

House Bill 1160

By: Representatives Walker of the 107th, Sheldon of the 105th, and Smith of the 70th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 66A of Title 36 of the Official Code of Georgia Annotated, relating to the
2 transfer of development rights, so as to define certain terms; to provide for the severance of
3 transferable development rights; to provide for related matters; to provide for an effective
4 date and applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 66A of Title 36 of the Official Code of Georgia Annotated, relating to the transfer
8 of development rights, is amended in Code Section 36-66A-1, relating to definitions, by
9 revising paragraph (1) and adding a new paragraph as follows:

10 "(1) 'Development rights' means the maximum development that would be allowed on
11 the sending property under any general or specific plan ~~and~~ or local zoning ordinance of
12 a municipality or county in effect on the date the municipality or county adopts an
13 ordinance pursuant to this chapter. Development rights may be calculated and allocated
14 in accordance with factors including dwelling units, area, floor area, floor area ~~ration~~
15 ratio, height limitations, traffic generation, or any other criteria that will quantify a value
16 for the development rights in a manner that will carry out the objectives of this Code
17 section."

18 "(8) 'Transfer ratio' means the number of development rights that may be transferred
19 from a lot or parcel in a sending area or to a lot or parcel in a receiving area."

20 style="text-align:center">**SECTION 2.**

21 Said chapter is further amended in Code Section 36-66A-2, relating to procedures for transfer
22 of development rights, by revising paragraph (3) of subsection (c) as follows:

23 "(3) The severance of transferable development rights from the sending property and the
24 delayed transfer of development rights to a receiving property, which may include

1 sending area transfer ratios, receiving area transfer ratios, or transfer ratios for both
2 sending and receiving areas;"

3 **SECTION 3.**

4 This Act shall become effective on July 1, 2008, and shall apply to transfers of development
5 rights executed on or after that date.

6 **SECTION 4.**

7 All laws and parts of laws in conflict with this Act are repealed.