



Transfer of Density Units (TDU)

**Charlotte County
Board of County Commissioners'
Workshop
October 18, 2016**



History of the TDU

- Transfer of Density Rights ordinance adopted in 1994
- Transfer of Density Rights ordinance rewritten and adopted in August 2001
- Transfer of Density Units ordinance adopted in December 2004 - Required by BCC to do a yearly review, and update as necessary
- Transfer of Density Units ordinance revised and adopted in November 2007



Current Status

Five Roundtable Meetings to discuss:

- The existing TDU-related Policies in the County's Comprehensive Plan and some suggested revisions; and
- The existing TDU Code and some suggested revisions



Discussion Points

Encumbrances/Unacceptable encumbrances:

- Encumbrances: Restrictions, liens, easements, equitable servitudes, special exceptions, existing development, land development regulations, or other matters which affect the SZ, only known or levied charges such as taxes or MSBU/MSTU charges, shall be considered encumbrances.



Issue

- Limitation on what encumbrances must be fulfilled/paid
- Do we want such a limitation
- Proposed addition



Discussion Points

Encumbrances/Unacceptable encumbrances

- Unacceptable encumbrances:
Encumbrances that, **in the judgment of the county attorney**, would impair or otherwise adversely affect the recorded covenant, whether in whole or in part, in the event of their enforcement or foreclosure.



Issue

- Do we want the Board to have this authority, or the County Attorney
- If Attorney, appeal to the BCC
- Currently existing



Discussion Points

Encumbrances/Unacceptable encumbrances

- Sec. 3-5-432. Covenant

(6) All encumbrances shall be satisfied prior to execution, or subordinated to the covenant.



Issue

- Staff proposed must be satisfied prior to execution
- Others would prefer subordination
- Proposed addition



Discussion Points

Excess Density:

- Sec. 3-5-430. Requirements. (a) Sending zone.

(xi) It is located within the Urban Service Area and a building permit and/or Certificate of Occupancy has been issued to develop a school, house of worship, park, cemetery or mausoleum subsequent to December 3, 2007.

(xii) It is located within the Urban Service Area and the owner wishes to retain an allowed residential density below the base density.



Issue

- Do we still want to allow certification of Excess Density
- Should the date be removed
 - Split amongst group
- Proposed addition