



## APPLICATION FOR TRANSFER OF DEVELOPMENT RIGHTS

### RETURN TO:

Department of Planning & Development  
107 North Kent Street, Suite 202  
Winchester, VA 22601  
Phone: 540-665-5651

### FOR COUNTY USE ONLY:

Date Received \_\_\_\_\_  
Completed Application Date \_\_\_\_\_  
Approval Date \_\_\_\_\_

This is an application for landowners interested in participating in a Transfer of Development Rights (TDR) Program offered through Frederick County. The purpose of the TDR Program is to promote the protection of agricultural lands and open spaces located within the County's sending areas.

This is achieved by severing development rights from rural sending properties and then transferring the residential dwelling units to designated receiving areas, which are capable of accommodating future planned residential growth.

### **Application Checklist:**

- Legal Description for all properties - Copy of the Original Deed
- Deed of Trust (including mortgages, liens, judgements) for all properties if applicable
- Valid Survey for all properties sealed by a surveyor licensed in the Commonwealth of Virginia
- Title Report prepared by an Attorney admitted to practice law in the Commonwealth of Virginia
- Property Sketch or Plan - showing all existing and proposed residential units and other buildings
- Verification of Taxes Paid (receipts from the Treasurer's Office)
- Zoning Ordinance Violation Inspection from the Planning Department
- Application Fee of \$300 payable to the Treasurer of Frederick County (fee includes staff review of the TDR application and the issuance of a TDR Letter of Intent)

What is the type ownership for the parcels:

Sole Ownership \_\_\_\_\_ Husband and Wife \_\_\_\_\_ Partnership \_\_\_\_\_  
Limited Liability Company \_\_\_\_\_ Corporation \_\_\_\_\_ Other: \_\_\_\_\_

If you need help filling any of this information out, please contact the Planning Department at (540) 665-5651

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Owner's Full Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

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Additional Owner's Full Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

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Additional Owner's Full Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

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Additional Owner's Full Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_

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**PROPERTY INFORMATION**

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Below, please list the Property Identification Numbers (PIN) and acreage for each parcel subject to this application.

How many contiguous parcels are part of this application?

1<sup>st</sup> Property's Tax Map Identification \_\_\_\_\_ Acreage \_\_\_\_\_

2<sup>nd</sup> Property's Tax Map Identification \_\_\_\_\_ Acreage \_\_\_\_\_

3<sup>rd</sup> Property's Tax Map Identification \_\_\_\_\_ Acreage \_\_\_\_\_

4<sup>th</sup> Property's Tax Map Identification \_\_\_\_\_ Acreage \_\_\_\_\_

Magisterial District(s) for Parcels 1-4: \_\_\_\_\_

Zoning District Classification(s) for Parcels 1-4: \_\_\_\_\_

Are the parcels or parcel currently in Land Use? \_\_\_\_\_

What is the current use of the property(s)? \_\_\_\_\_

Are the parcels or parcel currently an Agricultural District? \_\_\_\_\_

List all assigned addresses for all parcel(s): \_\_\_\_\_

\_\_\_\_\_

Are there any existing dwelling units located on the property? Yes No If yes, now many? \_\_\_\_\_

Are there any other buildings on the property(s) such as but not limited to garages, barns? Yes No  
If yes, provide the type and number: \_\_\_\_\_

Are there any existing easements or deed restrictions affecting this property? (e.g. powerline corridors, access easements, conservation easements, etc.): Yes No  
If yes, please describe briefly. \_\_\_\_\_

How many density rights (number of dwelling units) do you plan on retaining on the site for existing or future development? If multiple contiguous parcels are included in the application, provide the number of retained rights desired for EACH parcel. \_\_\_\_\_

**PROPERTY QUALIFICATION**

If you need help filling any of this information out, please contact the Planning Department. **540-665-5651**

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**SENDING SITE CRITERIA:**

I believe the property would qualify as a sending site because it contains one or more of the following public benefits as defined in Chapter 165, Article III – Transfer of Development Rights Program:

- Zoned RA (Rural Areas) District
  - Development rights have not already been severed from the property
  - Located outside of the Urban Development Area (UDA)
  - Located outside of the Sewer and Water Service Area (SWSA)
  - Designated in the Frederick County Comprehensive Policy Plan as Rural Area
  - Located within a designated sending property as identified on the Frederick County Sending Areas Map
  - Consist of at least twenty (20) acres
  - Be subdividable in accordance with Chapter 144 of the Frederick County Code, including but not limited to state road and access requirements.
  - Additional parcels that do not meet the subdivision requirements but are contiguous to the primary lot may be added to the sending property, if they are all under common ownership
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**ESTIMATED DENSITY CALCULATION**

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We ask that you complete this worksheet to assist yourself and the Planning Department with evaluating the property. This is not a binding determination of the number of development rights a particular parcel may qualify to transfer.

To estimate the number of development rights that can be transferred from a sending site, the total area available for transfer must first be determined. The area available for transfer is the total sending site area minus the number of possible deductions (listed in Step 1). Then the transfer area is multiplied by the base density for the zoning district of the sending site.

Any fractions of development rights that result from these calculations shall not be included in the final determination of total development rights available for transfer.

Please note that you must include separate calculations for each individual parcel.

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**Step 1. Deductions in Acreage:**

\_\_\_\_\_ existing conservation easements or similar encumbrances

\_\_\_\_\_ submerged lands (i.e. lakes, rivers) and floodplain

\_\_\_\_\_ steep slopes

\_\_\_\_\_ right of ways or other easements

\_\_\_\_\_ acreage for number of existing dwelling units

\_\_\_\_\_ acreage for required number of retained rights

\_\_\_\_\_ **Total Deductions**

**Step 2. Sending Property Area Calculations (subtract from step 1):**

\_\_\_\_\_ total area of sending site

\_\_\_\_\_ total deductions from step 1

\_\_\_\_\_ **Total Sending Property Area**

**Step 3. Total Eligible Density:**

\_\_\_\_\_ total Sending Property Area (from step 2)

\_\_\_\_\_ total rights - divide total sending property area by 5 (1 right/5 acres)

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**Step 4. Estimate Available Development Rights:**

Sending properties located in Sending Areas 1 and 2 qualify for bonus densities. Sending Area 1 includes properties located within an adopted Agricultural and Forestal Area and Sending Area 1 are areas that have been mapped with prime agricultural soils. Sending Areas are determined by the Transfer of Development Rights – Sending Areas and Receiving Areas Map.

Permitted Bonus Density:

- \*Sending Area #1                      2 rights / 5 acres
- \*Sending Area #2                      1.5 rights / 5 acres
- \*Sending Area #3                      1 right / 5 acres

**Total Eligible Density** \_\_\_\_\_

**Identified Sending area and bonus density if applicable** \_\_\_\_\_

**Estimated Available Development Rights** \_\_\_\_\_

\*The estimated number of available development rights calculation is provided to assist you and Frederick County with evaluating the property. These calculations are not a binding determination of the number of development rights a particular parcel may qualify to transfer.

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**PROPERTY OWNER CERTIFICATION**

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I hereby certify that the information furnished on this application and the attachments are true, that I am the legal owner of the property described above, that I have marketable title to the property, and that I have the legal right to restrict the use of the property. I grant permission to Frederick County to seek an updated title report prior its issuance of a Transfer of Development Rights Certificate.

\_\_\_\_\_  
*Signature of Owner (Applicant)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Co-Owner (Co-Applicant)*

\_\_\_\_\_  
*Date*