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**AN ORDINANCE
BY ZONING COMMITTEE**

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**AN ORDINANCE TO AMEND SECTION 16-28.023 OF THE CITY
OF ATLANTA ZONING CODE CONCERNING THE TRANSFER
OF DEVELOPMENT RIGHTS; AND FOR OTHER PURPOSES**

WHEREAS, O.C.G.A. § 36-66A-1 *et seq* allow municipalities to approve the transfer of development rights calculated and allocated in zoning ordinances by the enactment of an ordinances providing that such transfers are for the purpose of conserving and promoting the public health, safety and general welfare; and

WHEREAS, the City of Atlanta had enacted an ordinance which predated the passage of said state law setting forth conditions for the transfer of development rights under its Zoning Code; and

WHEREAS, the current state law now requires that certain amendments be made to the City's ordinance regarding the transfer of development rights prior to any future transfers; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens and the City of Atlanta to amend its present ordinance pertaining to the transfer of development rights to conform to the specific requirement of state law so that property owners may transfer such rights for the purposes of conserving and promoting the public health, safety and general welfare and preserving natural, environmental, historical and cultural resources;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF ATLANTA, GEORGIA, as follows:**

Section 1. That Section 16-28.023 of the City of Atlanta Zoning Code is amended by deleting the present language in its entirety and inserting in its place the following:

Sec. 16-28.023. Transfer of development rights.

(1) Intent

For the purposes of conserving and promoting the public health, safety and general welfare and preserving natural, environmental, historical and cultural resources, this ordinance allows and controls the severance of development rights from a sending property and the transfer of development rights to a receiving property.