

House Bill 1160 (COMMITTEE SUBSTITUTE)

By: Representatives Walker of the 107th, Sheldon of the 105th, Smith of the 70th, and Forster of the 3rd

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 recordation and a registry for transferable
4 development rights; to provide for standing to enforce a transfer of development rights; to
5 provide for related matters; to provide for an effective date and applicability; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

20 "(8) 'Transfer ratio' means the ratio of the number of development rights that may be
21 allocated to and transferred from a lot or parcel in a sending area to the number of
22 development credits that may be allocated to and used upon a lot or parcel in a receiving
23 area."

SECTION 2.

Said chapter is further amended in Code Section 36-66A-2, relating to procedures for transfer of development rights, by revising paragraphs (1) and (3) of subsection (c) as follows:

"(1) The issuance and recordation of the instruments necessary to sever development rights from the sending property and to affix development rights to the receiving property. These instruments shall be executed by the affected property owners and lienholders and recorded in the county superior court clerk's office and in a separate registry maintained by the municipal or county governing authority;"

"(3) The severance of transferable development rights from the sending property and the delayed transfer of development rights to a receiving property, which may include the transfer of development rights in accordance with any transfer ratio established by the local government for sending areas, receiving areas, or both;"

SECTION 3.

Said chapter is further amended by adding a new Code section to read as follows:

"36-66A-3.

The municipality or county, or any affected resident of the municipality or county, shall have standing to bring an action to enforce a transfer of development rights."

SECTION 4.

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

SECTION 5.

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