

1 twenty of this chapter, ~~those~~ the county ~~commissions upon approval~~
2 ~~by a majority of the legal votes cast at an election as provided in~~
3 ~~section three nn of this article, are hereby~~ commission of the
4 county so designated as a growth county is authorized to, as part
5 of a county-wide zoning ordinance, establish a program for the
6 transfer of development rights in order to:

- 7 (1) Encourage the preservation of natural resources;
- 8 (2) Protect the historic, scenic, recreational and
9 agricultural qualities of open lands; and
- 10 (3) Facilitate orderly growth and development in the county.

11 (b) The program for the transfer of development rights may
12 provide for:

- 13 (1) The voluntary transfer of the development rights permitted
14 on any parcel of land to another parcel of land for use in
15 accordance with the zoning and subdivision ordinance;
- 16 (2) Restricting or prohibiting further development of the
17 parcel from which development rights are severed; and
- 18 (3) Increasing the density or intensity of development of the
19 parcel to which such rights are transferred.

20 (c) The program for the transfer of development rights shall:

- 21 (1) Designate a program for which development rights may be
22 transferred from any parcel of land to any other parcel of land for
23 use in accordance with the zoning and subdivision ordinance;
- 24 (2) Provide that any rights transferred under this section be

1 for a period of ten years and may be renewed for additional ten
2 year periods; and

3 (3) Any rights which expire before being used for development,
4 revert to the original parcel of land from which the rights were
5 first severed.

6 (d) The county commission may not set a price for any
7 development rights that are proposed to be transferred or received.

8 (e) "Transferable development rights" means an interest in
9 real property that constitutes the right to develop and use
10 property under the zoning ordinance which is made severable from
11 the parcel to which the interest is appurtenant and transferable to
12 another parcel of land for development and use in accordance with
13 the zoning ordinance.

14 (f) Transferable development rights may be transferred by deed
15 from the owner of the parcel from which the development rights are
16 derived and upon the transfer shall vest in the grantee and be
17 freely alienable.

18 (g) The zoning ordinance may provide for:

19 (1) The method of transfer of development rights;

20 (2) Recordation of the date of each transfer;

21 (3) The names of the transferor and transferee;

22 (4) A description of the property;

23 (5) The granting of easements;

24 (6) Reasonable regulations to effect and control transfers and

- 1 assure compliance with the provisions of the ordinance; and
- 2 (7) Any other information necessary to administer the program.

NOTE: The purpose of this bill is to provide that a county commission may establish a program for transfer of development rights without the requirement for an election on an ordinance for the program.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.