



BEAUFORT COUNTY TRANSFER OF DEVELOPMENT RIGHTS (TDR) PROGRAM FREQUENTLY ASKED QUESTIONS

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WHAT ARE DEVELOPMENT RIGHTS?

Property ownership comes with a set of rights, such as the right to build, sell, subdivide, and lease the land. Development rights, as the term is used in the County's TDR program, refers to the residential building rights assigned to property in Beaufort County under the County's Community Development Code. These rights are commonly referred to as units of "density." The *transferable* development rights program allows property owners impacted by the Marine Corps Air Station to "transfer" or sell their development rights to properties, and third-party property owners, in areas further from the Air Station.

WHAT IS A TRANSFER OF DEVELOPMENT RIGHTS PROGRAM?

In Transfer of Development Rights (TDR) programs, a property owner in a "sending area," where lower density is desired (in this case, around Marine Corps Air Station-Beaufort) is willing to agree on their own behalf and for future owners of the land not to develop it at the density that otherwise would be allowed by ordinance in exchange for receiving a TDR certificate, which represents the separation of those "development rights" from the property for use elsewhere in the County.

That property owner can then sell or gift the TDR certificate to someone who is interested in developing property in a TDR "receiving area" (in this case, lands on Port Royal Island that are not significantly impacted by the Marine Corps Air Station) at a *higher* density than the Code ordinarily would allow. The developer in the receiving area can redeem the TDR certificate in exchange for permission from the County to build the additional density there.

WHAT IS THE PURPOSE OF THIS PROGRAM?

The Beaufort County TDR Program creates an incentive to shift some future residential units away from the areas surrounding the Marine Corps Air Station. By allowing property owners to "transfer" their development rights from these areas into areas further from the base, it is hoped that the quality of life of County residents will be maintained, while the base is protected from encroaching incompatible land uses. In addition, active TDR programs create a market for the sale of development rights for property owners in the TDR sending areas near the military installation.

HOW DO I DETERMINE WHETHER MY PROPERTY IS LOCATED IN A TDR SENDING OR RECEIVING AREA?

TDR *sending areas* include all properties within unincorporated Beaufort County that are located *within* the MCAS Airport Overlay (MCAS-AO) District or *within* one-quarter mile of the Air Installations Compatible Use Zone (AICUZ) for MCAS—Beaufort, and that are zoned T2R (Rural), T2RN (Rural Neighborhood), T2Rc (Rural Center), T3E (Edge), or C3 (Neighborhood Mixed Use). These areas are generally represented in this map.

<insert sending area map>

TDR *receiving areas* include all properties within unincorporated Beaufort County that are located *outside of* the MCAS-AO District, *beyond* one-quarter mile of the AICUZ (for MCAS—Beaufort), and *within* the boundaries of Port Royal Island.

<insert receiving area map>

You may contact the County planning staff at the number listed at the top of this brochure to determine whether your property is in a TDR sending or receiving area.

WHAT ARE THE BENEFITS OF OWNING PROPERTY IN A TDR SENDING AREA?

If you own property in a TDR sending area, you may choose to develop it according to County development regulations or you may to participate in the TDR program. It is entirely up to you whether to participate.

If you decide to participate in the TDR program, in exchange for placing an easement on your property agreeing not to develop it at the density that otherwise would be allowed, you will receive a TDR certificate that you then may sell or gift to a third-party developer or property owner. The prices paid for development rights are driven by the market and would be arrived at through negotiation with a TDR purchaser, similar to the way any real estate transaction is negotiated. Unlike most real estate transactions, in the case of TDRs, the land remains in the sending area property owner's possession. It is only the development rights that are sold to another party. The remaining land may continue to be put to use in a manner that is compatible with the Air Station, including many rural, industrial, and agricultural uses.

IF MY PROPERTY IS IN A TDR SENDING AREA, MAY I STILL USE IT IN ACCORDANCE WITH COUNTY LAND USE REGULATIONS OR AM I *REQUIRED* TO USE THE TDR PROGRAM?

The participation of property owners in the TDR program is completely voluntary. You may elect to participate in it or to develop your property according to County land use regulations without TDRs.

IF I OWN PROPERTY IN THE SENDING AREA AND WISH TO USE THE TDR PROGRAM, HOW DO I GET STARTED?

You should complete an "Application to Create TDRs on a Sending Area Parcel," available at the County offices listed above. If the County approves the application and you record an easement restricting the use of your property for purposes of residential development, the County will issue you a TDR certificate. You may then sell or gift the TDR certificate (and its associated "development rights") to a developer or property owner in a receiving area who is interested in using those rights.

IF MY PROPERTY IS LOCATED IN A TDR *SENDING* AREA, HOW MUCH DENSITY CAN BE "TRANSFERRED" FROM MY PROPERTY TO A TDR RECEIVING AREA PARCEL?

You may transfer all remaining residential density that could have been built on the parcel prior to the adoption of the MCAS-AO District. Section 2.10.100 and Table 2.10.100.A of the County Community Development Code describes how residential density is calculated for sending areas. When fifty percent (50%) or more of a parcel is located in a sending area, the number of available TDRs is based on the entire parcel. Any units already built on the sending area property or development rights previously transferred will reduce the total number of TDRs available for transfer. Any fractional unit allowed exceeding 0.5 will be rounded up to the nearest whole dwelling unit and only whole TDRs may be created and transferred.

WHAT SHOULD I DO IF I FIND SOMEONE WHO WOULD LIKE TO BUY MY TDR CERTIFICATE?

Complete the “Application to Transfer TDR Certificate,” available at the County offices above. After the application is approved, the buyer becomes the owner of those development rights, which they may use in a receiving area or sell or transfer to another person.

WHAT IF I MAKE MY DEVELOPMENT RIGHTS AVAILABLE FOR TRANSFER, AND NO ONE IS INTERESTED IN USING THEM?

The County maintains a Registry of interested buyers of TDR certificates, so hopefully, you can use that resource to find someone willing to buy your TDRs. The County also may establish a TDR bank which, depending on available funding, may be a potential purchaser of TDRs, as well.

Nonetheless, if you retain ownership of the TDRs and are unable to sell them, the TDR certificate may be returned, in total, to the County within an allotted time period. However, to have this option later, a “reversibility” provision provided for it must have been included in the recorded TDR easement when the original TDRs were established.

WHAT IF I AM A DEVELOPER OF RECEIVING AREA PROPERTY AND WANT TO BUY A TDR CERTIFICATE?

First, you will need to find someone who owns a TDR certificate who is willing to sell it to you. If you need help with this, the County maintains a Registry of interested sellers.

After you have found a willing seller, complete the “Application to Redeem TDRs in a TDR Receiving Area,” available at the County offices listed above.

When you apply for any rezoning that would increase residential density or commercial intensity in a TDR receiving area, a TDR overlay district would need to be approved for the property, which would make it eligible for development at densities or intensities greater than those allowed under the Code’s baseline zoning density. This will result in the underlying zoning category for the property to have a TDR overlay district suffix included in the zoning designation for the receiving area property.

The County’s development review team would then grant additional density to your proposed project based on the number of TDRs that you redeem. One (1) TDR redeemed will result in:

- Three additional dwelling units of residential development over and above the density that otherwise would be allowed by ordinance on the receiving area property; or
- An additional 5,000 square feet of commercial development beyond the maximum that otherwise would be allowed on the receiving area property.

WHAT IF I HAVE LOST MY TDR CERTIFICATE?

Simply complete the “Lost TDR Certificate Reissuance Application,” available at the County office listed above and we can reissue it to you.

WHERE CAN I LEARN MORE ABOUT THE TDR PROGRAM?

Please visit the County's TDR webpage at www.co.beaufort.sc.us or contact the Planning and Development Department at the phone number listed above.