



RECEIVING AREAS

24. *Who Can Buy TDR's?*

Anyone can purchase TDR's (brokers, developers, investors, farmers, etc.), but they can only be used in the designated receiving areas.

25. *What is the procedure for severing a TDR from the land, but not transferring it?*

Any property owner in the RDT Zone can legally create and sever TDR's by executing a protective TDR easement. This easement will identify the number of TDR's to be severed and the specific serial numbers that are assigned to each TDR. Once the TDR's are severed, the property owner can retain ownership or sell them to anyone. The execution of a TDR Deed of Transfer that conveys the ownership of the TDR's can be delayed indefinitely. Usually the intent of delaying transfer would be to wait for a rise in demand and prices for TDR's, as they have historically been subject to cyclical price variations. TDR brokers are an important component of the TDR market as they serve as an intermediary holder/owner of TDR's.

26. *How Is A Parcel Of Land Identified As A Receiving Area?*

In an Approved and Adopted Area Master Plan, the master plan process involves an in-depth technical analysis of land use and density recommendations and the application of receiving area criteria developed by the Montgomery County Planning Board and Council. It also provides an opportunity for all those interested in the process to be heard at the work-sessions and public hearings. Following adoption of a master plan, receiving areas are zoned ac-



cordingly by a comprehensive rezoning process.

27. *What Are Receiving Area Zones?*

Receiving areas are located in a number of single family residential, townhouse, multi-family residential, and residential mixed use zones; as discussed in the Chapter 59-C of the County Zoning Ordinance.

28. *Are The Area Master Plans And Zoning Maps The Only Way To Identify Receiving Areas?*

Yes. The master plan and accompanying zoning maps are the only vehicles to identify receiving areas and designate the appropriate density. The zoning maps indicate the actual zoning of the property which permits the density recommended in the master plan.

29. *Can TDR's Be Used In Any Receiving Area Anywhere In The County?*

Yes, they can be used on any property identified in an Approved and Adopted Area Master Plan and zoned as a receiving area.

30. *Does An Owner In A Receiving Area Have To Go Through A Rezoning Process?*

No. The receiving areas are already zoned to allow an optional density if TDR's are used on the property. See Question #48 for a detailed explanation of the TDR process.

31. *May A Developer In A Receiving Area Petition To Have TDR Optional Density Increased?*

The master plan will recommend an appropriate TDR density indicating the number of dwelling units that would seem in accord with the criteria – availability of public facilities, compatibility, capacity of the land. However, a developer may ask for a different density by a master plan amendment. Any amendment must be approved by the County Council.

32. *What Can A Developer Do With Unused Purchased Development Rights When The Property In The Receiving Area Is Fully Developed?*

The owner of such rights can hold on to them for future use in another area or sell them to another developer or broker.



33. *May A Property Owner In A Designated Receiving Area Develop It Without Purchasing Development Rights?*

Yes. It can be developed at the base density.

34. *As A Potential Purchaser Of Development Rights, How Can A Developer Check Their Validity?*

They may be verified at the County Court House in the Land Records Office. Also, the purchaser should undertake a title search.

35. *Can An Owner Resubdivide Land In The Receiving Area After Development Rights Have Been Used?*

Regulations regarding the resubdivision of land apply uniformly to both existing recorded subdivisions and receiving areas. Resubdivision of land also must comply with appropriate zoning standards and recommended TDR optional density for the property.

36. *What Is The Smallest Number Of Units Which A Developer Needs To Make Use Of Development Rights?*

To use the optional density an owner must prepare a subdivision plan using at least two-thirds of the number of TDR's permitted on the property, but the actual number permitted will be determined by the Planning Board in its action on the subdivision and site plan. The two-thirds requirement may be waived by the Planning Board based on compatibility or environmental reasons.

DENSITY OPTION DEVELOPMENT PROCEDURES IN A TDR RECEIVING AREA

37. *What Is The Method For Calculating The Number Of Possible TDR's For Property In A TDR Receiving Area?*

The number of TDR's to be used for property designated as a receiving area is the difference in units between the base density and the TDR density option, exclusive of the MPDU bonus.

EXAMPLE: 100 acre parcel recommended in a master plan for use of TDR's at a density of 7 units per acre is in the R-60/TDR Zone. The R-60 zone establishes the base density.