



## **Transfer of Development Rights (TDR) Program**

### **Frequently Asked Questions**

#### ***What is a TDR***

The yielding of some or all of the right to develop or use one parcel of land in exchange for a right to develop or use another parcel of land more intensively. Development rights can be transferred from identified Sending Areas to identified Receiving Areas. Essentially it is a land preservation tool that relies upon the free market rather than government funding. The program relies entirely on willing buyers and willing sellers.

#### ***Does the State of Delaware currently permit the County to implement a TDR program?***

Title 9 of Delaware Code §4953 currently permits Kent County to design, enact, and implement a TDR Program.

#### ***Does the County have a TDR program?***

Kent County adopted a TDR ordinance on August 24, 2004 and the program became effective on January 1, 2005.

#### ***How are my transfer credits calculated?***

Total Acreage – (Ponds + Wetlands + Floodplain) = Net Acreage

Net Acreage x Sending Area Value = Available Transfer Credits

Primary (1.5 units per acre)

Secondary (1 unit per acre)

Tertiary (0.5 units per acre)

*Example:*

100 acres

- 5 acres of wetlands

- 2 acres of floodplain

- 3 acre pond

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90 acres

x 1.5 (Primary Sending Area)

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135 Transfer Credits

#### ***Who determines the available credits on my property?***

The Planning Services Department will determine the available transfer credits and issue the property owner a certificate of transfer credits.

#### ***Do I have to have my property surveyed?***

No, the Planning Services Department will calculate the available transfer credits for you and estimate the acreage included in ponds, wetland, and floodplain. You may have the property surveyed if you disagree with the staff's estimate.

***Do I have to sell all of my development rights?***

No, property owners may choose to sell only a portion of the available credits.

***Can I still subdivide lots off for family members?***

Yes, property owners may reserve some of their available development rights to allow future residential subdivision.

***Can I sell my development rights if I participate in another agricultural land preservation program?***

The ordinance provides that lands for which an entity such as the state or federal government or a nature conservancy has purchased or secured the development rights shall be ineligible for participation in the County's TDR program. Examples of such lands include any state or federal owned property and lands on which agricultural preservation easements have been purchased.

***What happens to my land if I sell my transfer credits?***

An irrevocable preservation easement must be recorded to memorialize the separation of the development rights from the property. Property owners who have transferred development rights from their land may continue to use the land for any purpose or use permitted by right by their zoning district *except* residential subdivision. Ownership of the land may also be transferred but the residential development restriction shall remain with the land in perpetuity.

***What are my transfer credits worth?***

The monetary value of development rights is determined by the free market just as the monetary value of the land itself is determined by the free market. The benefit to transferring development rights is the land owner gets to maintain ownership but still realize equity from the property.

***How do I find out about available credits for transfer?***

The Planning Services Department will keep all approved transfer credit certificates on file and available for public review. The County is also going to work with the Department of Agriculture and the Farm Bureau to develop additional methods of disseminating information about the TDR program.

***How will the program change if the Comprehensive Plan is adopted as proposed?***

The bulk of revisions discussed in the Plan relate to the approval process for TDR development projects in growth areas and creating incentives to ensure the program's success. The sending areas are not proposed to be revised significantly although the Plan recommends future evaluation of the primary, secondary, and tertiary sending areas and the associated transfer credit value.

*If you have additional questions or would like to discuss a specific property, please contact the Kent County Department of Planning Services at:*

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