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By: **Delegate Smigiel**

Introduced and read first time: February 10, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Land Use - Transfer of Development Rights - Restriction**

3 FOR the purpose of prohibiting the transfer of development rights to certain zoning  
4 districts; and generally relating to restrictions on the transfer of development  
5 rights.

6 BY repealing and reenacting, with amendments,  
7 Article 66B - Land Use  
8 Section 11.01  
9 Annotated Code of Maryland  
10 (2003 Replacement Volume and 2005 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article 66B - Land Use**

14 11.01.

15 (A) [A] SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, A  
16 local legislative body that exercises authority granted by this article may establish a  
17 program for the transfer of development rights to:

18 (1) Encourage the preservation of natural resources; and

19 (2) Facilitate orderly growth and development in the State.

20 (B) DEVELOPMENT RIGHTS TRANSFERRED UNDER THIS SECTION MAY NOT BE  
21 TRANSFERRED TO A ZONING DISTRICT FOR WHICH THE LOCAL LEGISLATIVE BODY  
22 SANCTIONS PRESERVATION EASEMENTS.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
24 October 1, 2006.