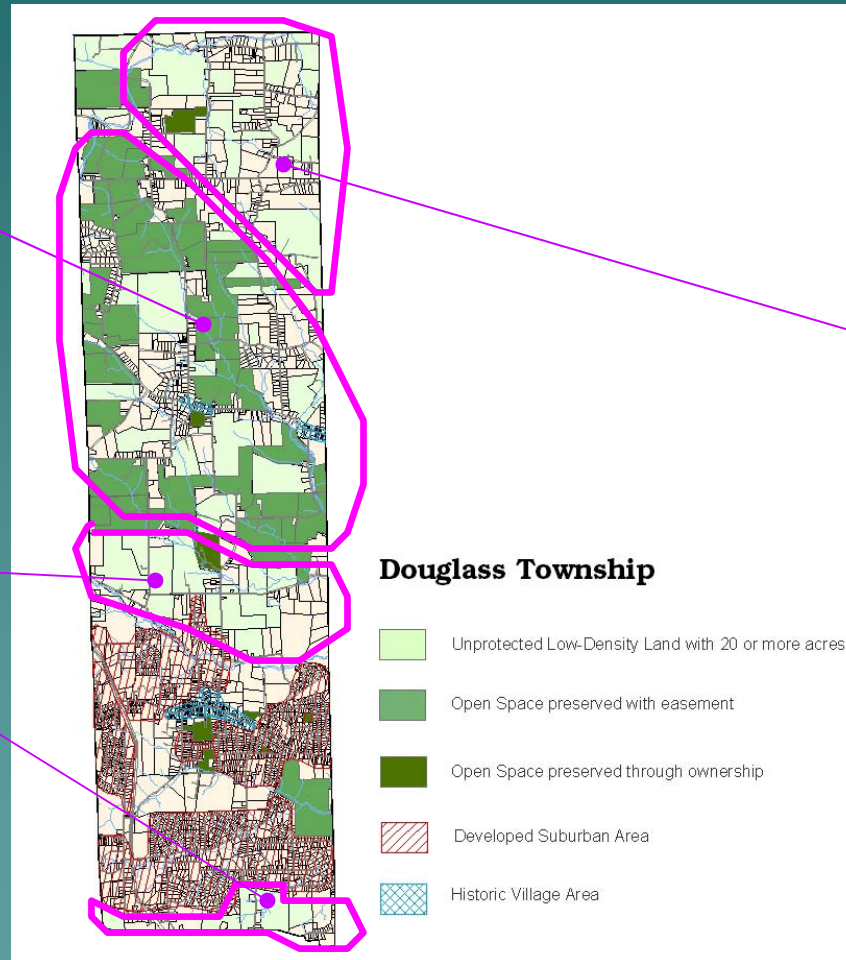
Douglass Township, Montgomery County

Sample Sending Area Definition

Core Farming
Area

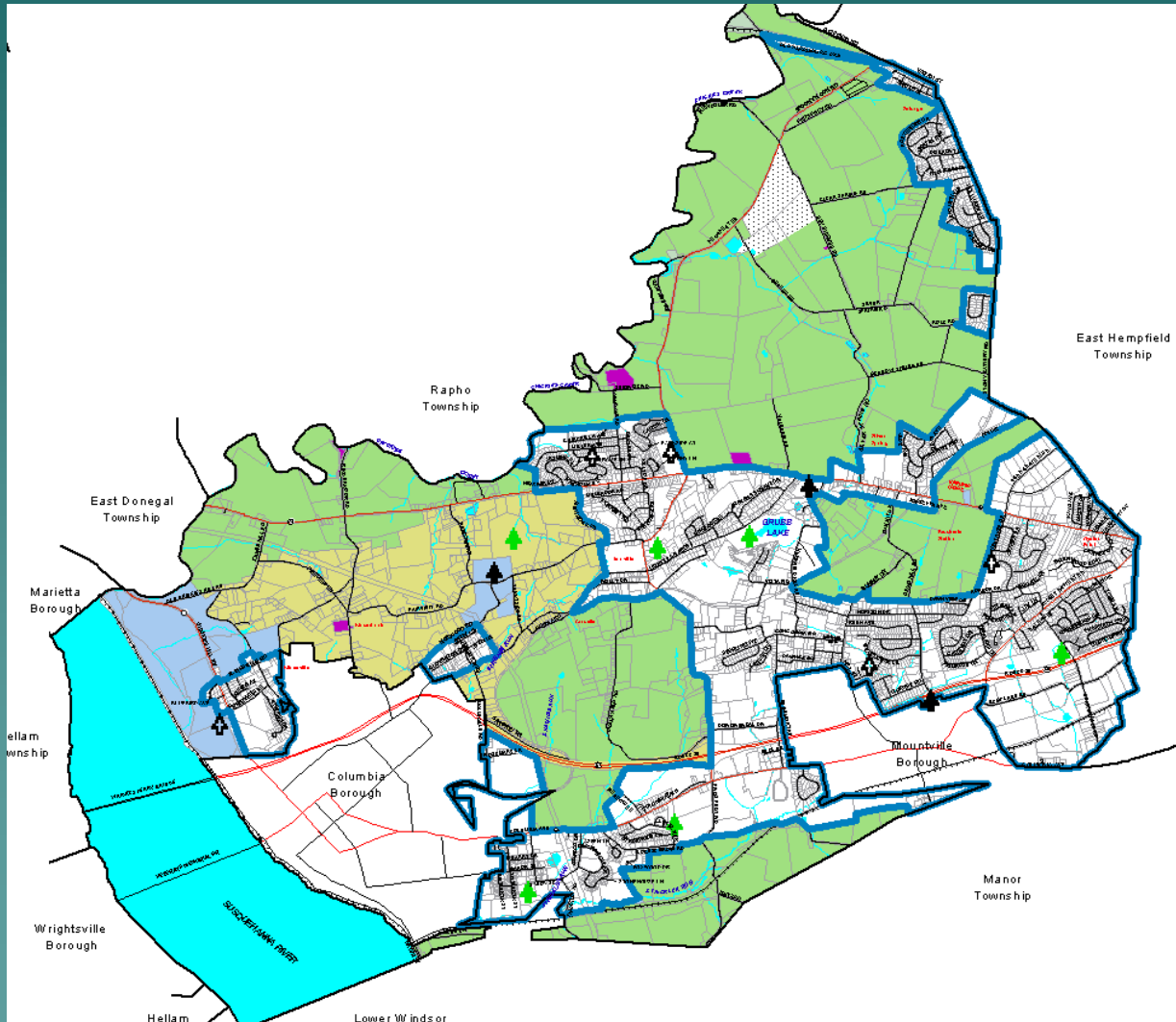
Gilbertsville
Greenbelt

Wooded
Highlands



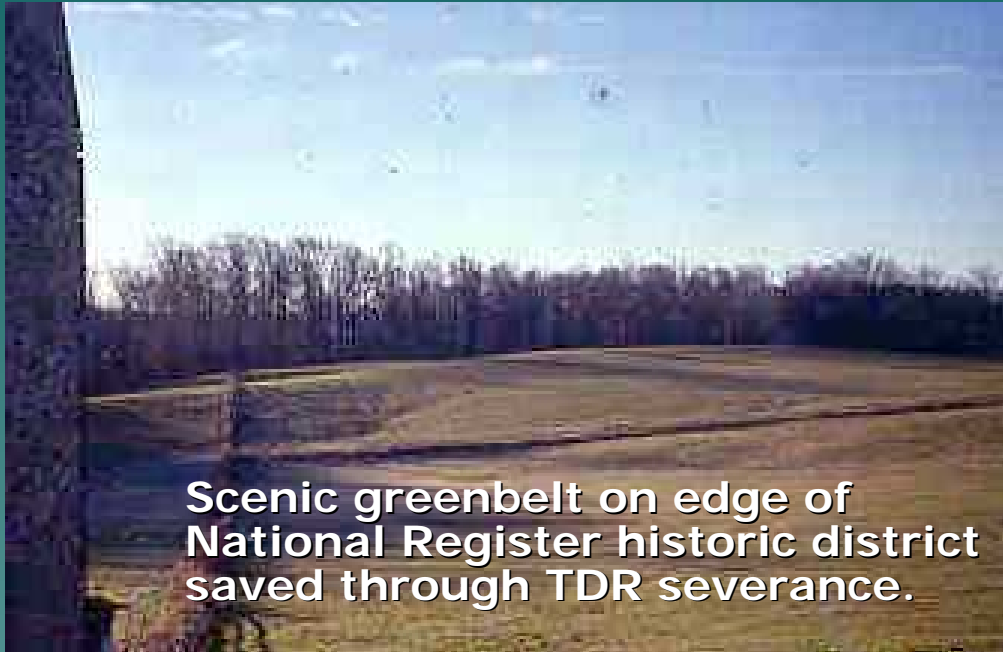
West Hempfield Township, Lancaster County

Targeting the sending zones



Green & tan areas have high agricultural, natural, and scenic resource values, and are outside defined growth areas.

West Bradford Township, Chester County



Scenic greenbelt on edge of National Register historic district saved through TDR severance.

Both sending and receiving sites defined by qualifications



Density doubled in Receiving Area defined by availability of infrastructure.

Can Community Vision focus on appropriate “Receiving” areas?

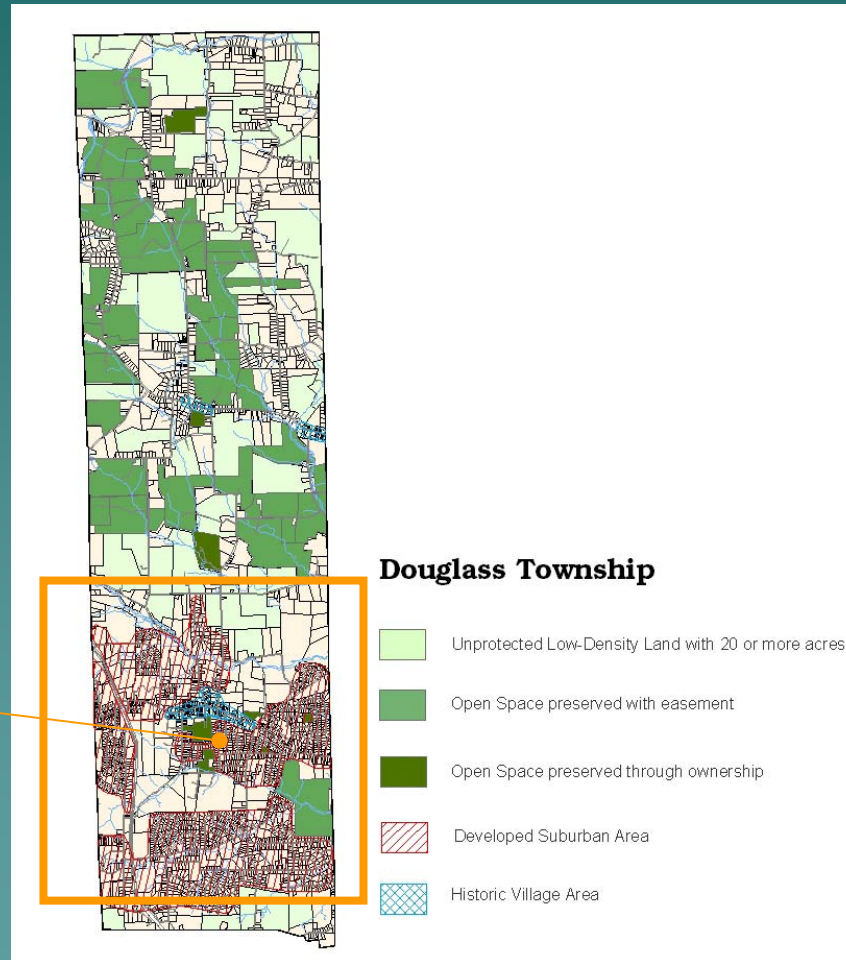


- *Suburban development at increased densities?*
- *“Neo-Traditional” development*
- *Special Uses such as retirement communities or life-care*
- *Non residential receiving uses*

Douglass Township, Montgomery County

Sample Receiving Area Definition

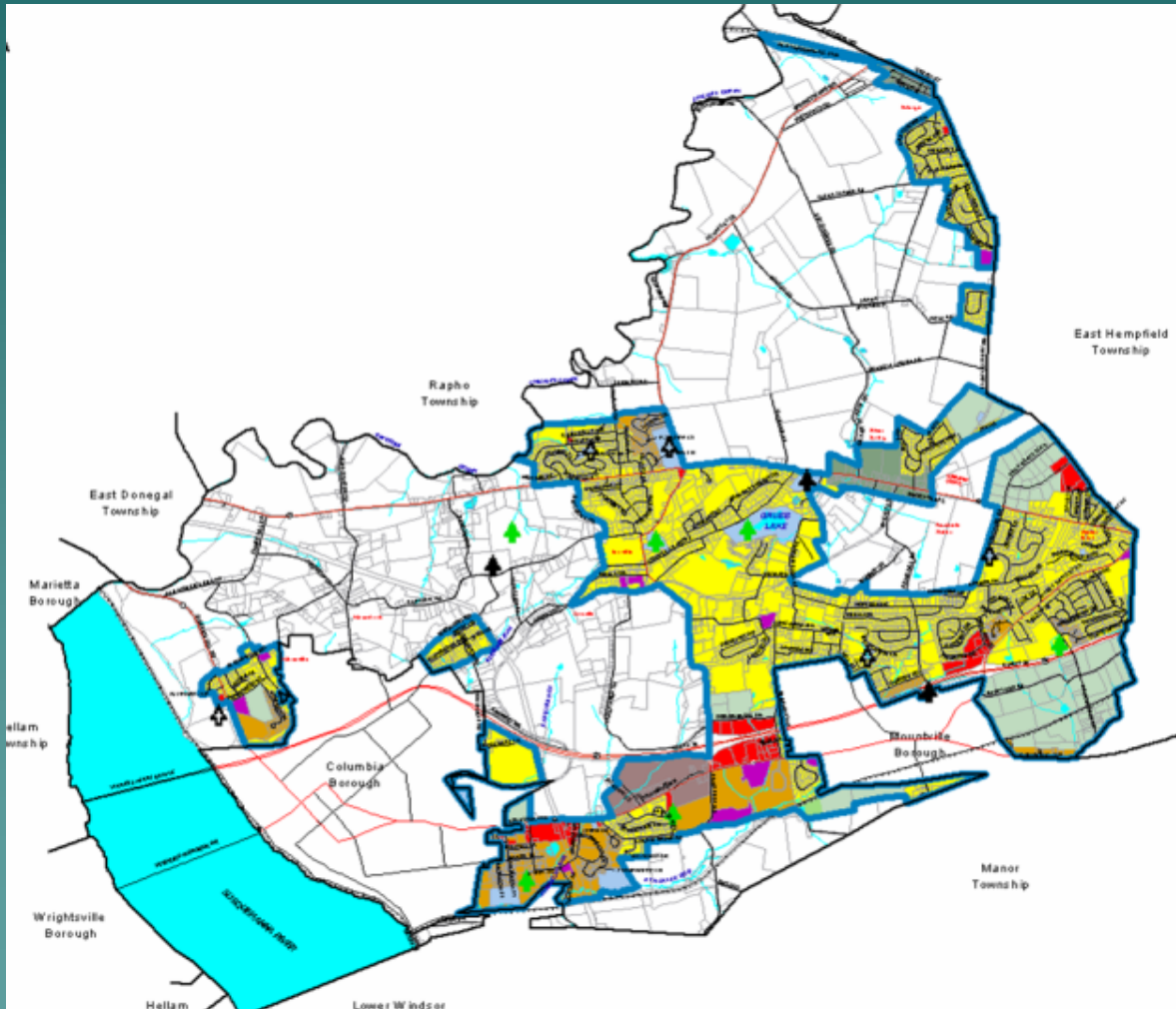
Gilbertsville
Growth Area



Township is
considering
additional
growth in the
**Gilbertsville
Area**

West Hempfield Township, Lancaster County

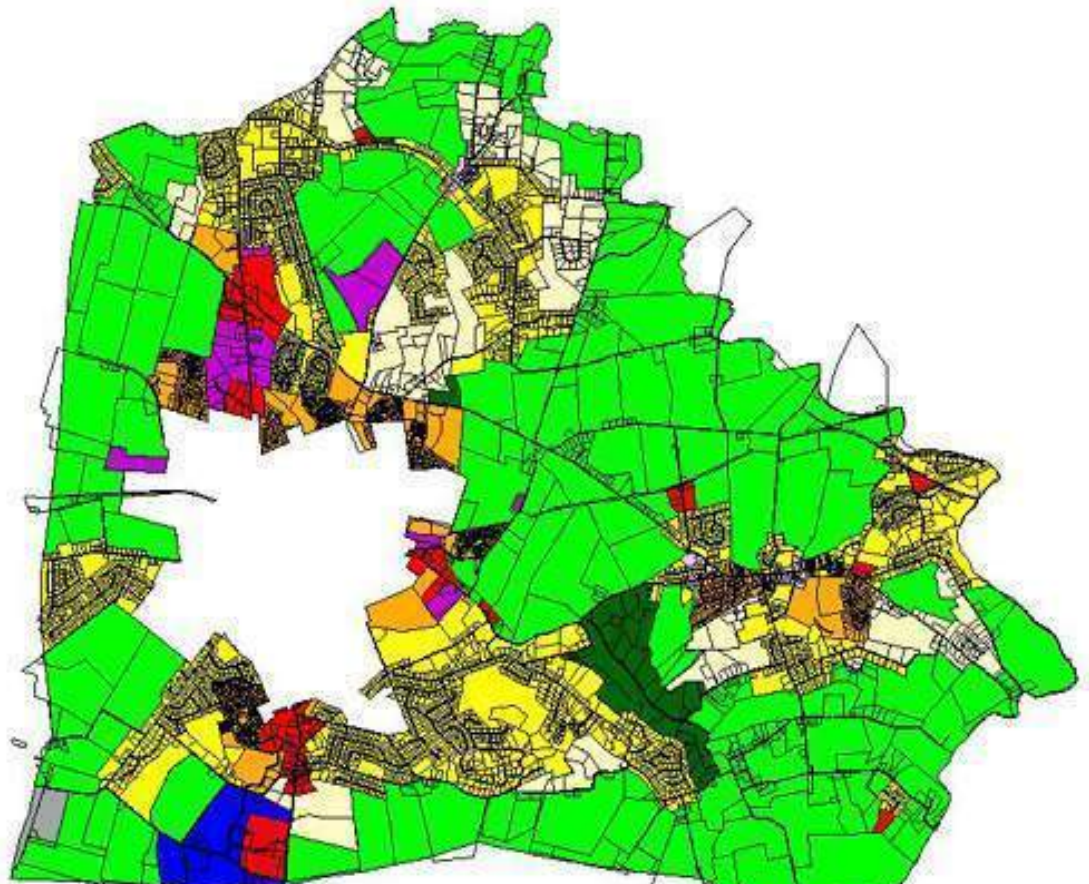
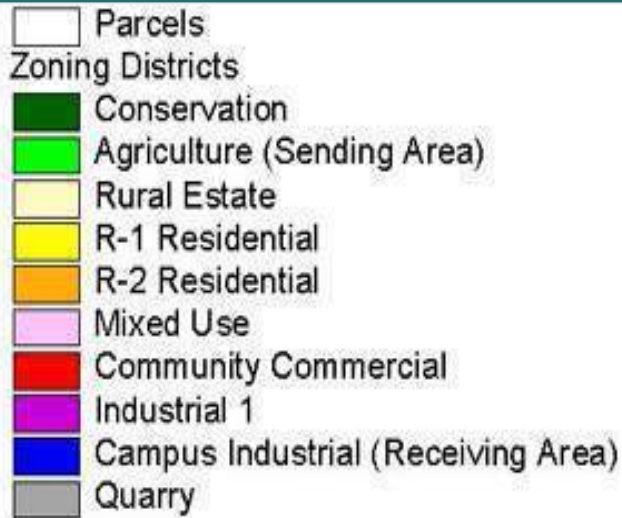
Receiving Area defined geographically



Yellow, red, and gray areas inside defined growth areas can support modest amounts of new development

Warwick Township, Lancaster County

Non-Residential TDR Receipt



Sending Area: 4,147 acres

Receiving Area: 167 acres

Warwick Township, Lancaster County

Program Highlights through April 2009

- 583 TDRs severed
- 278 TDRs transferred
- Warwick cooperates with
County Ag. Preserve Board &
Lancaster Farmland Trust.



Preserved Farms since 1997

- 2,528 total acres have been preserved
- 1,184 acres preserved through TDRs



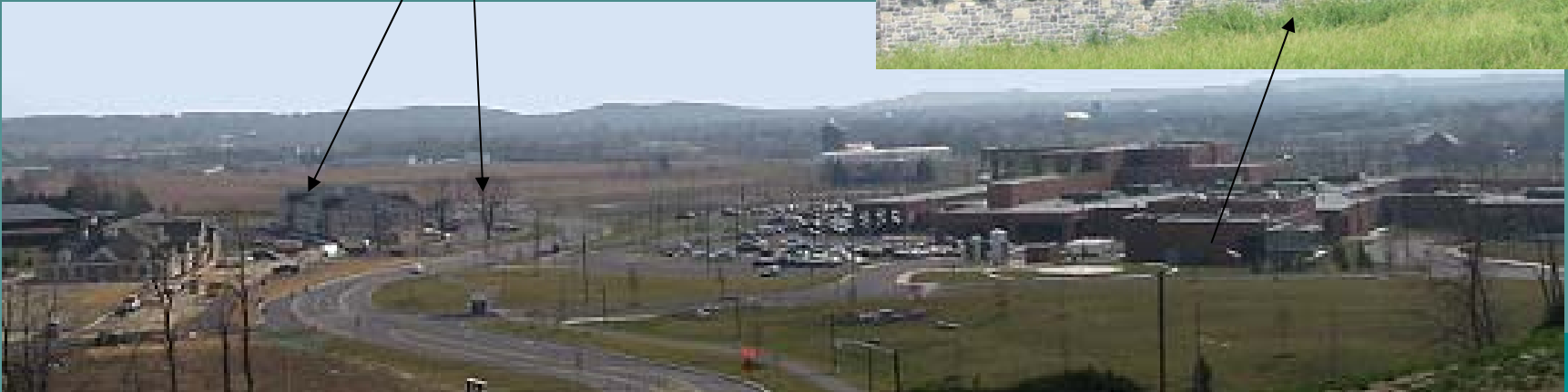
Warwick Township Development Receiving TDRs

Campus Industrial development



40 TDRs

141 TDRs



Additional Annual School Tax Revenues = \$544,000.00

The end result.....

TDRs have preserved ...



Hereford Township, Berks County

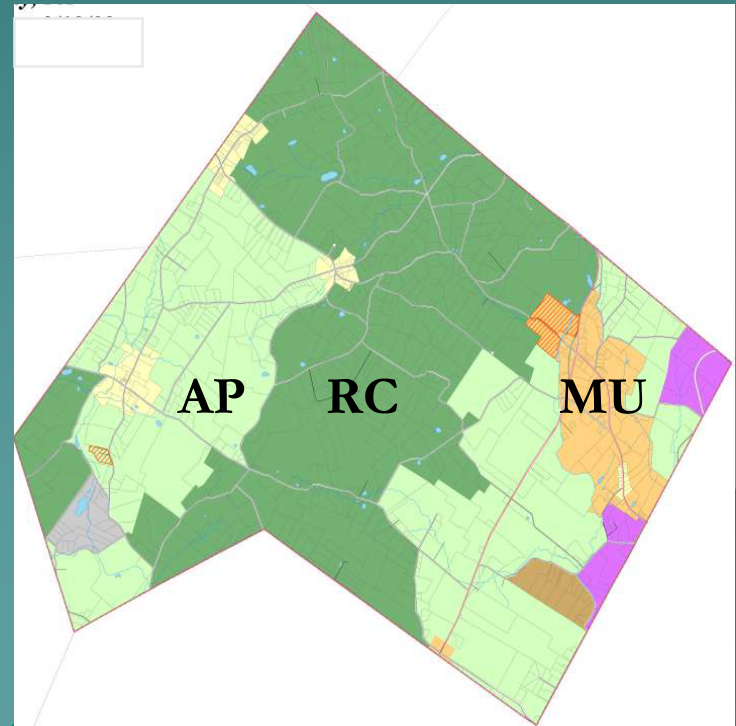
Multi-Faceted TDR Program

- ◆ Sending areas comprise AP and RC zoning districts
- ◆ One TDR per 2 ac. AP, 4 ac. RC
- ◆ Single-family residential receipt in RC
- ◆ Mixed-use receipt in MU district at highway junction



Program Objectives:

- 1) preserve farmland*
- 2) preserve watersheds*
- 3) manage growth*



Hereford Township, Berks County

Mixed-Use Receipt of TDRs

- ◆ More than single principal use requires 1 TDR per use
- ◆ TDRs also allow increased floor area, impervious coverage and height; 1 TDR = 4,000 sf
- ◆ TDRs afford density increases for multi-family and CCRC

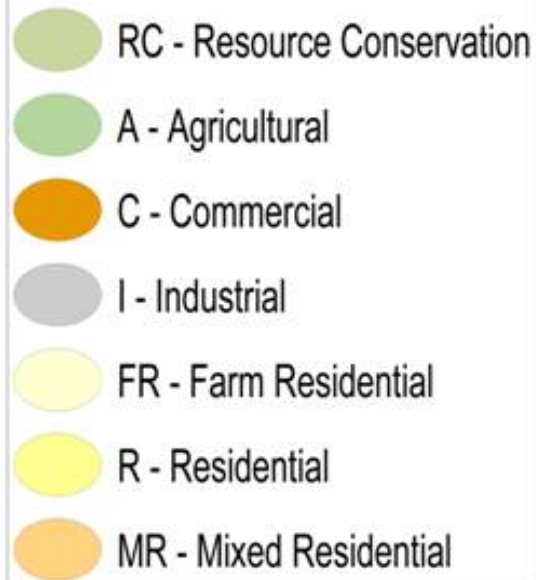


Honey Brook Township, Chester County



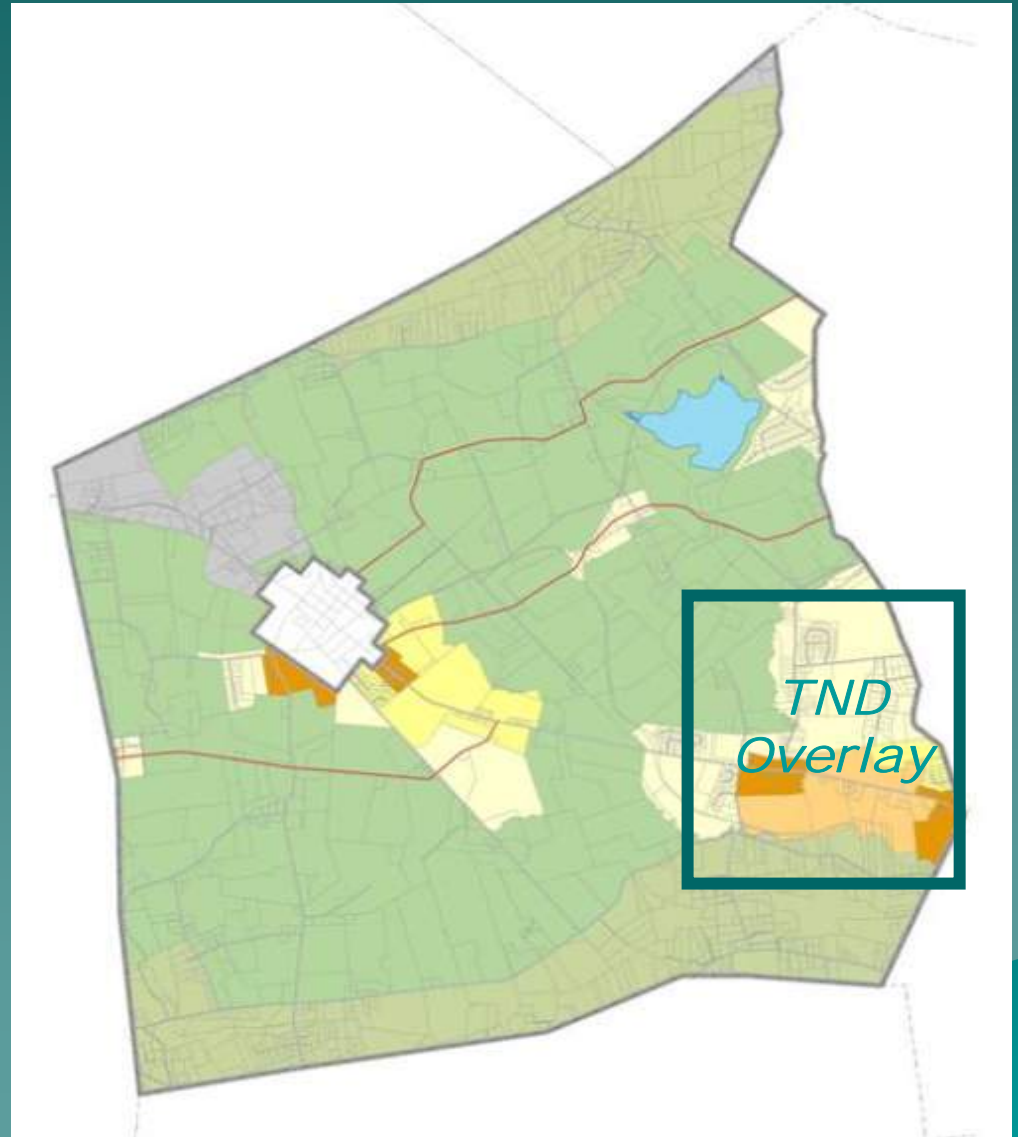
A New TDR Model

Honey Brook Township Zoning



Ag zone is sending area

TND overlay is key receiving area, with both residential and non-residential receipt



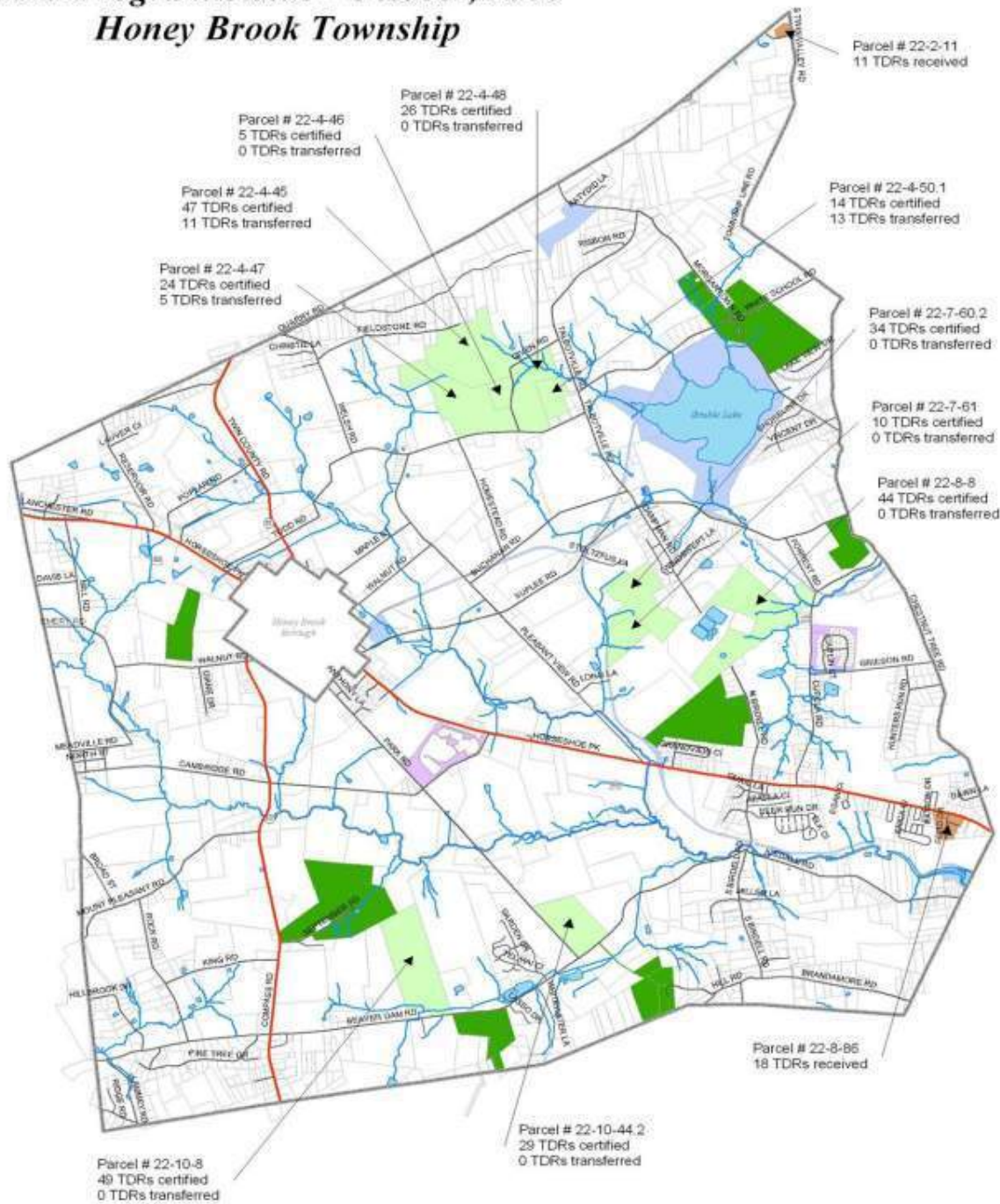
Rocklyn Station New Town: *Combination of TDR and Traditional Neighborhood Development (TND) tools*

- ◆ Implemented through TND Overlay & Official Map;
- ◆ Developer incentives linked to form-based zoning;
- ◆ TDR purchase required;
- ◆ Enhances development quality, insures compatible character;
- ◆ Establishes a clear process for successful outcomes.



TDR Program Status - October, 2006

Honey Brook Township



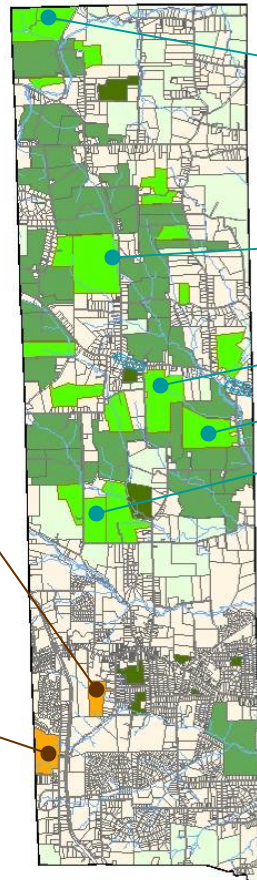
Douglass Township, Montgomery County

Possible TDR Scenario

R-3 Receiving Area and Farmland Sending Area



New Development
in R3 Area



Douglass Township

- Unprotected Low-Density Land with 20 or more acres
- Open Space preserved with easement
- Open Space preserved through ownership
- R3 Receiving Area
- Core Farming Sending Area

1020 Acres
Preserved
through TDRs!

Other
Preservation
Efforts Continue

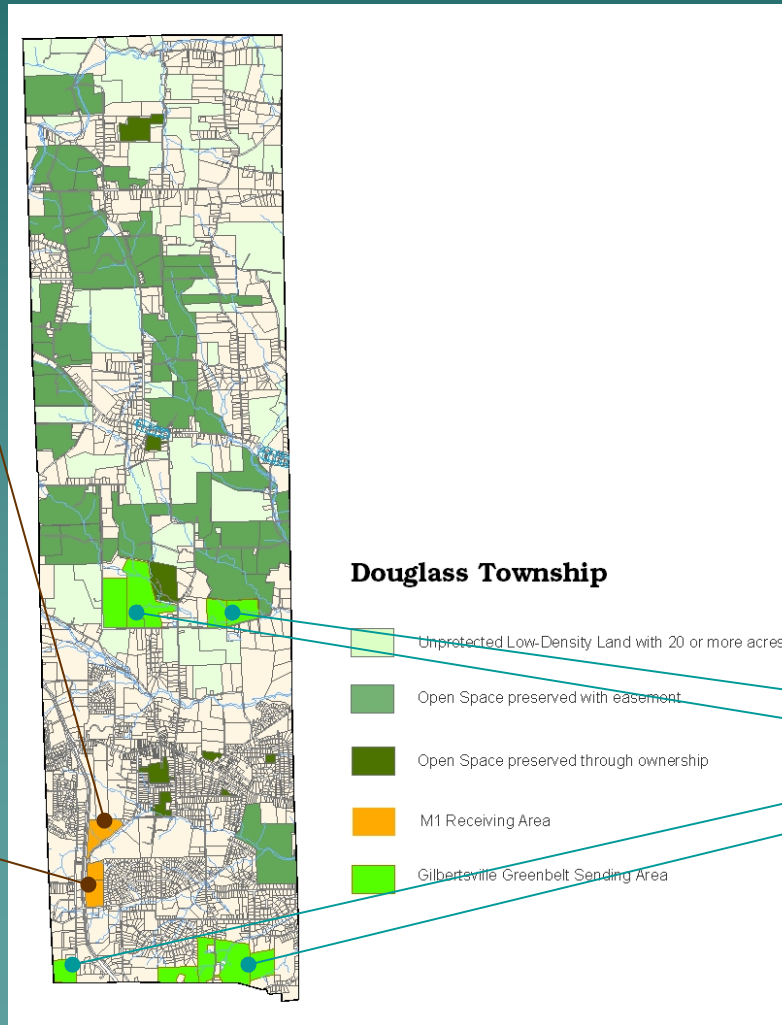
Douglass Township, Montgomery County

Possible TDR Scenario

M1 Receiving Area and Gilbertsville Greenbelt Sending Area



New Development
in M1 Area



Other
Preservation
Efforts Continue

370 Acres
Preserved
through TDRs!

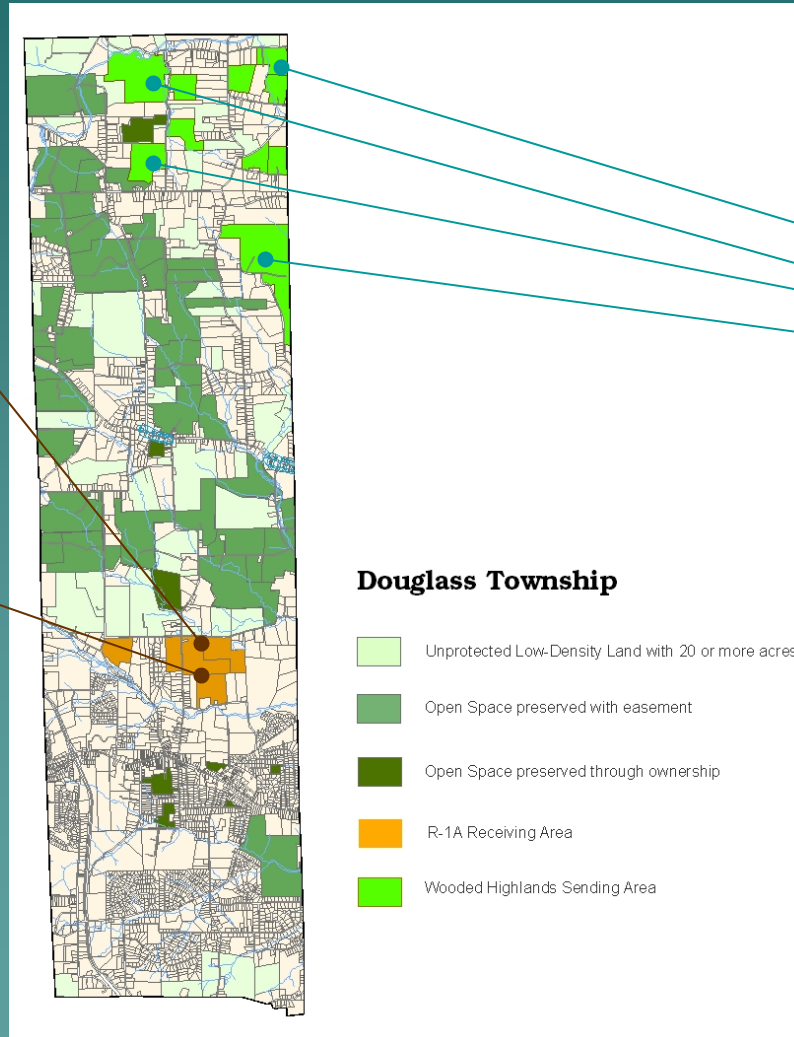
Douglass Township, Montgomery County

Possible TDR Scenario

R-1A Receiving Area and Wooded Highlands Sending Area



New Development
in R-1A Area



530 Acres
Preserved
through TDRs!

Other
Preservation
Efforts Continue

Douglass Township, Montgomery County

Potential TDR Success!

- ◆ Could preserve nearly 2,000 acres
- ◆ Farmland, woodlands, and greenbelt could be preserved
- ◆ Growth in Gilbertsville Area



Success Factor: *Extra Density Only By TDR*



TDR often fails if developers can exceed base density:

- ◆ By using non-TDR procedures like clustering
- ◆ By providing on-site amenities
- ◆ By requesting and receiving re-zonings without TDR



In contrast:

- ◆ Some TDR Ordinances only allow extra density with TDR
- ◆ Some offer significantly more density via TDR than with other development options

TDR: Potential Land Trust Roles

Lorman Educational Services TRADITIONAL NEIGHBORHOOD DEVELOPMENT

- JOHN D. SNOOK
- BRANDYWINE CONSERVANCY
- jsnook@brandywine.org



Governor's Center for Local Government Services

TRAINING PROGRAM

Planning Series

Putting Transferable Development Rights to Work

A Short Course
for Municipal
Officials



pennsylvania **PA**
GOVERNOR'S CENTER FOR
LOCAL GOVERNMENT SERVICES

KEEP HONEY BROOK'S FARMS GROWING!



OR?

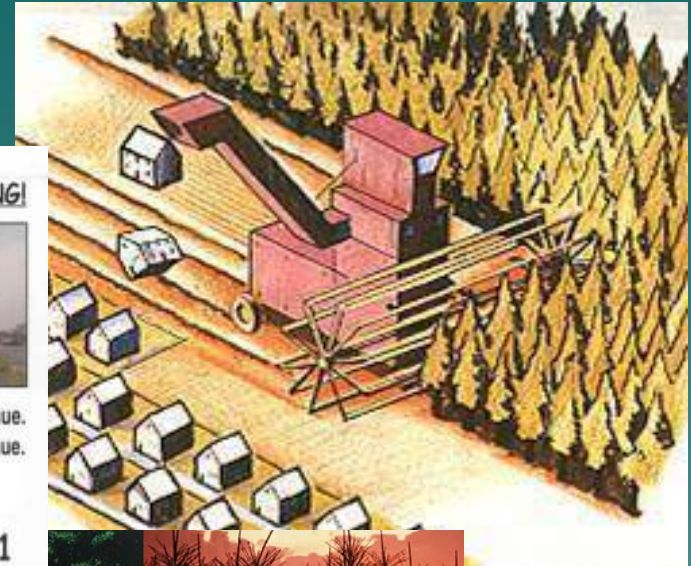


Farms cost \$0.06 in services for every \$1.00 in revenue.
Houses cost \$1.07 in services for every \$1.00 in revenue.

It only makes good sense.

VOTE YES on QUESTION 11

Paid for by Honey Brook Township



The Vision Project Finding Common Ground

Land Trust as Advocate

TDR: Potential Land Trust Roles



Scenic greenbelt on edge of National Register historic district saved through TDR severance.

Land Trust prepared implementing ordinance and documentation for municipality

Land Trust accepted conservation easement as means to secure permanent preservation of sending parcels



Density doubled in Receiving Area defined by availability of infrastructure.

Land Trust as Preservation Partner

TDR: Potential Land Trust Roles



Land Trust as Land Steward

A painting of a large, leafless tree in a landscape. The tree is the central focus, with its intricate, bare branches reaching across the upper half of the frame. In the background, a small, light-colored building with a dark roof is visible on the left, and a body of water stretches across the middle ground. The sky is a pale, hazy blue. The overall mood is quiet and contemplative.

Thank You !

TDR Implementation

Some Multi-Municipal Ramifications

- ◆ Similar Internal Ordinance Set-Up
- ◆ Inter-Municipal Agreement for TDR Transfer
- ◆ Provision for Receipt of TDRs severed in other municipalities
- ◆ Potential special or favored Sending & Receiving Area Qualifications
- ◆ Potential Density Multipliers to Adjust for varying TDR values
- ◆ Compatible Plan Submittal Procedures