

CITY OF MILTON, GEORGIA

TDR Program Administrative Procedures

There are two types of situations in which TDRs may be issued. When owners volunteer their properties as open space TDR sending sites, they propose to retain fee ownership of the property but record an easement that permanently limits the density of residential development that can occur on site. If a property owner instead wants to explore the possibility of transferring title to the City for use as park, greenway, trail or civic space TDR sending sites, they propose to transfer ownership of that land to the City of Milton. The City's procedures for handling TDRs in both situations are similar and described below, with the minor differences noted.

1) Property Owner Submits Application for Open Space or a Park/Greenway TDR Sending Site

With the appropriate application provided by the City, the property owner submits information needed to verify that the parcel qualifies as either an Open Space or a Park/Greenway TDR sending site and to calculate the potential TDRs available.

2) Application Review

The City's Community Development Director reviews the application for completeness and may ask for a site visit to resolve any issues about the property's eligibility and/or the ratio of constrained and unconstrained land. If issues remain unresolved or the documentation is incomplete, the Director may reject the application as inadequate or request addition documentation such as a survey report or hydrology study to clarify any site characteristics that might affect the eligibility of the property or cause significant variation in the acreage of constrained versus unconstrained land.

3) Calculation of Available TDRs

If the Director deems the application complete and that the parcel qualifies as a TDR sending site, the Director will inform the applicant of the number of TDRs that the City will issue if the owner proceeds with recordation of the easement or transfer deed as proposed in the application. The allocation formula will be established by the City Council in the City of Milton Code of Ordinances



4) Legal Document Execution and Recording

If applying for an Open Space TDR sending site designation:

- The applicant submits an unsigned conservation easement, based on model easement provided by the City, limiting future development of the sending site to a density of no more than one dwelling per parcel or one dwelling per full 25 acres, whichever density is greater. The easement must specify the total number of dwelling units retained onsite, if any, subject to compliance with all applicable codes. The easement specifies the number of TDRs approved by the City in conjunction with the easement.
- If the Director finds the unsigned easement to be complete and accurate except for signatures, the document is reviewed and approved by the City Attorney.
- When all signatures have been secured, the Director has the easement recorded.

If applying for a Park/Greenway TDR sending site designation:

- The applicant transfers title for the approved Park/Greenway TDR sending site to the City of Milton using the City's standard practice for accepting land dedications.

5) Issuance of TDR Certificates and Registry Documentation

Upon confirmation that the easement or deed has been recorded, the Director issues TDR certificates to the applicant. The Director also posts the issuance of these TDRs on the TDR Registry, a TDR page of the City web site which serves to track the issuance, transfer and retirement of TDRs.

6) TDR Transfers

TDR Certificate holders may sell TDRs to anyone including intermediaries or developers who need them to exceed baseline in receiving areas. In either case, the TDR buyer must deliver to the Director the original TDR certificates with page 4 completed within 10 business days of the transfer. If the buyer fails to surrender the original certificates within 10 business days of the transfer, the certificates will not be usable unless and until the buyer applies for a certificate reissuance which will require the TDR buyer to pay an application fee in an amount equal to the application fee required for a TDR sending site.

The Director documents the change in ownership by issuing new TDR certificates showing the name of the new owner. The Director also posts the changes on the TDR registry.

Document

If a partial TDR is transferred, the Director issues two new certificates: one to the buyer indicating the portion of the TDR transferred and one to the original TDR certificate holder indicating the portion of the TDR retained by the owner.

7) Receiving Site TDR Use

When developers intend to use TDRs to exceed baseline at qualified receiving sites, they must identify in their development application the number of TDRs that they will submit prior to final approval. Final approval for a development that involves no land division is issuance of a building permit. Final approval for a development involving a land division is approval of the final map. The bonus building units allowed per TDR are specified in the City of Milton Code regulating the receiving site in question.

Prior to final approval, developers must provide the Director with original TDR Certificates for the number of TDRs needed to achieve the amount of development above baseline that would be granted upon final approval. The Director then deems the TDR condition of approval to be satisfied.

The Director retires the TDRs by documenting their retirement on the final map (for a development involving a land division) or on the building permit (for a development that does not require a building permit). The Director also documents the retirement on the registry and on the original certificates.

If the developer uses only a portion of a TDR to meet the development requirements, the Director issues a new TDR Certificate to the developer indicating the partial TDR remaining.