

2006 SESSION

INTRODUCED

068232510

HOUSE BILL NO. 1542

Offered January 20, 2006

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2306.1, relating to transfer of development rights.*

Patrons—Sickles, Amundson, Armstrong, Bulova, Caputo, Ebbin, Hall, Marsden, Moran, Plum, Poisson, Scott, J.M., Shannon, Toscano, Valentine, Ward and Watts

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2306.1 as follows:

§ 15.2-2306.1. *Transfer of development rights.*

Any locality may, as part of its zoning ordinance, provide for (i) the voluntary transfer of the development rights permitted on one parcel of land to another parcel of land, (ii) restricting or prohibiting further development of the parcel from which such rights are transferred, and (iii) increasing the density or intensity of development of the parcel to which such rights are transferred. The ordinance shall designate and cause to be shown on the zoning map areas from which development rights may be transferred and areas to which such rights may be transferred and used for development. These zones may be designated as separate use districts or as overlaying other zoning districts.

Any town within a county that adopts an ordinance providing for the transfer of development rights may also adopt a transfer of development rights ordinance, and such county and town by adoption of mutual provisions may provide for the transfer of development rights on land located in one to land located in the other.

"Development right" means an interest in real property that constitutes the right to develop and use property under the zoning ordinance which is made severable from the parcel to which the interest is appurtenant and transferable to another parcel of land for development and use in accordance with the zoning ordinance. Development rights may be transferred by deed from the owner of the parcel from which the development rights are derived and, upon such transfer, shall vest in the grantee and be freely alienable. The zoning ordinance may provide for the method of transfer of such rights and may provide for the granting of easements and reasonable regulations to effect and control such transfers and ensure compliance with the provisions of such ordinance.

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