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Serving the communities of Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns Counties

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MEMORANDUM

DATE: FEBRUARY 5, 2019

TO: NORTHEAST FLORIDA REGIONAL COUNCIL BOARD OF DIRECTORS

FROM: BRIAN D. TEEPLE, CHIEF EXECUTIVE OFFICER 

RE: TRANSFER OF DEVELOPMENT RIGHTS FROM DEVELOPMENTS OF REGIONAL IMPACT

St. Johns County transmitted comprehensive plan amendment 18-7ESR illustrates a dilemma which will likely become more commonplace. Historically Developments of Regional Impact have way overestimated the amount of development they would ultimately build and likewise underestimated how long it would take to buildout. The Council conducted an analysis of this phenomenon years ago and concluded that on average multi-use/multi-year projects only built half of the development they proposed and it took twice as long to build it. Developers have, heretofore, seemed content to leave unused development right on the table.

As noted in staff's review of St. Johns County transmitted amendment 18-7ESR, local governments should consider developing a policy in advance of receiving a request to transfer development rights.

Factors a local government might consider include:

- Is a policy to allow such transfers in the best interest of our local government?
- How far from the "parent parcel" should we allow transfers?
 - Guidance provided by the repealed aggregation rule (Chapter 73C-40.0275, FAC) could be considered:
 - No more than one-fourth (1/4) mile apart in areas designated as urbanized areas in the latest decennial census
 - No more than one-half (1/2) mile apart in areas that are not designated as urbanized areas by the Census Bureau.
 - Two or more developments will be considered physically proximate when they are separated by property contiguous to the developments that are owned or controlled by the same person or entity that owns or controls a significant legal or equitable interest in those developments sought to be aggregated, so long as the distance between the developments does not exceed two miles.
- What entities should be entitled to be receiving parcels?
- What other considerations need to be examined?

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