

Transfer of Development Rights (TDR) Program *Informational Guide*

The Transfer of Development Rights Program includes regulations and incentives for property owners to convey dwelling units or development rights to another property through transfer or sale. The landowner may sell development rights and may retain the title to the land and the right to use the land on a limited basis.

For a list of known available TDUs or for general questions on bonus density, contact Planning staff at 239-533-8585.

Greater Pine Island TDR Program (LDC Sec. 2-151):

A Greater Pine Island TDU is a transfer of development unit generated from sending lands within the Greater Pine Island Planning Community, and which may include wetlands and/or uplands in accordance with the LDC.

Sending Areas:

- **Wetlands:**
 - Up to one TDU per 5 acre
 - Up to two TDUs for lots with an affirmative Minimum Use Determination (MUD)
- **Non-Urban Categories (Uplands):** Up to one TDU per one acre of uplands
- **Outlying Suburban Category (Uplands):** Up to three TDUs per one acre of uplands

Receiving Areas:

- One Greater Pine Island TDU is equal to two dwelling units when transferred to receiving lands outside of the Greater Pine Island Planning Community.
- One Greater Pine Island TDU is equal to one dwelling unit when transferred to receiving lands in Pine Island Center.
- Greater Pine Island TDUs may be used in the Future Urban Areas to administratively increase commercial intensity of existing Planned Developments. One TDU equals 10,000 square feet of commercial uses.
- Greater Pine Island TDUs may be used to administratively reduce open space and onsite native preservation requirements.

Wetlands TDR Program (LDC Sec. 2-149):

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.

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.

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Southeast Lee County TDR Program (LDC Sec. 2-153):

Southeast Lee County TDU is a transfer of development unit generated from sending lands within the Southeast Lee County Planning Community, and which may include wetlands and/or uplands in accordance with the LDC.

Sending Areas:

- **Wetlands:**
 - Up to one TDU per 5 acres
 - Up to two TDUs for lots with an affirmative MUD
- **DR/GR:** Between 1 and 4 TDUs per 10 acres of DR/GR depending on location and end use (ag or conservation) of property after TDUs are severed.

Receiving Areas:

- One Southeast Lee County TDU credit may be redeemed for a maximum of one dwelling unit plus 800 square feet of non-residential floor area when transferred to Southeast Lee County Mixed Use Community.
- One Southeast Lee County TDU may be redeemed for two dwelling units when transferred to Future Urban Areas that allow for Bonus Density.

Process (AC 13-5)

To create a TDU, the landowner, or authorized representative, must sever the development rights from the parcel(s) based on the process described in Administrative Code 13-5. The process is summarized below:

- **Determination Letter:** The landowner or authorized representative must submit a [Determination Letter Request](#) to the Planning Section. The request is to determine the number of TDUs that can be created from a parcel. A separate request is required for each parcel. A description of required items that must be attached to the request is available in Administrative Code 13-5.
- **TDU Certificate:** Once the TDU Determination Letter is issued, the landowner or authorized representative may seek issuance of a TDU Certificate for all or a portion of the TDUs identified in the TDU Determination Letter in accordance with the following procedure outlined in Administrative Code 13-5. The landowner must prepare a [conservation easement](#), restrictive covenant, or other instrument that severs the development rights from the parcel(s) and submit it for review and approval by the Department and the County Attorney's Office.
- **TDU Tracking:** Upon receipt of the TDU Certificate, the owner may sell, trade, barter, negotiate or transfer the TDUs. The grantor must execute and record a deed of transfer before a transfer of TDUs can be completed. The deed(s) must include a restriction on the development rights of the sending parcel in perpetuity and be consistent Administrative Code 13-5.
- **Redemption of TDUs:** TDUs may be used to develop bonus density in appropriate receiving areas and approved in accordance with Section 2-147 of the Land Development Code. TDUs may not be redeemed in the Coastal High Hazard Area. Use of TDUs at time of development order or building permit (if a development order is not required) must be completed in accordance with Administrative Code 13-5.