

# Chattahoochee Hill Country Transferable Development Rights

*How They Work*

UGA Land Use Clinic

School of Law and College of  
Environment and Design

# The goals

- Preserve the natural, agricultural, environmental, historical and cultural resources of the Hill Country.
- Accommodate growth, minimize sprawl.
- Promote design that is socially responsible, environmentally friendly and economically sound.

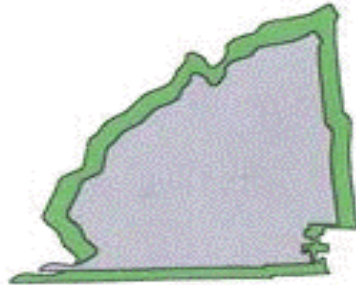


# The concept

## Development Comparison Chattahoochee Hill Country

### Conventional Development

30,000 Homes



**80% of Land Disturbed**

40,000 Acres  
75% Max Yield  
= 30,000 Homes

and includes  
No Commercial  
No Services  
No Civic

### Villages and Conservation Subdivisions

38,000 Homes



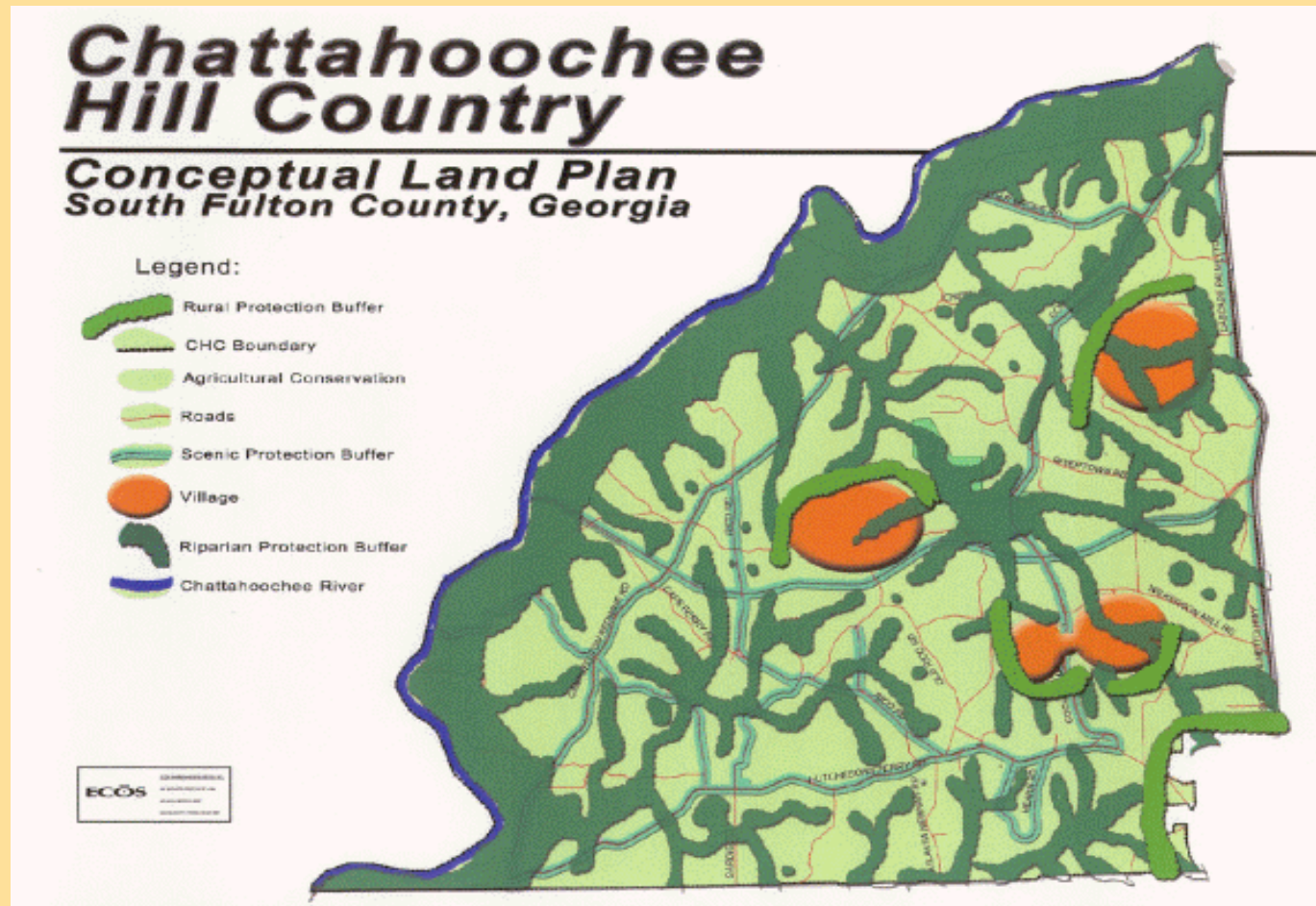
**16% of Land Disturbed**

Three 640 Acre Villages @ 6720 Units Each  
480 Acres @ 8 Units an acre  
160 Acres @ 18 Units an acre  
=20,160 Units in the Villages  
=1920 Acres Disturbed

17840 Units in Conservation Subdivisions  
with 1/4 Acre Average Lot Size  
=4460 Acres Disturbed

Total Area Disturbed= 6380 Acres= **16% Disturbed**  
This includes Commercial, Service, and Civic Uses

# The plan

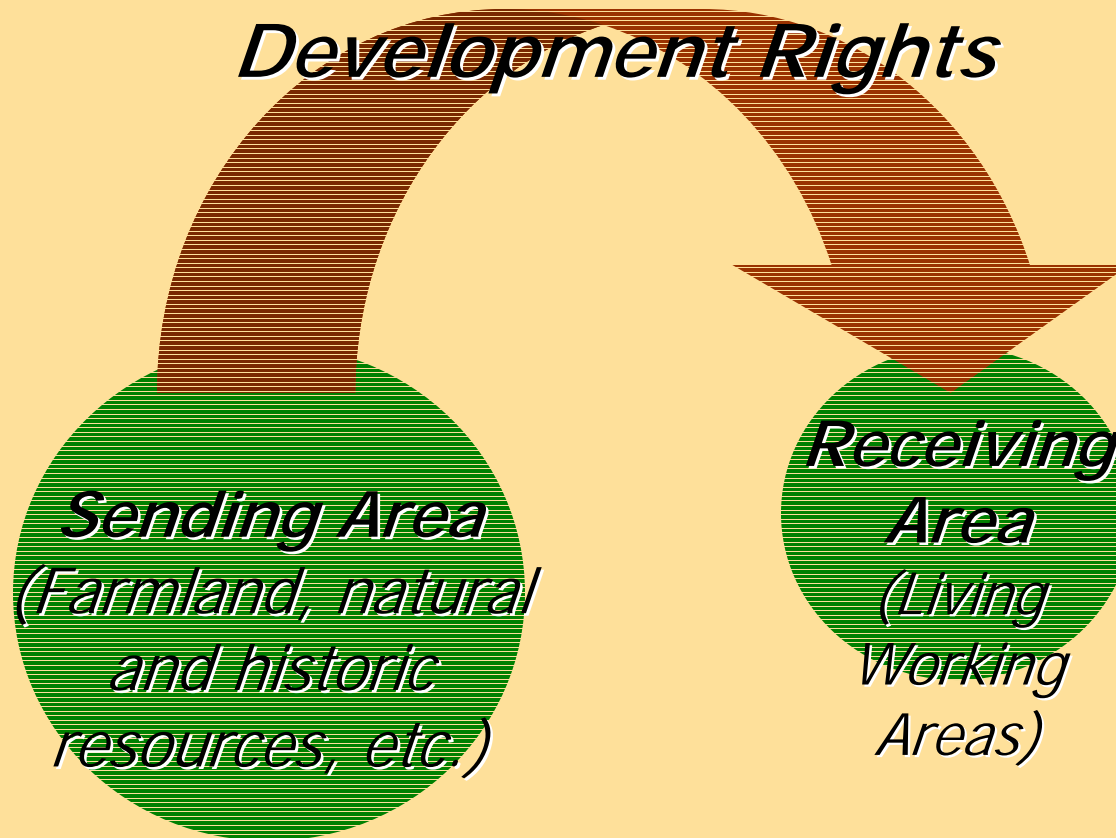


Policy decisions:

Voluntary and permanent transfer of development rights, preserving maximum number of acres possible.

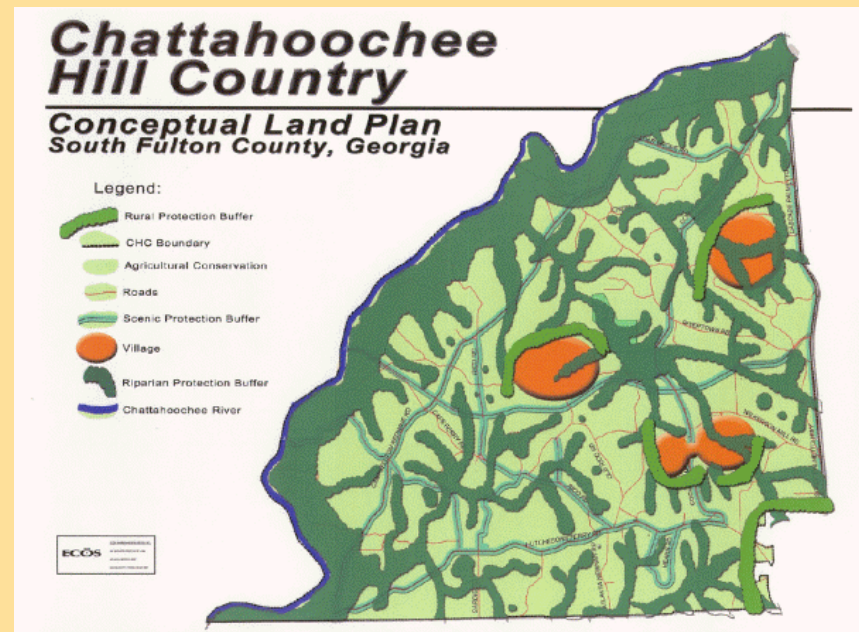


# Imagining a TDR



# What is the sending area?

The entire  
Chattahoochee  
Hill Country  
Area, except  
the three  
Living Working  
zones.



# Land not eligible as sending area

1. Land within a mandated riparian buffer;
2. Land held in public ownership;
3. Land fully developed under existing zoning;
4. Land permanently protected because:
  - ✓ the development rights have already been sold,
  - ✓ a conservation easement or permanent deed restriction already exists, or
  - ✓ the land is designated and used to meet the open space requirement of a hamlet/conservation subdivision.



# For a landowner to participate

Must have **two** things:

- the authority to transfer fee simple ownership of the property and,
- a TDR certificate representing all the development rights being transferred.

To get a certificate,  
a landowner must  
apply to Fulton  
County.

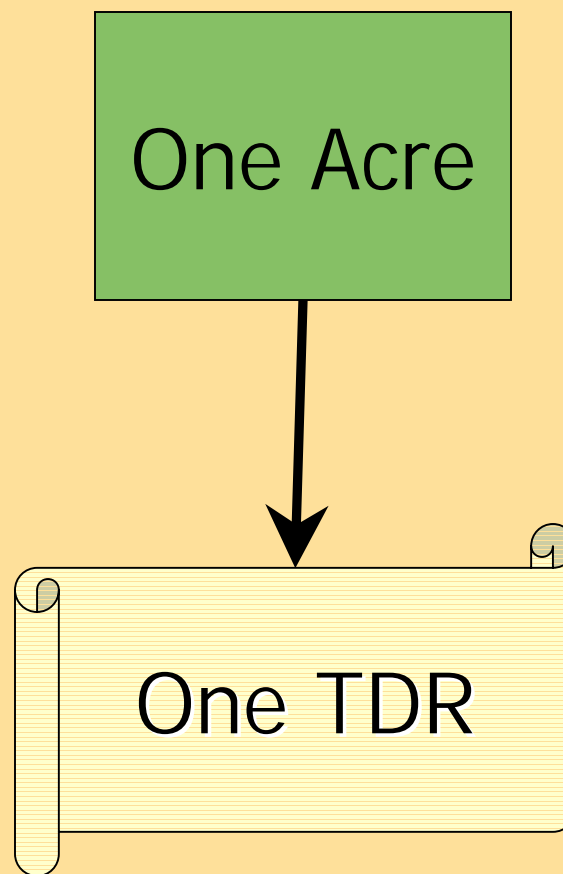


## The application must include:

- ✓ Applicant's contact info.
- ✓ Proof that applicant owns the property.
- ✓ A legal description of the property.
- ✓ A physical description of the site.
- ✓ A site plan.

# How TDRs are issued

- For each whole acre on the sending parcel, one TDR is issued.
- The county will issue the landowner a certificate representing of their TDRs.



# Who can buy TDRs from a landowner?

Anyone, including developers of the Living Working areas, investors, conservation organizations, etc.

It's an open market.



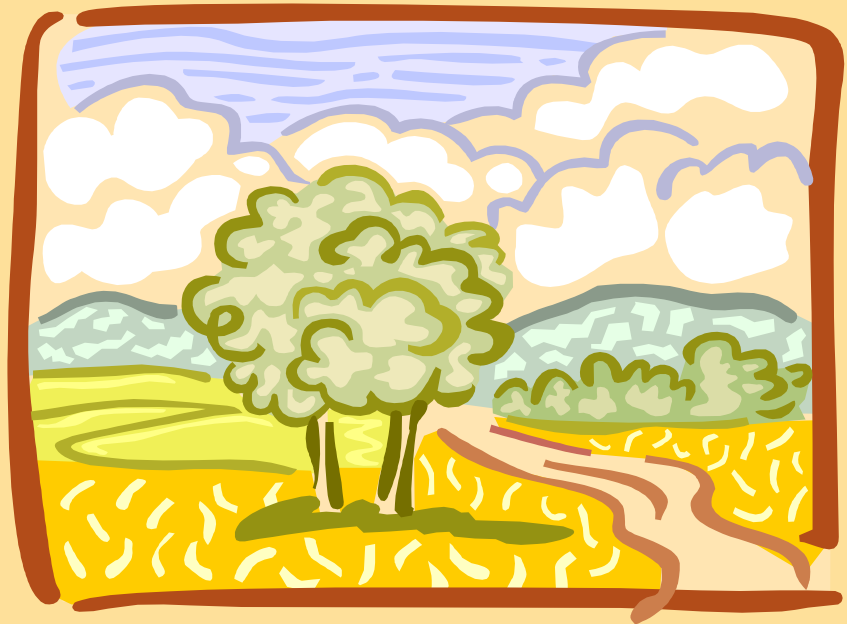
# Calculation for development

- Residential:  
For each additional unit over one per acre in the Living Working area, one TDR is required.
- Commercial:  
One TDR per 2000 sq. feet of commercial space in the development.



# The Conservation Easement

- When TDRs are transferred, the landowner grants a conservation easement to a land trust or similar organization.
- The conservation easement permanently protects open space. It does not give the public a right of access to the property.



# The TDR Bank



# The TDR Bank

- will be designed to ensure a market for TDRs.
- could buy, hold, and sell TDRs.
- would also be the central registry for TDRs on the market.
- would be run by a community board.



# How to sell to the Bank:

- Eligible landowners may approach the Bank with offers to sell TDRs.
- The Board has 60 days to respond.
- The Bank may also enter into Right of First Refusal agreements with landowners for TDRs or fee simple ownership.

How does the transfer  
really work?

---

---

The Bottom Line

# Review of the process

- Landowner applies for TDR certificate; within 95 days, the Department issues it.
- Landowner transfers development rights to purchaser.



# Continued...

- Landowner transfers and records a conservation easement.
- The Deed of Transfer is recorded.
- If fewer than all TDRs sold, landowner resubmits the TDR certificate for new certificate reflecting remaining TDRs.



# The buyer;

- Uses the TDRs to develop in a living working area, or,
- Holds the TDRs as an investment to sell at a later date, or,
- Donates the TDRs to a land conservation organization for "retirement."



Any Questions?

Thank you.