

The Senate Special Judiciary Committee offered the following substitute to HB 1160:

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 related matters; to provide for an effective date and
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

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

23 **SECTION 2.**

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

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

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

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SECTION 3.

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

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SECTION 4.

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