
SENATE BILL No. 125

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4.

Synopsis: Purchase or transfer of development rights. Authorizes local plan commissions to purchase conservation easements to assure the availability of land for agricultural use. Provides that a zoning ordinance may permit the transfer of development rights between parcels of land. (The introduced version of this bill was prepared by the agricultural matters evaluation committee.)

Effective: July 1, 2000.

Ford

January 10, 2000, read first time and referred to Committee on Agriculture and Small Business.

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Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

SENATE BILL No. 125



A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-7-4-412 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2000]: **Sec. 412. Each plan commission may, within its approved
4 budget, negotiate for and purchase conservation easements (as
5 defined in IC 32-5-2.6-1) to assure the availability of land for
6 agricultural use and may agree to terms and conditions attached
7 to those easements. However, a plan commission may not use the
8 power of eminent domain to acquire a conservation easement.**

9 SECTION 2. IC 36-7-4-617 IS ADDED TO THE INDIANA CODE
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2000]: **Sec. 617. (a) As used in this section, "development rights"
12 means an interest in real property that constitutes the right to
13 develop and use property that is made severable from the parcel to
14 which the interest is appurtenant.**

15 **(b) A zoning ordinance may, in accordance with the unit's
16 comprehensive plan, establish procedures for:**

17 **(1) the voluntary transfer of the development rights permitted**



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1 on one (1) parcel of land to another parcel of land;
2 (2) restricting or prohibiting further development of the
3 parcel from which development rights are transferred; and
4 (3) increasing the density or intensity of development of the
5 parcel to which such rights are transferred.
6 **The zoning ordinance may provide for the method of transfer of**
7 **development rights and may provide for the granting of easements**
8 **and reasonable regulations to effect and control transfers and**
9 **assure compliance with the provisions of the ordinance.**
10 **(c) Subject to the procedures established under subsection (b),**
11 **development rights may be transferred by deed to:**
12 (1) a private individual or entity; or
13 (2) a governmental body empowered to hold an interest in
14 real property under the laws of Indiana or the United States;
15 **from the owner of the parcel from which the development rights**
16 **are derived and upon the transfer shall vest in the grantee and be**
17 **freely alienable.**
18 **(d) A zoning ordinance that authorizes the transfer of**
19 **development rights must designate and show on the zone maps**
20 **incorporated into the zoning ordinance:**
21 (1) the areas from which development rights may be
22 transferred; and
23 (2) the areas to which development rights may be transferred
24 and used for development.
25 **(e) Development rights for land located in one (1) unit may be**
26 **transferred to land located in another unit if:**
27 (1) the legislative body of each unit has adopted a zoning
28 ordinance under this section providing for the transfer of
29 development rights; and
30 (2) the legislative body of each unit has also adopted an
31 ordinance, containing the same terms and conditions,
32 authorizing the transfer of development rights to the other
33 unit and the receipt of development rights from the other unit.

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