

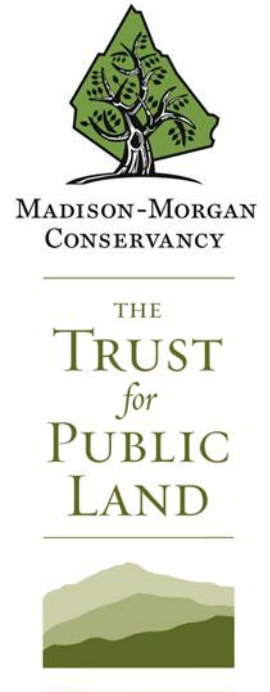
# City of Madison | TDR Program

A GREENSPACE ~~VS~~ GROWTH INITIATIVE

## Public Policy Roots

In 2004, Madison's **Joint City-County Comprehensive Plan** identified a new potential planning tool: Transferrable Development Rights (TDR). The concept was first introduced during the in tandem production of the **Greenprint**, a countywide environmental planning initiative sponsored in part by the Madison-Morgan Conservancy and the Trust for Public Land.

In 2009, Madison expended additional funds creating a **Greenprint Addendum**, micro-planning for the municipality and endorsing the use of a TDR ordinance. To craft and tailor an ordinance for the City, the Madison Planning Department worked closely with both the Madison-Morgan Conservancy and the Greenspace Conservation Commission (GCC), the citizen board for environmental issues. The Mayor and City Council adopted the **TDR Ordinance** in May 2014, creating this severable property right and establishing a pilot TDR program.



## Ordinance & Aims

Commonly, TDR programs enable property owners in designated “sending areas” to sever and sell development rights which may be purchased by property owners and/or developers for designated “receiving areas,” thus redistributing density within a community. Receiving areas are those well suited for denser development, and sending areas typically have agricultural, historic, or environmental values which a community desires to preserve. The TDR tool combines strategic planning and financial incentives to accommodate growth while protecting community assets.



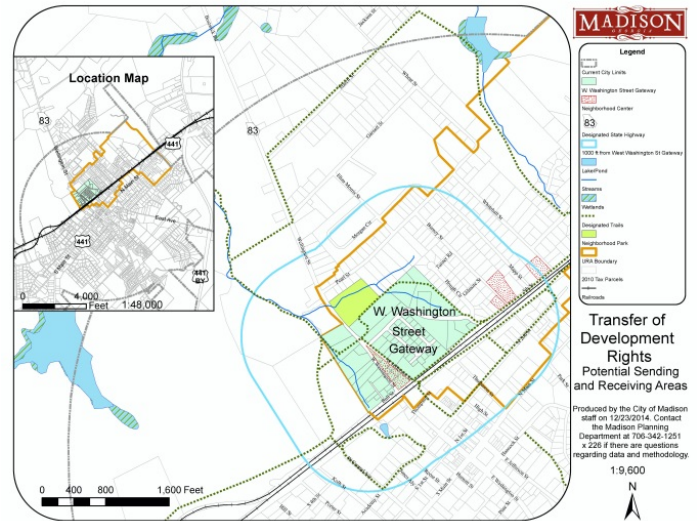
Georgia had two cities with such ordinances – Atlanta (protecting historic sites, e.g. Margaret Mitchell House) and Chattahoochee Hill Country (protecting pastures/openspace and creating village centers). In 2014, the cities of Milton (pop. 36,000) and Madison (pop. 4,000) adopted TDR ordinances.

Traditionally, TDR programs have been utilized on a large scale to conserve swaths of prime agricultural lands or congregate natural resources. Madison's TDR program concentrates on the protection and connection of vital pockets of natural habitat, riparian areas, and greenspace within an existing built environment and hopes to serve as inspiration for other exurban, developed areas.

## A Pilot Program

TDR ordinances engage proactive planning and can also be somewhat intimidating to initiate. Thus Madison’s elected body opted to select a specific pilot area to test drive the new tool.

In 2011, Madison had adopted a downtown **Urban Redevelopment Plan (URP)**, encompassing 400 acres abutting downtown to address slum and blight conditions. Since the URP identified TDRs as a desired planning tool, its W. Washington St. Gateway subarea was identified as the ideal pilot area.



Leading by example, the City expressed willingness to capitalize and establish a **TDR Bank** (later formed from GCC membership and two ex-officio citizens). The Planning



Department suggested capitalization in the form of TDRs, resulting from the establishment of permanent conservation easements on public lands, both long held and newly acquired. As state law restricts who can hold conservation easements, creative solutions and outside assistance were essential to answer: first, who to hold the easements, and second, how to fund associated project and stewardship fees.

Unfortunately, the local conservancy does not currently hold easements. Although eligible to hold easements, the City could not both own a property and hold its easement (thus “police itself”), nor could its appointed body, the GCC. Having no interest or use for the potential tax credits, the City did explore the possibility of creating a single purpose 501(c)(3) to hold city-only easements, but this course of action was discarded as clumsy, time consuming, and unsustainable at present.



Willing, yet challenged, to test drive its own TDR Program, the City looked up the road to the **Athens Land Trust (ALT)**. ALT agreed to collaborate and contribute its support, expertise, and funding. ALT assisted the Planning Department with appraisals and program logistics; secured a \$26,000 Riverview Foundation Grant to offset project and stewardship fees (\$40,000 total); and contributed \$6,000 in in-kind



services to create the Baseline Documentation Reports and Conservation Easements for four parcels, protecting 25 acres of sensitive environmental resources.

## From Paper to Practice

Three of the first four parcels permanently protected by conservation easement encompass: **Round Bowl Spring** (1.4-acre tract adjacent to the city's original water source and Downtown Madison, with walking trails, native plants, spring runs, and a stream); **Presidents Park** (2.5-tract of bottomland hardwood forest containing a tributary of Horse Branch and the future site of vital greenspace and recreation for an underserved neighborhood); and, **Pritchard Farm** (19-acre tract of Oak-Hickory-Pine forest and successional meadow, a portion reserved for the City's future rural cemetery expansion). The fourth conservation easement – established by the Downtown Development Authority (DDA), the City's urban renewal agency – is **Tanyard Branch** (3-acre tract of bottomland hardwood forests and its namesake water source). All four parcels will be open to the public for passive recreation and include walking trails, the first components in a planned 40-mile city-wide network connecting downtown, neighborhoods, parks, and places of assembly.

## The First Transaction

While conserving 25 acres, Madison also directed growth to a preferred location. The first receiving site met all the TDR parameters, including proximity to transportation, a commercial nexus, and a neighborhood park. The 3-acre tract was only viable for 12 residential units under current zoning. Developers purchased an additional 32 development rights to construct 44 affordable, senior housing units. Silver Lakes Court will also be Madison's first LEED building.

(DDA facilitated this public-private investment via property assembly of a former trailer park and a dilapidated property's backyard, predevelopment activities, and project assistance; however, the key to the transaction was the existence and availability of TDRs).

## Retrofitting the Emerald Necklace

Clearly, the initial transaction demonstrates that instead of merely gifting density via zoning action, a TDR Program enables both greenspace and growth. The City proactively tested its own policy, engaging planners and citizen planners, as well as other agencies and non-profits with expertise. Madison's planning track record integrates and layers public policy to yield better results. Moving forward, the City's TDR Bank will serve as the City's easement holding agency for non-tax credit projects and private market transactions, establishing fees for program sustainability. Over time, Madison's TDR Ordinance has the potential to reverberate beyond our small town, offering a model for other communities interested in balancing greenspace and growth initiatives.

*View from the Anchorage – 555 Fifth Street  
Parallel Housing, Inc., Athens, GA*

