#### TRANSFER OF DEVELOPMENT RIGHTS - PROCESS

### Step 1 Sending Property Certification

- •Owner of a Sending Property would fill out the TDR Application and pay the application fee.
- Planning Staff would review the application for completeness.
- •Planning staff determines the number of rights a sending property has available to transfer.

#### Step 2 Sending Property Approval

- •Planning staff would issue the **TDR Letter of Intent** to the Sending Property Owner once the fee is paid.
- Sending Property Owner can now market their TDR density rights for sale.

# Step 3 Severing of Rights

- •Once a receiving property or a transferee is identified for the density rights of the property, Planning Staff can issue a **TDR Certificate** which agrees to transfer the density rights.
- Extinguishment document and restrictive deed covenants are prepared and recorded. These documents strip the sending property of the density rights and restrict future subdivision.

# Step 4 Transfer of Rights

- Receiving property or transferee would need to be approved by the Planning Department, once approved the rights would be assigned.
- Density rights would now be transferred from the owner of the sending property to the transferee (either to bank or attach to a receiving property).

Step 5
Receiving Property
Development

- •If density rights are to be applied to a receiving property, the following must occur: Master Development Plan Process, Subdivision Design Plan Process and Final Plats.
- •Final plats for receiving properties must include notations about the use of TDR rights.

Frederick County, Virginia April 28, 2010