



Sample TDC Overlay for Land Use Bylaw

1.0 Transfer of Development Credits Program Overlay

The purpose of this Overlay is to establish guidelines for the creation of Transfer of Development Credits programs which allow landowners in areas of the [municipality] proposed for conservation, called "TDC Conservation Areas," to sell the potential to develop all or a portion of their land to landowners in areas of the [municipality] proposed for additional development, called "TDC Development Areas."

1. Application
 - a) This Overlay applies to all lands identified in the [TDC bylaw] as "TDC Conservation Areas" or "TDC Development Areas", as shown on [list Schedule, Appendix, Map, etc.]
 - b) Participation in Transfer of Development Credits programs is voluntary; in cases where landowners choose not to participate in the program, the provisions of the underlying district, including the permitted and discretionary uses, and permitted densities shall still apply.
 - c) Where provisions of the Overlay appear to be in conflict with the regulation of any underlying district or any other Section of this Bylaw, the provisions of this overlay shall take precedence and be applied in addition to the regulations of the underlying district and other sections of this Bylaw.
2. The Permitted and Discretionary Uses are those specified by the underlying districts [list variations as needed] until such time as conservation easements are placed on TDC Conservation Area parcels or development bonuses are awarded for TDC Development Area parcels.
3. Permissible densities and subdivisions are those specified in the underlying districts until such time as conservation easements are placed on TDC Conservation Parcels or development bonuses are awarded on TDC Development parcels.
4. Individual Transfer of Development Credits schemes will be enabled through the passing of a dedicated bylaw, subject to public hearing, which will detail individual program purposes, TDC Conservation Area parcel determination, TDC Development Area parcel determination, credit calculations, assignment of development credits, deed restriction devices, and development bonus opportunities.



5. Development within a TDC Receiving Area will require an Area Structure Plan.
6. Assignment of transferable development credits, severance of credits, placement of deed restrictions, purchase of credits
7. [other provisions as deemed necessary by the municipality]