

100.208 Transferable development rights.

- (1) Any city, county, consolidated local government, or urban-county government which is part of a planning unit may provide, by ordinance, for:
 - (a) The voluntary transfer of the development rights permitted on one (1) parcel of land to another parcel of land;
 - (b) Restricting or prohibiting further development of the parcel from which development rights are transferred; and
 - (c) Increasing the density or intensity of development of the parcel to which such rights are transferred.
- (2) The ordinance shall designate and show 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.
- (3) Any city within a county that adopts an ordinance providing for the transfer of development rights, may also adopt a transfer of development rights ordinance, and the county and city by adoption of mutual provisions may provide for the transfer of development rights on land located in one to land located in another.
- (4) "Transferable development rights" 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. Transferable development rights may be transferred by deed from the owner of the parcel from which the development rights are derived and upon the transfer shall vest in the grantee and be freely alienable. The zoning ordinance may provide for the method of transfer of these rights and may provide for the granting of easements and reasonable regulations to effect and control transfers and assure compliance with the provisions of the ordinance.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 142, effective July 15, 2002. -- Created 1990 Ky. Acts ch. 286, sec. 1, effective July 13, 1990.