




## GENERAL STAFF MEMO

**TO:** Honorable Mayor and City Council Members  
**FROM:** Diana Wheeler, Interim Community Development Director  
**DATE:** Submitted on December 20, 2024, for the January 22, 2025, Regular City Council Meeting (First Presentation on January 6, 2025)

Signed by:  
  
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**AGENDA ITEM:** Consideration of Text Amendment RZ24-04 to Article 7A Crabapple Form Based Code, Sec. 7A.1.6. Density Calculations of the Unified Development Code for the City of Milton, Georgia as It Relates to the Number of Building Units and Parking Structures.

### Executive Summary:

The purpose of this proposed text amendment to the Crabapple Form Based Code is to correct a change made to the UDC as it relates to the number of criteria to qualify for the increase of building units for each parking space within a parking structure.

Previously, the requirement prior to the adoption of the UDC stated that only one of the criteria needed to be met versus the adopted UDC states all of the criteria need to be met. Staff recommends that only one (1) of the criteria be required as previously written prior to the adoption of the UDC.

There were no attendees at the Community Zoning Information Meeting held on August 27, 2024.

The Planning Commission recommended unanimously to approve the attached amendment as recommended by Staff at its December 19, 2024, meeting.

**Funding and Fiscal Impact:** None

### Alternatives:

This text amendment can be modified or denied by the Mayor and City Council

### Legal Review:

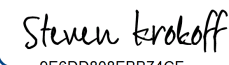
Paul Frickey, Jarrard & Davis, September and December 2024

### Concurrent Review:

Steven Krokoff, City Manager

### Attachment(s):

Ordinance and Text Amendment for RZ24-04

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**AN ORDINANCE TO AMEND ARTICLE 7A CRABAPPLE FORM BASED CODE, SEC 7A.1.6. DENSITY CALCULATIONS OF THE UNIFIED DEVELOPMENT CODE FOR THE CITY OF MILTON, GEORGIA AS IT RELATES TO THE NUMBER OF BUILDING UNITS AND PARKING STRUCTURES.**

**BE IT ORDAINED** by the City Council of the City of Milton, GA while in a regularly called council meeting on January 22, 2025, at 6:00 p.m. as follows:

**SECTION 1.** That Section 7A.1.6 Density Calculations of Article 7A Crabapple Form Based Code of the Unified Development Code for the City of Milton, Georgia as it relates to the number of building units and parking structures is amended as shown in Exhibit "A", attached hereto and incorporated as if fully set forth herein;

**SECTION 2.** That all ordinances, parts of ordinances, and regulations in conflict herewith are repealed; and

**SECTION 3.** That this Ordinance shall become effective upon its adoption.

**ORDAINED** this the 22<sup>nd</sup> day of January 2025.

\_\_\_\_\_  
Peyton Jamison, Mayor

Attest:

\_\_\_\_\_  
Tammy Lowit, City Clerk

### 7A.1.6. Density Calculations

- A. Density is expressed in building units per acre as specified for each Transect Zone by Table 10, section a (see Sec. 7A.5.12).
- B. The maximum density of a site is calculated by multiplying the Transect Zone's density identified in Table 10 section a (see Sec. 7A.5.12) by the gross site area. Where a site includes multiple Transect Zones, each must be calculated independently. The area of new thoroughfares and civic spaces on the site must be allocated to the closest Transect Zone(s) on the site. Where a thoroughfare or civic space adjoins multiple Transect Zones, their area must be proportionally allocated to the adjoining zones.
- C. Where a site is subdivided into lots, a lot's density may exceed the density of the Transect Zone within which it lies, provided that the maximum density of the Transect Zone for the site as whole as established in paragraph B above is not exceeded.
- D. Building units, or fractions thereof, must be exchanged for functions at the following rates as established in Table 8B (see Sec. 7A.5.10):
  - 1. Residential: 1 dwelling unit for each building unit.
  - 2. Lodging: 4 guest rooms for each building unit.
  - 3. Office: 2,250 square feet of floor area for each building unit.
  - 4. Retail: 2,250 square feet of floor area for each building unit.
  - 5. Other: 2,250 square feet of floor area for each building unit.Interior or covered off-street parking does not require the use of building units.
- E. Where the exchange of building units for functions results in a fraction, the fraction must be rounded down to the nearest whole number of dwelling units, guest rooms, or square feet as established in paragraph D above.
- F. Accessory dwelling units do not count toward Density calculations.
- G. Civic buildings do not count towards density calculations.
- H. Senior housing in accordance with Sec. 8.1.4.J and approved by use permit does not count toward the density calculations of this Article 7A.
- I. Contributing historic structures do not count towards Density calculations.
- J. The number of building units allowed on a site may be increased by two building units for every one parking space that meets ~~at~~ one of the following:
  - 1. The parking ~~must be located within a parking structure that has:~~ is located within a Parking Structure having two or more above-ground stories, including the ground level.
  - 2. The parking is located within a Parking Structure having one or more below-ground stories.
  - ~~±3.~~ The parking is available for exclusive use by off-site Retail, Restaurant, Civic or Office Functions within a straight-line radius of 600 horizontal feet from the parking space to the public entrance of the establishment.
    - ~~a. Two or more above-ground levels, including the first level; and/or~~
    - ~~b. One or more levels that is below finished grade on all sides.~~
  - 2. The parking must be:
    - ~~a. Available for use by the general public for a fee or no charge.~~



~~b. Not used to satisfy the minimum parking requirements of this UDC.~~

~~c. Not restricted to use of a particular on-site or off-site use.~~

**d.K.** The base density of a site may be increased by the Transfer of Development Rights (TDR) up to the amount specified for each zone by Table 10 section a (see Sec. 7A.5.12) subject to Sec. 7A.1.7.

**K.L.** The total number of building units allowed on the site after use of the increases allowed in paragraphs J and K above must not exceed the base density specified as being allowed "By TDR" for each zone in Table 10 (see Sec. 7A.5.12).

### **7A.1.7. Transfer of Development Rights**

#### **A. Purpose**

The TDR mechanism is intended to encourage the voluntary redirection of future growth from areas where Milton wants reduced development into areas designated for development. Landowners can voluntarily choose to have their properties considered as either open space TDR sending sites or park/greenway TDR sending sites. Open space TDR sending sites remain under private ownership subject to a conservation easement permanently limiting future development. Park/greenway TDR sending sites are transferred from private ownership to the City or otherwise secured for public access in a manner acceptable to the City. In return for voluntarily participating in the TDR program, private property owners receive TDRs which can be transferred for use at designated TDR receiving sites.

#### **B. TDR Sending Site Criteria**

1. Open space TDR sending sites must be parcels at least 5 acres in size, must be zoned T2 within this district or AG-1

outside of this district and must contain natural or agricultural features whose retention would implement the City's goals for maintaining significant environmental areas, rural character, and open space. Parcels will not qualify if the restrictions that would be imposed by a conservation easement have already been established by a preexisting easement or similar instrument.

2. Park/greenway TDR sending sites must be at least one acre in size, unoccupied by any residences or other improvements that would render the site unusable for public access and must be designated as suitable for park, greenway, civic space, trail, or other public recreational uses in a plan or code adopted by the City. Parcels in public ownership before the effective date of this Article 7A will not qualify as TDR sending sites. However, parcels that the City buys for parks and greenways after the effective date of this Article 7A meet the criteria for park/greenway TDR sending sites.

#### **C. TDR Sending Site Approval Process**

1. Open space TDR sending sites: Property owners may offer their land as open space TDR sending sites using application forms provided by the Director. If the Director finds that the proposed property meets the criteria, they must approve the application and oversee the execution and recordation of a permanent conservation easement, approved by the Director, that limits 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 that all other uses, building requirements, and activities are