

CITY OF MILTON COMMUNITY DEVELOPMENT

TRANSFER OF DEVELOPMENT RIGHTS PROGRAM

Thank you for your interest in the City of Milton Transfer of Development Rights (TDR) Program. The TDR Program is a program that allows the protection of valuable farmland, habitat, and environmentally sensitive land while encouraging growth in the areas suitable for denser development. The program allows landowners the ability to waive the right to develop their land and to transfer those development rights to a different parcel of land.

In exchange for the transfer of the development rights (i.e. the ability to build at higher densities), the sending parcel owner may receive money for the 'developmental rights' that are being sold. The City of Milton does not guarantee the amount of income, if any, the sending site owner may ultimately obtain; that will be dependent upon market conditions. It is primarily the sending site owner's responsibility to obtain a purchaser for the transferred development rights.

There are two distinct procedures by which the County will acknowledge the right to Transferable Development Rights (TDR's). Under the first procedure, the Park/Greenway Site procedure, the property owner will actually donate the property to the City, which will then make use of the property for various conservation purposes. Although the title to the property is transferred to the City, however, the property owner retains the Transferable Development Rights and can then take advantage of whatever market there is for the TDRs.

In the second situation, the Open Space Sending Site procedure, the property owner retains title to the property, but agrees to the execution and recording of a permanent conservation easement that limits the future development of the land by limiting subdivision of the property or building of residential homes or commercial structures.

The parcel of land where the development rights originate is called the "sending" site. Once an application is approved and either a deed or a conservation easement is recorded, depending on the procedure chosen, the County issues the appropriate number of TDRs (the number of TDRs is greater where the property is donated as opposed to where an easement is entered), which the sending site owner is then entitled to sell depending on the market conditions.

The parcel of land to which the development rights are transferred is called the "receiving" site. Persons who buy TDRs from a sending site owner are generally allowed to build at a higher density than ordinarily permitted by the base zoning on the receiving site.



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For a site to be considered for donation or to be considered an Open Space sending site, you need to fill out the application materials. If your property meets the minimum criteria to qualify, the County will issue a Letter of Intent indicating the number of density credits available for issuance upon successful completion of the approval process.

The sending site must meet the criteria listed in the Zoning Ordinance to qualify as a sending site and to transfer development rights off the property. If you are uncertain as to whether your property would qualify, please contact the Community Development Director with your parcel number. In addition to the Zoning Ordinance criteria, the property must meet the following:

- If a sending site consists of more than one lot, the lots must be contiguous.
- If a sending site has any outstanding statutory or code violations, the owner must correct the violations, including any required abatement, restoration, or payment of civil penalties, before a TDR sending site may be certified.

The following items must be submitted with the completed applications:

- A legal description of each parcel.
- A recent Title Report for the property. (Title Report must have been completed within six (6) months of application submittal.)
- A site plan showing property boundaries, existing and proposed homes and other structures, all submerged lands (wetlands, lakes, streams), buffers, landfills, other development constraints and any existing easements on the property. If more than one zoning designation exists on the property, the site plan must identify the boundary between the zones.
- Pictures of the property and existing buildings.
- Signed and notarized Right of Entry Agreement authorizing the City staff or its designees to go onto the property to perform a due diligence inspection of the proposed sending site property.
- Letter of Authorization. If not the applicant, the property owner(s) must sign an authorization for the applicant who is acting as the property owner(s)'s agent (if needed).
- Letter of Authorization. If the applicant does not own all of the property being considered as sending site for the Transfer of Development Rights program, other property owner(s) must sign an authorization for the applicant who is acting on their behalf (if needed).
- Lien Holder's Consent: If there are liens or mortgages on the property, the applicant must provide written consent to the transfer of development rights and execution of a conservation easement.
- Application Review fee.

If you have any questions, please contact the Community Development Director, Kathleen Field, at 678-242-2555.