

Article 17. Transferable Development Rights

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17-1 PURPOSE

A. The purpose of Transferable Development Rights (TDRs) is to transfer residential density potential from eligible preservation areas to eligible receiving areas, permanently conserve agricultural and forestry uses of land, preserve rural landscapes, and maintain natural and scenic resources. The transfer of development rights furthers the conservation of natural and undeveloped areas, the preservation of coastal resources, and the preservation of historical, cultural, archaeological, architectural, and recreational assets. The transfer of development rights contributes to balanced economic growth and coordinating the provision of adequate public facilities with the achievement of other goals.

B. The purpose of Transferable Development Rights (TDRs) is to reduce density in designated preservation areas.

C. The provisions of this Article are not intended to supersede any of the protections set forth elsewhere in this Ordinance relating to properties having historical significance and/or properties with environmentally sensitive features such as, but not limited to, hydric soils, wetlands, or steep slopes.

17-2 PRESERVATION AREAS

Transferable Development Rights are conveyed from Agricultural Preservation Districts (APDs) and are subject to the "Calvert County Agricultural Preservation Rules and Regulations."

A. One Transferable Development Right (TDR) per net acre of land is allocated within an APD created in the Residential District, Rural Neighborhood District, Rural Community District, and Farm and Forest District. For APDs in existence as of the adoption of this Ordinance that have not yet certified TDRs, they shall have one year after the adoption of this Ordinance to certify and record in land records TDRs to be exempt from this regulation. A field survey is required to determine the net acreage of the property. See Section 22-4.J of this Ordinance for provisions regarding allocation of TDRs for properties in the Critical Area.

B. Five TDRs shall be subtracted for each residence located on a parcel in an Agricultural Preservation District.

C. The Board of County Commissioners shall grant five TDRs for each one-acre exception lot authorized in the Rural Community District, Rural Neighborhood District, and Farm and Forest District under the provisions of Section 31-5.A of this Ordinance and not previously used. However, two years after the effective date of this Ordinance, the ability to create exception lots is null and void, and TDRs for exception lots will no longer be granted.

17-3 TRANSFER ZONES

Transfer Zones are designated by the Board of County Commissioners as areas where TDRs may be used to obtain transfer zone density, which is an increase in residential density above what is permitted through base density. Transfer Zones are permitted in the Rural Community District, Rural Neighborhood District, Residential District, and the Town Centers. No Transfer Zone shall be allowed within a Priority Preservation Area.

A. Town Center Districts can use TDRs to obtain transfer zone density consistent with the approved Town Center Master Plans and Table 17-1 (Residential Density and Minimum Lot Size Chart - Town Centers).

B. Five TDRs are required per additional lot or dwelling unit to obtain transfer zone density where transfer zones exist outside of Town Centers.

C. To determine the amount of lots or dwellings units that can be obtained through transfer zone density, subtract the amount of lots or dwelling units permitted per acre through base density from the amount of lots or dwelling units permitted per acre through transfer zone density. If the number of lots or dwelling units permitted following a density calculation is not a whole number, the number is rounded down to the nearest whole number.

D. Lots created through transfer zone density are not permitted within a major subdivision unless all owners in the subdivision sign the application. Those subdivisions which are only considered major subdivisions because of the creation of a right-of-way are exempt from this regulation.

E. If the recording of a subdivision occurs in phases, then the developer shall be required to apply a proportionate number of the total TDRs required for the entire subdivision to that section except for the recording of APFO exemption lots, as provided in the Calvert County Code, Chapter 3, Adequate Public Facilities, as amended from time to time. When a parcel is developed in phases, a note shall be placed on the initial subdivision plat and all subsequent plats reserving for the remainder of the parcel the density available at the time the initial subdivision plat was approved. The density shall be expressed as dwelling units per acre. If, for whatever reason, a developer records more TDRs than necessary to complete the development of a parcel, the number of such excessive TDRs shall be determined by the Department of Planning & Zoning and recertified as eligible for use elsewhere.

F. Mapped Transfer Zone Districts are properties that were designated on the Official Zoning Map as Transfer Zone Districts prior to 1993. Developments within these districts are subject to individual resolutions adopted by the Board of County Commissioners and recorded among the Land Records of Calvert County.

17-4 APPLICATION AND ISSUANCE OF TDR CERTIFICATE AND DETERMINATION OF DEVELOPMENT RIGHTS DOCUMENT

Application and issuance of TDR certifications and determination of development rights documents are subject to the adopted County rules and regulations for Transferable Development Rights (TDRs) found in the "*Calvert County Agricultural Preservation Rules and Regulations*."