

Announcing A New Transfer of Development Rights Program for Frederick County Landowners



About TDRs (Transfer of Development Rights)

The TDR program is a voluntary, incentive based, and market driven approach to land preservation. The right to develop land for residential uses is one of the rights associated with land ownership. The TDR program allows rural landowners to realize economic returns by selling the development rights associated with their land to private individuals who can use the rights to develop more densely in other designated areas of the county. The transfer of development rights enables rural landowners to realize gains from the development potential of their land without relinquishing ownership of the land, thereby keeping it rural.

The purchased rights can then be applied to land within the county's designated Urban Development Area. By purchasing the transferable Development Rights, developers can avoid lengthy and costly rezoning, as well as impact mitigations associated with securing rezoning.

A chart on the next panel describes the TDR process. The fee schedule, application forms and other detailed information is available from the County both online and by contacting the Planning & Development Department.



Transfer of Development Rights Process Summary

1. Certify Sending Property

- Owner of a Sending Property submits the TDR Application and application fee.
- County planning staff reviews the application for completeness.
- Planning staff determines the number of rights a sending property has available for transfer.

2. Approve Sending Property

- Planning staff issues the TDR Letter of Intent to the Sending Property Owner upon payment of the processing fee.
- Sending Property Owner puts TDR density rights up for sale.

3. Serving Of Rights

- When an appropriate buyer/receiving property is identified, County planning staff issues a TDR Certificate agreeing to transfer the density rights to their new owner/property.
- The extinguishment document and restrictive deed covenants are prepared and recorded by the County Attorney. These documents strip the sending property of the density rights and restrict future subdivision of the property.

4. Transfer Of Rights

- The receiving property or transferee seeks approval from the Planning Department. Upon approval, transfer rights are assigned to the new property.
- Density rights are transferred from the owner of the sending property to the transferee where they are banked for future use or attached to a receiving property.

5. Receiving Property Development

- When density rights are being applied to a receiving property, several additional planning steps are required: a Master Development Plan, a Subdivision Design Plan and Final Plats.
- Final plats of receiving properties must include notation about the use of TDR rights.

**For More Information
on Frederick County's
Transfer of Development Rights Program**

Visit The Website:

www.frederickcountyva.gov/planning






**Click on "Transfer of Development Rights
Program" to find information, applications
and fee schedules.**

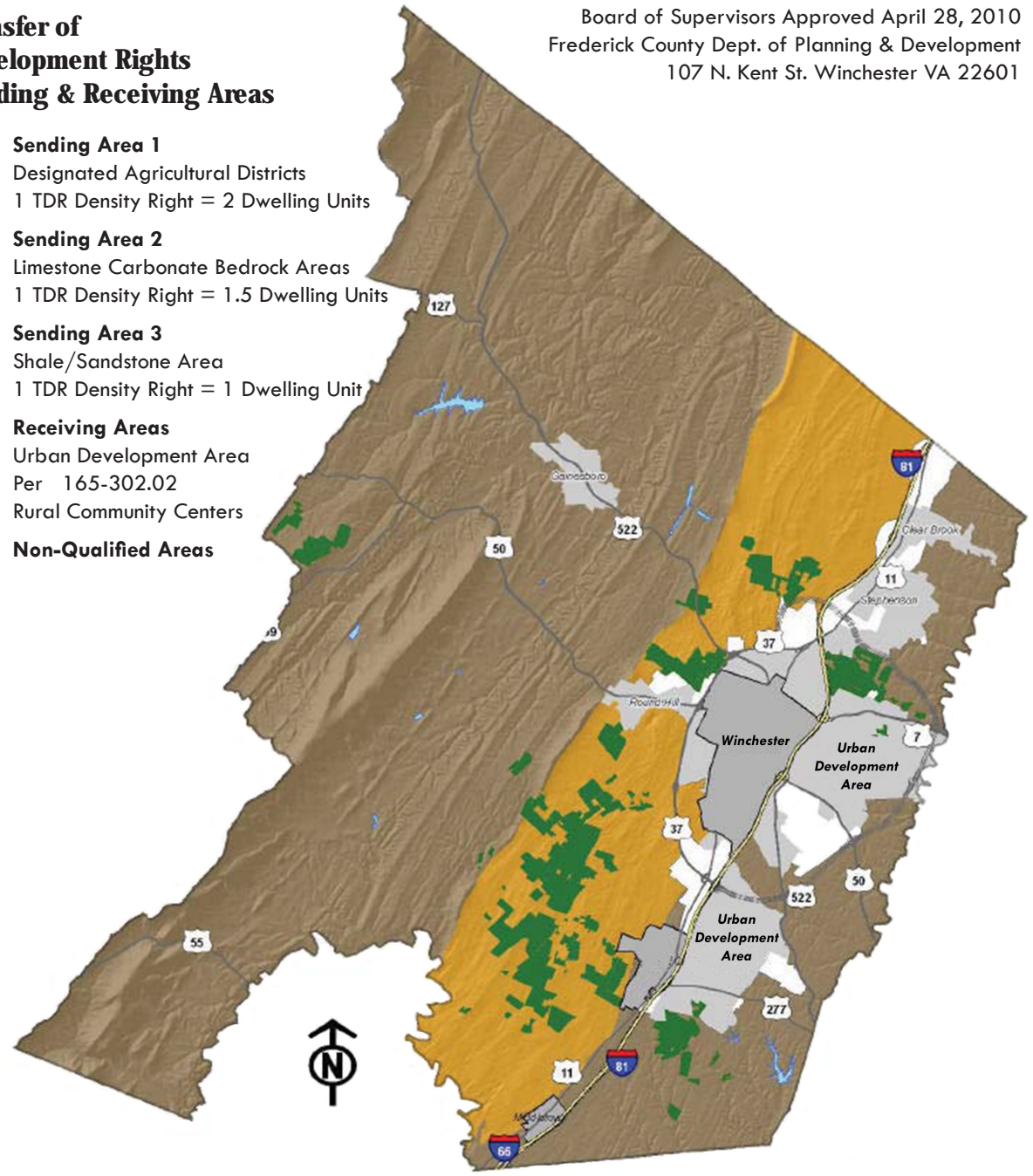
Or Contact:

**Frederick County
Department of Planning & Development
107 North Kent Street
Winchester, Virginia 22601
(540) 665-5651
(540) 665-6395 (fax)**



**Transfer of
Development Rights
Sending & Receiving Areas**

-  **Sending Area 1**
Designated Agricultural Districts
1 TDR Density Right = 2 Dwelling Units
-  **Sending Area 2**
Limestone Carbonate Bedrock Areas
1 TDR Density Right = 1.5 Dwelling Units
-  **Sending Area 3**
Shale/Sandstone Area
1 TDR Density Right = 1 Dwelling Unit
-  **Receiving Areas**
Urban Development Area
Per 165-302.02
Rural Community Centers
-  **Non-Qualified Areas**



Board of Supervisors Approved April 28, 2010
Frederick County Dept. of Planning & Development
107 N. Kent St. Winchester VA 22601

Frederick County VA TDR Program Map