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HB 2831

FILED

2007 APR -3 PM 4: 26

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

House Bill No. 2831

(By Delegate Duke, Doyle, Overington, Tabb and Blair)



Passed March 10, 2007

In Effect Ninety Days from Passage

ENROLLED

H. B. 2831

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATE DUKE, DOYLE, OVERINGTON, TABB AND BLAIR)

[Passed March 10, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §7-1-3mm of the Code of West Virginia, 1931, as amended, relating to transfer of development rights; eliminating the five year ordinance waiting period; and providing that the transfer of development rights may be renewable.

Be it enacted by the Legislature of West Virginia:

That §7-1-3mm of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. COUNTY COMMISSIONS GENERALLY.

§7-1-3mm. Transfer of development rights in growth counties.

1 (a) In addition to all other powers and duties now
2 conferred by law upon county commissions, if a county has
3 been designated as a growth county as that term is defined in
4 section three, article twenty of this chapter, those county
5 commissions, upon approval by a majority of the legal votes
6 cast at an election as provided in section three-~~nn~~ of this
7 article, are hereby authorized to, as part of a county-wide
8 zoning ordinance, establish a program for the transfer of
9 development rights in order to:

10 (1) Encourage the preservation of natural resources;

11 (2) Protect the historic, scenic, recreational and
12 agricultural qualities of open lands; and

13 (3) Facilitate orderly growth and development in the
14 county.

15 (b) The program for the transfer of development rights
16 may provide for:

17 (1) The voluntary transfer of the development rights
18 permitted on any parcel of land to another parcel of land for
19 use in accordance with the zoning and subdivision ordinance;

20 (2) Restricting or prohibiting further development of the
21 parcel from which development rights are severed; and

22 (3) Increasing the density or intensity of development of
23 the parcel to which such rights are transferred.

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

26 (1) Designate a program for which development rights
27 may be transferred from any parcel of land to any other
28 parcel of land for use in accordance with the zoning and
29 subdivision ordinance;

30 (2) Provide that any rights transferred under this section
31 be for a period of ten years and may be renewed for
32 additional ten year periods; and

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

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

39 (e) "Transferable development rights" means an interest
40 in real property that constitutes the right to develop and use
41 property under the zoning ordinance which is made severable
42 from the parcel to which the interest is appurtenant and
43 transferable to another parcel of land for development and
44 use in accordance with the zoning ordinance.

45 (f) Transferable development rights may be transferred
46 by deed from the owner of the parcel from which the
47 development rights are derived and upon the transfer shall
48 vest in the grantee and be freely alienable.

49 (g) The zoning ordinance may provide for:

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

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

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

53 (4) A description of the property;

54 (5) The granting of easements;

55 (6) Reasonable regulations to effect and control transfers
56 and assure compliance with the provisions of the ordinance;
57 and

58 (7) Any other information necessary to administer the
59 program.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



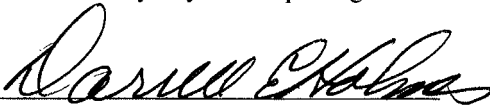
Chairman Senate Committee



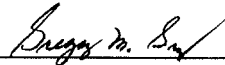
Chairman House Committee

Originating in the House.

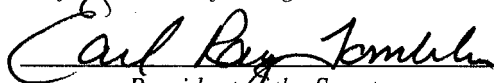
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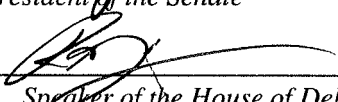
Clerk of the Senate



Clerk of the House of Delegates

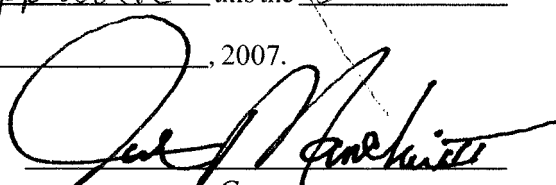


President of the Senate



Speaker of the House of Delegates

The within is approved this the 3rd
day of April, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 26 2007

Time 3:50 pm