

UDO Zoning Administration Manual

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UDO Zoning Administration Manual

Section 1.1 - Affordable Housing Bonus Administration Section 1.2 - Affordable Housing Equitable Clean Energy Projects: Fee

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A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points by providing Affordable Housing, per Section 16.3 of the UDO.
- (2) The intent of the Affordable Housing incentives is to enhance the development potential for projects that increase the supply of low to moderate income housing units consistent with the City's goal of encouraging the provision of affordable housing.
- (3) The intent of the Affordable Housing Equitable Clean Energy Projects incentives is to support clean energy projects in affordable housing, including energy efficiency work and other clean energy solutions.

B. Definitions

- (1) **Affordable Certification Letter.** A document provided by the City of Charlotte Department of Housing and Neighborhood Services (HNS) that identifies a development as meeting the affordability requirements of the UDO.
- (2) **Area Median Income (AMI).** The midpoint of a specific area's income distribution calculated on an annual basis by the Department of Housing and Urban Development (HUD). HUD refers to the figure as Median Family Income (MFI), based on a four-person household. The City of Charlotte determines household AMI using HUD's Part 5 definition of income and calculates using instructions found in the HUD Occupancy Handbook. Charlotte uses the [income limit tables](#) found at huduser.gov listed under the Charlotte-Concord-Gastonia, NC-SC HUD Metropolitan Statistical Area.
- (3) **Bonus Request Form.** A document used to initiate a bonus request review for any affordable housing provision under the UDO that encompasses essential details regarding the proposed development, the developer's preferred bonus(es), and the methodology to be employed to satisfy the requirements of the requested bonus(es). The request form may be found at: <https://charlottenc.seamlessdocs.com/f/UDOAHBonus>

- (4) **Housing & Neighborhood Services (HNS).** A department of the City of Charlotte responsible for the approval and compliance components of UDO-related affordable housing activities.
- (5) **Letter of Agreement.** A document that outlines an applicant's participation in affordable housing bonuses found in the UDO. The agreement describes the bonus(es) being sought, the affordability requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). Bonus agreements typically contain model deed restrictions and instructions for properly calculating beneficiary median incomes, qualifying mortgage amounts, and rent levels. Each agreement is independent and written for a specified development.
- (6) **Restrictions.** Conditions on the deed to a property setting out certain limits or acceptable uses. The conditions, also known as covenants, "run with the land" and as a result bind current and future property owners to the conditions of the agreement.

C. Qualifying Action(s), Applicability, and Bonus Awarded

- (1) Rows 1-4 of UDO Table 16-1 (shown below) indicate the necessary qualifying action, the zoning districts in which the action is available, and the height and, if applicable, open space bonus earned for successfully completing the qualifying action.

(2)

Row	Qualifying Action	Bonus Awarded
1	<p>Affordable Housing Provided On-Site</p> <p>Devote percentage of gross floor area* of building receiving bonus to affordable housing, using local unit size averages.</p> <p>Affordable housing units shall be set aside for households earning the averages of Area Median Income (AMI) shown in the “Bonus Awarded” column *</p> <p>Gross floor area does not include floor area in parking structures.</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, and RC Zoning Districts:</p> <p>Open Space Bonus:</p> <p>For every 1% of gross floor area, receive a 10% reduction of open space requirement, up to a maximum of 50% reduction of open space requirement total</p> <p>AND</p> <p>Height Bonus:</p> <p>3 points for every 1% of gross floor area, up to 15 points total - Where an average of 80% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 80% up to 110% AMI</p> <p>5 points for every 1% of gross floor area, up to 25 points total - Where an average of 60% Area Median Income (AMI) or less, with up to 20% of the affordable units set aside for households earning above 60% up to 110% AMI</p>
2	<p>Affordable Housing (80% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options</p> <p>For onsite affordable housing, devote 10% of gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height to affordable housing, using local unit size averages.</p> <p>Affordable housing units shall be set aside for households earning an average of 80% Area Median Income (AMI) or less. In calculating the average, up to 20% of these affordable units may be set aside for households earning above 80% up to 110% AMI.</p> <p>Options to providing on-site affordable housing through fees-in-lieu, offsite housing within one mile of the subject site, and donation of land are</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, CG, and CR Zoning Districts:</p> <p>Additional floors so long as each additional floor meets the 10% requirement up to the “Maximum Height with Bonus” standard indicated in the zoning district standards</p>

	<p>found in the UDO Zoning Administration Manual.</p> <p>Affordable housing provided through fee-in-lieu shall go to the Charlotte Affordable Housing Trust Fund.</p> <p>* Gross floor area does not include floor area in parking structures.</p> <p>The height of unoccupiable space above the top floor may be included in this bonus as follows:</p> <ol style="list-style-type: none"> 1. Additional height above the top occupied floor may be achieved by calculating the gross floor area as if it were occupiable space and including additional affordable units accordingly. Such additional height shall be no greater than the average floor to floor height of occupiable floors below; or 2. Other bonus options of this table may be used. 	
<p>3</p>	<p>Affordable Housing (60% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options</p> <p>For onsite affordable housing, devote 5% of gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height to affordable housing, using local unit size averages.</p> <p>Affordable housing units shall be set aside for households earning an average of 60% Area Median Income (AMI) or less. In calculating the average, up to 20% of these affordable units may be set aside for households earning above 60% up to 110% AMI.</p> <p>Options to providing on-site affordable housing through fees-in-lieu, offsite housing within one mile of the subject site, and donation of land are found in the UDO Zoning Administration Manual.</p> <p>Affordable housing provided through fee-in-lieu shall go to the Charlotte Affordable Housing Trust Fund.</p> <p>* Gross floor area does not include floor area in parking structures.</p> <p>The height of unoccupiable space above the top floor may be included in this bonus as follows:</p> <ol style="list-style-type: none"> 1. Additional height above the top occupied floor may be achieved by calculating the gross floor 	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, OFC, OG, RC, CG, and CR Zoning Districts:</p> <p>Additional floors so long as each additional floor meets the 5% requirement up to the “Maximum Height with Bonus” standard indicated in the zoning district standards</p>

	<p>area as if it were occupiable space and including additional affordable units accordingly. Such additional height shall be no greater than the average floor to floor height of occupiable floors below; or</p> <p>2. Other bonus options of this table may be used.</p>	
4	<p>Affordable Housing Equitable Clean Energy Projects: Fee Program</p> <p>(Affordable Housing Equitable Clean Energy Projects: Fees will go towards supporting clean energy projects in affordable housing, including energy efficiency work and other clean energy solutions. Funds will be managed alongside City of Charlotte Housing Programs in Department of Housing and Neighborhood Services.)</p> <p>The fee calculation is based on 10% of the gross floor area* of each floor having occupiable space above the maximum (without bonus) permitted building height.</p> <p>* Gross floor area does not include floor area in parking structures.</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, CG, and CR Zoning Districts:</p> <p>Height Bonus:</p> <p>Additional height per floor up to the “Maximum Height with Bonus” standard indicated in the zoning district standards</p>

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#). Prior to, or in conjunction with, requesting this pre-submittal meeting, the applicant shall submit a [Bonus Request Form](#) to the Charlotte Department of Housing and Neighborhood Services (HNS). If the applicant intends to meet the Affordable Housing bonus requirements through means other than the provision of on-site affordable units, please refer to Paragraph E (below).
- (2) Development Center staff will schedule the Development Bonus pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Affordable Housing Development Bonus and any other Development Bonus being requested.
- (4) Following the Development Bonus pre-submittal meeting, HNS staff will review the proposed project and provide a draft [Affordable Housing Letter of Agreement](#) for review. The Letter of Agreement shall specify:
 - a) Requirements for receiving the requested bonus.
 - b) Compliance requirements and process.

- c) [Sample deed restrictions](#).
- d) The AMI levels and associated income levels related to the bonus level selected by the developer.
- e) How initial and ongoing monitoring (if applicable) will be provided.
- f) Any reporting requirements.
- g) How the developer will be required, in advance of seeking a building or land development permit, to identify lots/units that will be restricted. Lot or unit information will be included in the bonus agreement.

The UDO Administrator and HNS Director, or their designees will review and approve the agreement.

- (5) The applicant shall sign the Affordable Housing Letter of Agreement, which shall also be signed by the UDO Administrator or their designee, and the HNS Director or their designee, on behalf of the City of Charlotte.
- (6) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the additional building height and, if applicable, open space reduction that would be allowed by the bonus upon plan approval.
- (7) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus floors and, if applicable, open space reduction that are being sought through the Affordable Housing qualifying action as well as any other Development Bonus points being sought through other Qualifying Actions.
- (8) The applicant shall provide a note immediately below the site data table stating the project is utilizing the Affordable Housing Development Bonus section of the UDO and provide details as to which standards the development is being built to.
- (9) To comply with the Affordable Housing Letter of Agreement, the applicant must record deed restrictions with the Register of Deeds office before a land development or building permit may be issued. The recorded restrictions must be reviewed by HNS, who will then release affordable housing holds on developer building permits in accordance with the agreement. All units developed under UDO bonus programs must be dispersed throughout the development and have materials and exterior finishes substantially similar to those of market-rate units.
- (10) The applicant shall notify HNS once construction commences and shall meet periodically with HNS staff who shall monitor the development's Affordable Housing compliance.

E. Alternatives to On-Site Affordable Housing

The procedure for utilizing any of the following alternatives to on-site affordable housing shall be the same as the procedure for requesting bonus points as outlined in Paragraph D above, as applicable.

(1) Fee-In-Lieu

- a) Applicants have the option of paying a fee, in lieu of providing the required on-site affordable

units for the development project.

- b) The amount of the fee-in-lieu shall be calculated based on:
 - i. The Gross Floor Area of each floor either partially or fully above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
- c) The amount of the fee-in-lieu is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time the application signs the Affordable Housing Letter of Agreement. There are currently two fee-in-lieu amounts per the City of Charlotte's FY 2025 Adopted Budget:
 - i. \$6.00 per square foot for properties in a TOD zoning district
 - ii. \$4.75 per square foot for properties in all other eligible zoning districts

Example 1: The applicant proposes a development in the TOD-TR zoning district, which has a maximum height of 50 feet without a Development Bonus. The building has a Gross Floor Area of 3,200 square feet per floor, and the applicant agrees to a fee-in-lieu payment to allow for two additional floors. In this case, the required fee payment would be calculated as follows: $3,200 \times 2 \text{ floors} \times \$6.00 \text{ fee per gross square foot gained} = \$38,400$.

Example 2: The applicant proposes a development in the RAC zoning district, which has a maximum height of 50 feet without a Development Bonus. The building has a Gross Floor Area of 3,200 square feet per floor, and the applicant agrees to a fee-in-lieu payment to allow for two additional floors. In this case, the required fee payment would be calculated as follows: $3,200 \times 2 \text{ floors} \times \$4.75 \text{ fee per gross square foot gained} = \$30,400$.

- d) To utilize the fee-in-lieu option, the applicant must select that option on the Bonus Request Form. At the pre-development meeting, staff will review the proposed development and provide the developer with the required fee amount in writing, following review and staff approval.
- e) When the applicant selects the fee-in-lieu option, payment must be made by check after the fee amount is calculated and approved by staff. Payments must be made before final planning approval; unpaid fees will delay the plan approval process.

(2) Offsite Affordable Housing

- a) Developers have the option of providing affordable units at a different location than the proposed site that will receive the bonus. For the provision of offsite units, specific requirements must be met:
 - i. Deed restrictions must ensure that the affordability period and income restrictions are at least the same as those required for on-site projects.

- ii. Offsite units must include the same number of units and bedroom mix as required for on-site projects, with the exception that dedicated two- or three-bedroom affordable units may count as two or three one-bedroom/efficiency market-rate units at the discretion of the HNS Director.
 - iii. The offsite location must be within a one-mile walk distance of the property seeking the bonus.
 - iv. The offsite units must be offered for sale or rent, whichever is applicable, prior to the date the final Certificate of Occupancy is issued for the property seeking the bonus.
- b) Developers are required to provide site and project details to enable staff to determine if the proposed offsite location meets the requirements of this section. Staff will recommend and the HNS Director will approve each proposed site. Once a site is approved, the compliance process will follow the approval process found in Section G of this manual (Compliance and Enforcement).

(3) Land Donation

- a) At the HNS Director's discretion, a land donation to the City may be accepted in lieu of a fee payment.
- b) Such land must be within one-half mile walking distance of the property seeking the bonus, or other location deemed appropriate by the HNS Director for the construction of affordable units.
- c) Such land must be of equal or higher value than the amount produced by applying the fee-in-lieu. Any donated land must be within the Charlotte corporate limits and approved by the HNS Director.

F. Administration

- (1) The affordability period is 30 years for all affordable housing development bonus options in UDO Table 16-1. Affordability periods set the length of time affordable units shall be provided and monitored by the City. At the end of the affordability period, unit restrictions are removed and units may be provided at prevailing market rates.
- (2) Affordability periods begin once all units in a development have been placed in service, and the occupant meets the median income requirements for that unit. A for-sale unit is placed in service once the unit is sold to a qualifying buyer.
- (3) The HNS Director or their designee shall determine whether the proposed actions qualify for the requested affordable housing bonus(es) or allowance(s). Once the applicable Letter of Agreement is signed, bonuses and/or allowances are approved administratively and do not require approval by the City Council. If an applicant wishes to appeal any decision made by HNS staff related to a UDO bonus or allowance, they may do so in writing to the HNS Director.
- (4) The HNS Director or their designee adopts and implements program guidelines related to affordable housing. The PD&D Director or their designee, in conjunction with the HNS Director or their designee, shall administer the above programs and may adopt and implement program guidelines or rules and establish the requirements for an application under the program. Questions about any part of the

process can be emailed to Housing & Neighborhood Services: <mailto:hnsinfo@charlottenc.gov>.

G. Compliance and Enforcement

(1) As part of plan review and approval, the Zoning Reviewer will determine that the number of corresponding Development Bonus points, additional floors, and/or reduced open space indicated in the Bonus Table is correct. Development bonuses are approved administratively through plan review and do not require any additional approval.

(2) Compliance with the requirements will be determined through the following:

- i. Rental Units: To ensure compliance, all rental units shall be monitored annually by HNS staff. The initial rent for a unit may not exceed the maximum rent allowed by the affordable housing funding source requirements or the rates specified in the table below, whichever is greater.

Any rental increases must receive written approval from HNS and may not exceed the lesser of the area's average rental increase, as reported by Real Data, or 3%, whichever is less. It is important to note that the rent amount must always remain affordable to households with AMIs corresponding to those used for the requested Development Bonus, and as such, rents may never be increased beyond that level. Please refer to the following table for the current rental rate.

FY25 Maximum Rent Limits (June 2024)										
	Percent Area Median Income									
	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%
Studio	\$502	\$668	\$835	\$1,001	\$1,169	\$1,337	\$1,461	\$1,461	\$1,461	\$1,461
One Bedroom	\$537	\$716	\$894	\$1,145	\$1,252	\$1,432	\$1,623	\$1,623	\$1,623	\$1,623
Two Bedroom	\$645	\$859	\$1,073	\$1,288	\$1,503	\$1,718	\$1,932	\$2,141	\$2,141	\$2,141
Three Bedroom	\$721	\$962	\$1,202	\$1,488	\$1,683	\$1,985	\$2,164	\$2,404	\$2,538	\$2,538
Four Bedroom	\$830	\$1,041	\$1,302	\$1,661	\$1,822	\$2,214	\$2,343	\$2,645	\$2,792	\$2,792

- ii. Homeownership: To ensure affordable homeownership opportunities, all units sold under the UDO affordable housing program must be priced to be affordable to households earning 80% or less of the area median income (AMI), or as specified in the program guidelines or development agreement.

If there are no maximum home sales prices set by a City-approved development agreement, each unit must be sold for no more than the [House Charlotte](#) program's maximum sales price. Housing is considered affordable when households pay no more than 30% of their income for housing costs, including utilities. To simplify calculations, HNS sets the utility cost at 2% of the household income.

Before a sales contract can be approved, the developer must provide the buyer's loan disclosure for affordability confirmation. For example, if a household of four has an annual income of \$65,000, the maximum affordable payment amount would be calculated as follows:

1. Calculate the household AMI. In this case, the household is at 77% AMI and is eligible for participation.

2. Calculate the household's maximum payment amount. Using the formula $(\$65,000 \times 28\%) / 12$ months, the maximum affordable payment amount would be \$1,516.
3. Calculate the maximum first mortgage:
 - a. Monthly Tax Escrow: $\$250,000 \times .965 / 100 = \$2,412.50 / 12 = \$201$
 - b. Monthly Insurance Escrow: $\$1,200 / 12 = \100
 - c. Payment Available for Debt Service: $\$1,625 - \$201 - \$100 = \$1,324$
 - d. Calculate Maximum Mortgage Amount: Using the current interest rate and a 30-year fixed mortgage, the maximum mortgage amount would be \$233,000.

If you have any questions regarding the affordability calculations or the homebuying process, please contact HNS for further guidance.

- (3) Developers who use the above affordable housing programs are obligated to provide regular reports to HNS to ensure that the property meets the required affordability standards for eligible households. The reporting requirements, which may include documents such as a rent roll, tenant lease with rent information, and income verification, will be clearly outlined in the Development Agreement or Certification Letter.
- (4) Any project failing to meet the requirements of Section 1.1, as determined by the Zoning Reviewer and HNS Director or their designees, shall be subject to a payment-in-lieu penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the applicable Letter of Agreement(s). Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
 - c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.

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Section 1.3

Charlotte Business INClusion Targets Met

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- B. Qualifying Action, Applicability, and Bonus Points
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A. Purpose and Intent

- (1) The purpose of this section is to establish general requirements and procedures for earning Development Bonus points for meeting the goals of the Charlotte Business INClusion (CBI) program for Minority, Women, and Small Business Enterprises (MWSBE) participation, as may be established for each development project.
- (2) The intent of the CBI program, adopted by City Council in 2013, is to enhance competition and participation of small, minority, and women-owned firms and to promote economic growth and development in the City of Charlotte. The CBI program partners with Charlotte's business community, city leaders, and staff to grow the city's spending with Minority, Women, Small Business Enterprises (MWSBEs).

B. Qualifying Action, Applicability, and Bonus Points

- (1) Row 5 of UDO Table 16-1 (shown below) indicates the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
5	Charlotte Business INClusion Targets Met Charlotte Business INClusion is a City Procurement program that seeks to enhance competition and participation of small, minority and women owned firms in City contracting and to promote economic growth and development in the City of Charlotte.)	UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 20 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 12 points For every percentage point met above the Business INClusion target, 1 additional point will be given.

C. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#)).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Charlotte Business INClusion Targets Met Bonus and any other Development Bonus being requested.
- (4) The applicant shall meet with a CBI Construction Specialist from the Department of General Services' Procurement Services division to review the project scope. (Use the following link to the CBI "Meet the Team" web page: <https://www.charlottenc.gov/Growth-and-Development/Doing-Business/CBI/Meet-the-Team>). The CBI Construction Specialist will review the project and establish MWSBE goals based on the project scope.
- (5) The applicant shall sign a Charlotte Business INClusion Targets Letter of Agreement, which shall also be signed by the UDO Administrator or their designee and the Department of General Services' Procurement Services division Business Inclusion Officer or their designee on behalf of the City of Charlotte. This Letter of Agreement shall specify:
 - a) MWSBE utilization goals for the project
 - b) Total number of Development Bonus points to be awarded for successfully meeting the Charlotte Business INClusion Targets Met requirements
 - c) Compliance and reporting requirements
 - d) Non-compliance provisions
- (6) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the land development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus upon plan approval.
- (7) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the Charlotte Business INClusion Targets Met Bonus Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.
- (8) The applicant must solicit bids from City-certified MWSBE vendors registered with the CBI Program. Only City-certified MWSBE vendor contacts shall count towards the CBI target goal(s).
- (9) As MWSBE vendors on the project are identified, the applicant shall document the MWSBE participation with submission of an MWSBE Utilization Tracking Form. The Utilization Tracking Form will identify each MWSBE vendor, including an estimated contract commitment dollar amount to each vendor, the scope of work to be performed by each MWSBE, and the total of MWSBE commitments meeting or exceeding the target goal(s). The MWSBE Utilization Tracking Form and any subsequent updates shall be submitted to the CBI Construction Specialist and uploaded to Accela as a reference document.

D. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee, in conjunction with the CBI Program staff, shall administer the CBI bonus program and may establish and implement program guidelines and establish application requirements for an application under the program.
- (2) The PD&D Director or their designee, in conjunction with the CBI Program staff, may amend the program guidelines as necessary.

E. Reporting, Compliance, and Enforcement

The measures for achieving compliance with the proposed CBI Bonus Qualifying Action, any reporting requirements, and procedures for non-compliance are outlined below:

(1) Reporting:

- a) Upon commencement of construction work on the project, including land clearing and demolition, the applicant shall submit a quarterly report to the CBI Construction Specialist and Zoning Reviewer, providing the name and contact information for each City-certified MWSBE vendor, the dollar amounts paid per vendor during the reporting period, and a cumulative total to date. This report must be submitted no later than 15 days after the close of each quarter (March 31, June 30, September 30, and December 31).
- b) Upon completion of construction work on the project, the applicant shall submit a Final Payment Affidavit to the CBI Construction Specialist. The CBI Construction Specialist and the Zoning Reviewer shall verify the committed goals have been met or exceeded.

(2) Compliance:

Prior to issuance of a Certificate of Occupancy, the CBI Construction Specialist shall verify the MWSBE goals outlined in the Charlotte Business INClusion Targets Letter of Agreement have been met or exceeded and shall notify the Zoning Reviewer of such compliance.

(3) Enforcement:

Any project failing to meet the requirements of the Charlotte Business INClusion Targets Met Qualifying Action(s), as determined by the CBI Construction Specialist, shall be subject to a payment-in-lieu penalty, as follows:

- a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the Charlotte Business INClusion Targets Met Letter of Agreement. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
- b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and

- ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
- c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.
- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- e) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services.

UDO Zoning Administration Manual

Section 1.4

Additional Open Space

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- A. Purpose and Intent
- B. Qualifying Action, Applicability, and Bonus Points
- C. Procedure for Requesting Bonus Points
- D. Administration
- E. Compliance and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points, per Section 16.3 of the UDO, by providing Additional Open Space.
- (2) The intent of the Additional Open Space bonus is to provide additional public open space above any requirements of the UDO.

B. Qualifying Action, Applicability, and Bonus Points

- (1) Row 6 of UDO Table 16-1 (shown below) indicates the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
6	Additional Open Space 5% in total lot area of public open space in addition to that required by Section 16.5 and any other Ordinance requirements.	UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 15 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 10 points

C. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.

- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Additional Open Space Development Bonus and any other Development Bonus being requested.
- (4) The applicant shall sign an Additional Open Space Letter of Agreement, which shall also be signed by the UDO Administrator or their designee on behalf of the City of Charlotte. This Letter of Agreement shall specify:
 - a) The Additional Open Space requirements for the project
 - b) Total number of Development Bonus points to be awarded for successfully implementing the Additional Open Space requirements
 - c) Compliance requirements
 - d) Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the land development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus.
- (6) The applicant shall submit an open space exhibit for review as part of the land development submittal package that clearly indicates the amount of public, private, and common open space required by the zoning district as well as the area of additional public open space required for the bonus. All open space areas shall be clearly labeled on the exhibit. The additional 5% public open space shall be clearly differentiated from the required open space and shall meet all open space design requirements from Section 16.5 of the UDO.
- (7) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the Additional Open Space Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

D. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee shall administer the Additional Open Space bonus program and may establish and implement program guidelines and establish application requirements for an application under the program.
- (2) The PD&D Director or their designee may amend the program guidelines as necessary.

E. Compliance and Enforcement

- (1) As part of plan review and approval, the Zoning Reviewer will determine whether the Additional Open Space shown on the open space exhibit submittal meets the requirements of UDO Table 16-1 and that the number of corresponding Development Bonus points indicated in the Bonus Table are correct. Bonus points are approved administratively through plan review and do not require any additional approval.
- (2) Compliance with the requirements will be determined through the Certificate of Occupancy field inspection to verify that the required Additional Open Space has been provided.

- (3) Any project failing to meet the requirements of the Additional Open Space bonus program, as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:
- a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the Additional Open Space Letter of Agreement. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
 - c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
 - e) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services.

UDO Zoning Administration Manual

Section 1.5

Electric Vehicle (EV) Charging Stations

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- A. Purpose and Intent
- B. Qualifying Action(s), Applicability, and Bonus Points
- C. EV Charging Station Categories
- D. Procedure for Requesting Bonus Points
- E. Administration
- F. Compliance and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points, per Section 16.3 of the UDO, by providing EV Charging Stations.
- (2) The intent of the EV Charging Stations Qualifying Actions is to encourage the installation of EV charging stations over and above the requirements of UDO Section 16.3, consistent with the goals of the City's Strategic Action Energy Plan (SEAP).

B. Qualifying Action(s), Applicability, and Bonus Points

- (1) Two levels of bonus points are available, depending on the number of EV charging stations to be provided. Rows 7a and 7b of UDO Table 16-1 (shown below) indicate the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
7a	<p>Electric Vehicle (EV) Charging Stations* For parking facilities with more than 25 spaces, EV charging stations are provided as follows above the requirements of Article 19: EV-Capable 20% EV-Ready 10% EVSE-Installed 2% or one space for development with 26-50 parking spaces</p> <p>One EV Ready space may be counted for two EV Capable spaces.</p> <p>One EVSE-Installed space may be counted as four EV Capable spaces or two EV Ready spaces.</p> <p>*Up to 25% of the bonus EV parking spaces may be designed and designated for compact vehicles per Charlotte Land Development Standards Manual (CLDSM) standards.</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, CG, and CR Zoning Districts: 10 points</p>
7b	<p>Electric Vehicle (EV) Charging Stations* For parking facilities with more than 25 spaces, EV charging stations are provided as follows above the requirements of Article 19: EV-Capable 30% EV-Ready 15% EVSE-Installed 6%</p> <p>One EV Ready space may be counted for two EV Capable spaces.</p> <p>One EVSE-Installed space may be counted as four EV Capable spaces or two EV Ready spaces.</p> <p>*Up to 25% of the bonus EV parking spaces may be designed and designated for compact vehicles per CLDSM standards.</p>	<p>UE, RAC, CAC-1, CAC-2, NC, IMU, TOD-UC, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, IC-2, RC, OFC, OG, CG, and CR Zoning Districts: 20 points</p>

C. EV Charging Station Categories

- (1) The three EV Charging Station categories referenced herein are defined in UDO Section 2.3 (General Definitions), as follows:
- a) **EV-Capable:** Reservation of space in the electrical room for a panel to serve the future EV chargers and continuous raceway from the reserved panel space to the future EV parking space.
 - b) **EV-Ready:** Installation of electrical panel capacity and raceway with conduit to terminate in a junction box or 240-volt outlet accessible to parking space.
 - c) **EVSE-Installed:** EV charging stations capable of providing a minimum of 32amp 7.2 kW.

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the EV Charging Stations Development Bonus and any other Development Bonus being requested.
- (4) The applicant shall sign an Electric Vehicle Charging Stations Letter of Agreement, which shall also be signed by the UDO Administrator or their designee on behalf of the City of Charlotte. This Letter of Agreement shall specify:
 - a) The EV Charging Stations requirements for the project
 - b) Total number of Development Bonus points to be awarded for successfully implementing the EV Charging Stations requirements
 - c) Compliance and reporting requirements
 - d) Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the land development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus.
- (6) The applicant shall submit a site plan as part of the land development submittal package, which shall include an electrical plan that clearly indicates the location(s) and number of the proposed EV charging spaces.
- (7) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the EV Charging Stations Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

E. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee shall administer the EV Charging Stations bonus program and may establish and implement program guidelines and establish application requirements for an application under the program.
- (2) The PD&D Director or their designee may amend the program guidelines as necessary.

F. Compliance and Enforcement

- (1) As part of plan review and approval, the Zoning Reviewer will determine whether the EV charging stations shown on the plan submittal meet the requirements of UDO Table 16-1 and whether the number of corresponding Development Bonus points indicated in the Bonus

Table are correct. Bonus points are approved administratively through plan review and do not require any additional approval.

- (2) Compliance with the requirements will be determined through the Certificate of Occupancy field inspection to verify that the required number and type of EV charging facilities have been properly installed.
- (3) Any project failing to meet the requirements of the EV Charging Stations bonus program, as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the Electric Vehicle Charging Stations Letter of Agreement. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
 - c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
 - e) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services.

UDO Zoning Administration Manual

Section 1.6

High Performance Construction

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- A. Purpose and Intent
- B. Qualifying Action(s), Applicability, and Bonus Points
- C. Procedure for Requesting Bonus Points
- D. Administration
- E. Compliance, Reporting, and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general requirements and procedures for earning Development Bonus points by utilizing high performance construction and receiving Leadership in Energy and Environmental Design (LEED), Energy Star, Green Globes, or National Green Building Standard (NGBS) certification for the development project.
- (2) The intent of the High Performance Construction Development Bonus is to encourage development to address goals of the City's Strategic Energy Action Plan (SEAP).

B. Qualifying Action(s), Applicability, and Bonus Points

- (1) Multiple levels of bonus points are available, depending on the tier level of High Performance Construction that is certified. Rows 8a through 8d of UDO Table 16-1 (shown below) indicate the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the qualifying action.

Row	Qualifying Action	Bonus Awarded
8a	<p>High Performance Construction: Tier 1 Building is LEED Certified, Energy Star Certified, NGBS Bronze, or One Green Globe using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building receiving the certification.</p>	<p>UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 15 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 10 points</p>
8b	<p>High Performance Construction: Tier 2 Building is LEED Silver, NGBS Silver, or Two Green Globes using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building receiving the certification.</p>	<p>UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 20 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 15 points</p>
8c	<p>High Performance Construction: Tier 3 Building is LEED Gold, NGBS Gold, or Three Green Globes using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building receiving the certification.</p>	<p>UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 25 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 20 points</p>
8d	<p>High Performance Construction: Tier 4 Building is LEED Platinum, NGBS Emerald, or Four Green Globes using the most recent version of certification.</p> <p>The bonus shall be applied per each qualifying building receiving the certification.</p>	<p>UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 30 points</p> <p>CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 25 points</p>

C. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the High Performance Construction Development Bonus and any other Development Bonus being requested. Sustainable Facility Oversight Team (SFOT) representative(s) will attend this meeting to review any documentation available from the table in paragraph C.(7) below and will make a preliminary determination as to whether the project will qualify for the Development Bonus.
- (4) Based on a recommendation from the SFOT representative(s), the Chief Sustainability and Resiliency Officer and Planning, Design and Development (PD&D) Director or their designees shall determine whether the project is likely to qualify for the High Performance Construction Development Bonus. If such determination is negative, the Development Bonus points will not be approved.
- (5) If the determination is positive, the applicant shall sign a High Performance Construction

Letter of Agreement, which shall also be signed by the UDO Administrator or their designee, and the Chief Sustainability and Resiliency Officer or their designee, on behalf of the City of Charlotte. This Letter of Agreement shall specify:

- a) Which of the available High Performance Construction certifications is being sought
 - b) Total number of Development Bonus points to be awarded for receiving the High Performance Construction certification
 - c) Compliance and reporting requirements
 - d) Non-compliance provisions
- (6) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the land development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus.
- (7) The applicant shall submit documentation for the certification per the following table:

High Performance Certification Process	Documentation
LEED	1. Verification that project is registered and " mailto:sustainablefacilitiespolicy@charlottenc.gov " is listed as a LEED Online Project Team Member, 2. Most current version of LEED checklist completed (noting certification level) and sent to " mailto:sustainablefacilitiespolicy@charlottenc.gov "
Green Globes	1. Verification that project is registered, 2. Most current GPC Survey completed (noting certification level) and sent to " mailto:sustainablefacilitiespolicy@charlottenc.gov "
NGBS	1. Verification that project is registered including unique project ID, 2. Most current NGBS Certification Checklist completed (noting certification level) and sent to " mailto:sustainablefacilitiespolicy@charlottenc.gov "
Energy Star	1. Verification that project is registered in the EPA Portfolio Manager, 2. EPA-verified projected Energy Star Score and sent to " mailto:sustainablefacilitiespolicy@charlottenc.govs "

- (8) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the High Performance Construction Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

D. Administration

- (1) The PD&D Director or their designee, in conjunction with the Chief Sustainability and Resiliency Officer and SFOT representatives, shall administer the High Performance Construction Bonus Program and may adopt and implement program guidelines or rules and establish the requirements for an application under the program.
- (2) The PD&D Director or their designee, in conjunction with the Chief Sustainability and Resiliency

Officer, may amend the program guidelines as necessary.

E. Compliance, Reporting, and Enforcement

The measures for achieving compliance with the proposed High Performance Construction Qualifying Action(s), any reporting requirements, and procedures for non-compliance are outlined below:

(1) High Performance Construction:

a) Compliance:

Prior to issuance of a Certificate of Occupancy the applicant must submit the following:

High Performance Certification Process	Documentation
LEED	Verification that project has completed Design Review by GBCI and is projected to receive appropriate certification level
Green Globes	Complete Design Review Report issued by GBI and is projected to receive appropriate certification level
NGBS	Final Verification Report signed by NGBS Certified Verifier and is projected to receive appropriate certification level
Energy Star	Final EPA-verified projected Energy Star Score that is projected to receive a 75 or above and receive appropriate certification

b) Reporting:

Once the certification process is complete, the applicant will submit the LEED, Green Globes, NGBS, or Energy Star certificate to the Chief Sustainability and Resiliency Officer or their designee. The maximum time for certification completion will be 24 months.

(2) Any project failing to meet the requirements of the High Performance Construction Qualifying Action(s), as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:

a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the High Performance Construction Bonus Letter of Agreement. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.

b) The amount of the payment-in-lieu penalty shall be calculated based on:

i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and

- ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
- c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.
- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- e) If payment has not been received and acknowledged by the Department of Housing and Neighborhood Services within 30 days of the notice of failure to comply, the property shall be considered to be in violation of the UDO and a Notice of Violation will be issued.

UDO Zoning Administration Manual

Section 1.7

New Street Connection

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- A. Purpose and Intent
- B. Qualifying Action, Applicability, and Bonus Points
- C. Eligible Project Types
- D. Procedure for Requesting Bonus Points
- E. Administration
- F. Compliance and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points, per Section 16.3 of the UDO, by providing a New Street Connection.
- (2) The intent of the New Street Connection Qualifying Action is to ensure that development intensity from additional building height supports the continued evolution of an area's infrastructure into the complete transportation networks needed to complement that increased intensity.
- (3) The Charlotte Department of Transportation (CDOT), in coordination with other City departments, has defined and adopted the goals and policies for mobility included in plans and documents such as the Strategic Mobility Plan, Charlotte Walks, Charlotte Bikes, Urban Street Design Guidelines, Charlotte Future 2040 Comprehensive Plan, ADA Transition Plan, and other transportation-focused studies. New street connections are usually the most effective way to meet Charlotte's goals for multimodal mobility options as they improve network density, disperse vehicular traffic, and create additional route options for people using all travel modes.

B. Qualifying Action, Applicability, and Bonus Points

- (1) Row 9 of UDO Table 16-1 (shown below) indicates the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
9	New Street Connection New public or network-required private (built to public standards) street beyond those required by this Ordinance.	UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 120 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 40 points

C. Eligible Project Types

- (1) The location and cross-section of any proposed New Street Connection is subject to the approval of the CDOT Director or designee.
- (2) Any New Street Connection identified as a Qualifying Action for Development Bonus points must be above and beyond UDO-required streets.
- (3) For zoning districts eligible for 120 points per Table 16-1 in the UDO, the New Street Connection must be located within ¼ mile of the site or another location with the same zoning. If CDOT agrees that no such connection is identifiable, the connection may be located in any transit corridor or Activity Center.
- (4) For zoning districts eligible for 40 points per Table 16-1 in the UDO, the above locational rules apply, with the exception of OFC, OG, CG, and CR districts. To receive points in those districts, New Street Connections must be located within ½ mile of the site.

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the New Street Connection Bonus and any other Development Bonus being requested.
- (4) The applicant shall sign a New Street Connection Bonus Letter of Agreement, which shall also be signed by the UDO Administrator or their designee, and the CDOT director or their designee, on behalf of the City of Charlotte once any eligible projects have been agreed upon. This Letter of Agreement shall specify:
 - a) Description of the proposed street connection project;
 - b) Total number of bonus points earned by the proposed bonus project(s); Compliance and reporting requirements
 - c) Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus upon plan approval.
- (6) The applicant shall submit a site plan as part of the Land Development submittal package, which shall include agreed upon bonus projects.
- (7) Plans for any off-site New Street Connection must be submitted as part of the land development plan submittal for the project. Such plans must be reviewed and approved as part of the overall project and will not be reviewed as a separate land development submittal.

- (8) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the New Street Connection Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

E. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee, in conjunction with the CDOT Director or their designee, shall administer the New Street Connection Bonus Program, and may establish and implement program guidelines and establish application requirements under the program.
- (2) The PD&D Director or their designee, in conjunction with the CDOT Director or their designee, may amend the New Street Connection Bonus Program guidelines as necessary.

F. Compliance and Enforcement

- (1) As part of plan review and approval, the Zoning Reviewer will work collaboratively with CDOT staff to ensure all proposed New Street Connections shown on the plan submittal meet the requirements of UDO Table 16-1 and that the number of corresponding Development Bonus points indicated in the Bonus Table are correct. Bonus points are approved administratively through plan review and do not require any additional approval.
- (2) During project development and construction, the Applicant may be required to provide status updates to the City showing progress made on the agreed-upon New Street Connection projects. Any such status updates shall be specified in the New Street Connection Bonus Letter of Agreement.
- (3) Compliance with the requirements for a New Street Connection will be determined through the Certificate of Occupancy field inspection to verify that the required New Street Connection project is complete and built to all applicable standards, including those in the Charlotte Land Development Standards Manual.
- (4) Any project failing to meet the requirements of the New Street Connection projects, as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the New Street Connection Bonus Letter of Agreement. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.

- c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.
- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- e) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services.

UDO Zoning Administration Manual

Section 1.8

Dedication or Reservation of Future Transit Rights of Way Along Transit Corridors

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- B. Qualifying Action, Applicability, and Bonus Points
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- D. Program Requirements
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A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points, per Section 16.3 of the UDO, by dedicating or reserving Future Transit Rights of Way Along Transit Corridors.
- (2) The intent of the Dedication of Future Transit Rights of Way and Reservation of Future Transit Rights of Way bonus options is to encourage the protection of space for the construction and operation of corridors identified for rapid transit as adopted by the Metropolitan Transit Commission (MTC).
- (3) A Dedication is the conveyance of private land, either in fee simple or as an easement, for public use.
- (4) A Reservation is the process of reserving land for the potential use by the City, County, or other agency for streets, transit lines, greenways, or other public facilities.

B. Qualifying Action, Applicability, and Bonus Points

- (1) Row 10 of UDO Table 16-1 (shown below) indicates the necessary Qualifying Action, the zoning districts in which the action is available, and the number of bonus points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
10	Dedication of Future Transit Rights of Way Along Transit Corridors (Per 2,500 Square Feet)	<p>UE, RAC, CAC-2, IC-2, RC, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts: 3 points</p> <p>CAC-1, NC, CG, CR, IC-1, OFC, OG, TOD-NC, and TOD-TR Zoning Districts: 2 points</p>
11	Reservation of Future Transit Rights of Way Along Transit Corridors (Per 2,500 Square Feet)	<p>UE, RAC, CAC-2, IC-2, RC, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts: 2 points</p> <p>CAC-1, NC, CG, CR, IC-1, OFC, OG, TOD-NC, and TOD-TR Zoning Districts: 1 point</p>

- (2) If any portion of a Rapid Transit Corridor alignment, including transit station locations, that has been adopted by the Metropolitan Transit Commission (MTC), is located within the boundaries of a development project, UDO Section 32.3 shall apply, notwithstanding an applicant's voluntary participation in this Development Bonus Program.

C. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Dedication or Reservation of Future Transit Rights of Way Development Bonus and any other Development Bonus being requested.
- (4) The Charlotte Area Transit System (CATS) Director and Planning, Design and Development (PD&D) Director or their designees shall determine whether the proposed Transit Dedication or Reservation Area qualifies for the Development Bonus. If the proposed Transit Dedication or Reservation Area is determined not to meet the requirements of the Dedication or Reservation of Future Transit Rights of Way Development Bonus, the Development Bonus points will not be approved.
- (5) The applicant shall sign a Dedication or Reservation of Future Transit Rights of Way Letter of Agreement, which shall also be signed by the UDO Administrator or their designee, and the CATS Director or their designee, on behalf of the City of Charlotte. This Letter of Agreement shall specify:

- a) Total square feet along the transit corridor to be dedicated or reserved as Transit Right of Way
 - b) Exhibit (site plan and/or survey) of the area to be dedicated or reserved as Transit Right of Way
 - c) Total number of development bonus points to be awarded for successfully implementing the Dedication or Reservation of Future Transit Rights of Way requirements
 - d) Compliance and reporting requirements
 - e) Non-compliance provisions
 - f) Other requirements as may be deemed necessary by the CATS Director or their designee
- (6) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the land development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus.
- (7) The applicant shall submit a current survey and a clearly labeled, dimensioned, and delineated preliminary site plan showing both the development area and the area to be dedicated or reserved. The site plan notes shall include the total square footage of the Transit Dedication or Reservation Area along the parcel. The site plan notes shall also include that a Dedication or Reservation of Future Transit Rights of Way Bonus Letter of Agreement is required.
- (8) The Transit Dedication or Reservation Area shall be recorded with the Register of Deeds office as a plat or other legal instrument prior to issuance of a Building Permit. Such deed or other legal instrument shall be uploaded to Accela as a reference document and also be uploaded to the Mecklenburg County building permit system as a reference document.
- (9) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the Dedication or Reservation of Future Transit Rights of Way Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

D. Program Requirements

- (1) No activity related to the proposed development may occur within the Transit Dedication/Reservation Area, unless expressly approved by CATS.
- (2) The restriction on activity within the Transit Reservation Area shall expire on the earlier of:
- a) The City acquiring title to the Transit Reservation Area; or
 - b) A formal recission by the MTC for all Rapid Transit Corridor alignments, including any transit station locations, as applicable, that gave rise to that Transit Reservation Area.

E. Administration

- (1) The PD&D Director or their designee, in conjunction with the CATS Director or their designee, shall administer the Dedication or Reservation of Future Transit Rights of Way Bonus Program, and may establish and implement program guidelines and establish application requirements under the program.
- (2) The PD&D Director or their designee, in conjunction with the CATS Director or their designee, may amend the Dedication or Reservation of Future Transit Rights of Way Bonus Program guidelines as necessary.

F. Compliance and Enforcement

- (1) As part of plan review and approval, the Zoning Reviewer will work collaboratively with CATS staff to determine whether the proposed Transit Dedication or Reservation Area shown on the plan submittal meets the requirements of UDO Table 16-1 and that the number of corresponding Development Bonus points indicated in the Bonus Table are correct. Bonus points are approved administratively through plan review and do not require any additional approval.
- (2) Compliance with the requirements of the Dedication or Reservation of Future Transit Rights of Way Bonus Program will be deemed satisfied with the recording with the Register of Deeds office of a Rapid Transit Corridor Dedication or Reservation through a plat or other legal instrument and its submittal through Accela as a reference document.
- (3) Any project failing to meet the requirements of the Dedication or Reservation of Future Transit Rights of Way Letter of Agreement, as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the Dedication or Reservation of Future Transit Rights of Way Letter of Agreement and/or program requirements. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
- (4) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible

party as described in paragraph a) above.

- (5) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- (6) No Certificate of Occupancy will be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services and the CATS Director or their designee has approved of a resolution for the failure to comply with the Dedication or Reservation of Future Transit Rights of Way Letter of Agreement.

UDO Zoning Administration Manual

Section 1.9

Multimodal Mitigation

Table of Contents

- A. Purpose and Intent
- B. Qualifying Action, Applicability, and Bonus Points
- C. Eligible Project Types
- D. Procedure for Requesting Bonus Points
- E. Administration
- F. Compliance and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points, per Section 16.3 of the UDO, by providing additional Multimodal Mitigation points (as defined in the Comprehensive Transportation Review (CTR)) above the required tier/points.
- (2) The intent of the Multimodal Mitigation Qualifying Action is to ensure that development intensity from additional building height supports the continued evolution of an area's infrastructure into the complete transportation networks needed to complement that increased intensity.
- (3) The Charlotte Department of Transportation (CDOT), in coordination with other City departments, has defined and adopted the goals and policies for mobility included in plans and documents such as the Strategic Mobility Plan, Charlotte Walks, Charlotte Bikes, Urban Street Design Guidelines, Charlotte Future 2040 Comprehensive Plan, ADA Transition Plan, and other transportation-focused studies. The Development Bonus option provided herein is intended to support those mobility goals.

B. Qualifying Action, Applicability, and Bonus Points

- (1) Row 11 of UDO Table 16-1 (shown below) indicates the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
12	Multimodal Mitigation Provision of additional mitigation points (as defined in the Comprehensive Transportation Review) above required tier/points.	UE, RAC, IC-2, RC, TOD-UC, CAC-1, CAC-2, NC, IMU, TOC-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, GC, and CR Zoning Districts: 1 point for every 1 point of additional multimodal mitigation

C. Eligible Project Types

- (1) The applicant shall consult the CTR Multimodal Assessment Mitigation Options ([Charlotte Streets Manual](#) Table 3.3) to identify potential projects for Multimodal-related Development Bonus points.
- (2) Multimodal Mitigations used for the bonus program must be included in Charlotte Streets Manual Table 3.3.
- (3) Any Multimodal Mitigations identified for use must be above and beyond those required as part of the CTR.

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Multimodal Mitigation Development Bonus and any other Development Bonus being requested.
- (4) The applicant shall sign a Multimodal Mitigation Development Bonus Letter of Agreement, which shall also be signed by the UDO Administrator or their designee, and the CDOT director or their designee, on behalf of the City of Charlotte once any eligible projects have been agreed upon. This Letter of Agreement shall specify:
 - a) Description of the proposed multimodal project(s)
 - b) Total number of bonus points earned by the proposed bonus project(s)
 - c) Compliance and reporting requirements
 - d) Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus upon plan approval.
- (6) The applicant shall submit a site plan as part of the Land Development submittal package, which shall include agreed upon bonus projects.
- (7) Plans for any off-site improvements must be submitted as part of the Land Development plan submittal for the project. Such plans must be reviewed and approved as part of the overall project and will not be reviewed as a separate Land Development submittal.
- (8) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the Multimodal Mitigation Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

E. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee, in conjunction with the CDOT Director or their designee, shall administer the Multimodal Mitigation Development Bonus Program and may establish and implement program guidelines and establish application requirements under the program.
- (2) The PD&D Director or their designee, in conjunction with the CDOT Director or their designee, may amend the Multimodal Mitigation Development Bonus Program guidelines as necessary.

F. Compliance and Enforcement

- (1) As part of plan review and approval, the Zoning Reviewer will work collaboratively with CDOT staff to ensure all proposed mitigations shown on the plan submittal meet the requirements of UDO Table 16-1 and that the number of corresponding Development Bonus points indicated in the Bonus Table are correct. Bonus points are approved administratively through plan review and do not require any additional approval.
- (2) During project development and construction, the Applicant may be required to provide status updates to the City showing progress made on the agreed-upon Multimodal Mitigation projects.
- (3) Compliance with the requirements will be determined through the Certificate of Occupancy field inspection to verify that the required Multimodal Mitigation project(s) is/are complete and complies with all applicable standards, including those in the Charlotte Land Development Standards Manual.
- (4) Any project failing to meet the requirements of the Multimodal Mitigation bonus program, as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the Multimodal Mitigation Development Bonus Letter of Agreement. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
 - c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.

- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- e) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services.

UDO Zoning Administration Manual

Section 1.10

Transportation Demand Management (TDM) Mitigation

Table of Contents

- A. Purpose and Intent
- B. Qualifying Action(s), Applicability, and Bonus Points
- C. Eligible Project Types
- D. Procedure for Requesting Bonus Points
- E. Administration
- F. Compliance and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points, per Section 16.3 of the UDO, by providing additional TDM Mitigation points (as defined in the Comprehensive Transportation Review (CTR)) above the required tier/points.
- (2) The intent of the TDM Qualifying Action(s) is to ensure that development intensity from additional building height supports the continued evolution of an area's infrastructure into the complete transportation networks needed to complement that increased intensity.
- (3) The Charlotte Department of Transportation (CDOT), in coordination with other City departments, has defined and adopted the goals and policies for mobility included in plans and documents such as the Strategic Mobility Plan, Charlotte Walks, Charlotte Bikes, Urban Street Design Guidelines, Charlotte Future 2040 Comprehensive Plan, ADA Transition Plan, and other transportation-focused studies. The Development Bonus option provided herein is intended to support those mobility goals.

B. Qualifying Action(s), Applicability, and Bonus Points

- (1) Row 12 of UDO Table 16-1 (shown below) indicates the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
13	Transportation Demand Management (TDM) Mitigation Provision of additional mitigation points (as defined in the Comprehensive Transportation Review) above required tier/points.	UE, RAC, IC-2, RC, TOD-UC, CAC-1, CAC-2, NC, IMU, TOC-CC, TOD-NC, TOD-TR, N2-C, IC-1, OFC, OG, CG, and CR Zoning Districts: 1 point for every 1 point of additional TDM mitigation

C. Eligible Project Types

- (1) The Applicant shall consult the CTR TDM Mitigation Options ([Charlotte Streets Manual Table 3.4](#)) to identify potential projects for TDM-related Development Bonus points.
- (2) TDM Mitigations used for the bonus program must be included in Charlotte Streets Manual Table 3.4.
- (3) Programmatic TDM Mitigations may not be used for bonus points in OFC, OG, CG, and CR zoning districts.
- (4) Any TDM Mitigations identified for use must be above and beyond those required as part of the CTR.

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the TDM Mitigation Bonus and any other Development Bonus being requested.
- (4) The applicant shall sign a TDM Mitigation Development Bonus Letter of Agreement, which shall also be signed by the UDO Administrator or their designee, and the CDOT director or their designee, on behalf of the City of Charlotte once any eligible projects have been agreed upon. This Letter of Agreement shall specify:
 - a) Description of the proposed TDM project(s)
 - b) Total number of bonus points earned by the proposed bonus project(s)
 - c) Compliance and reporting requirements
 - d) Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus upon plan approval.
- (6) The applicant shall submit a site plan as part of the Land Development submittal package, which shall include agreed upon bonus projects.
- (7) Plans for any off-site improvements must be submitted as part of the Land Development plan submittal for the project. Such plans must be reviewed and approved as part of the overall project and will not be reviewed as a separate Land Development submittal.
- (8) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that

are being sought through the TDM Mitigation Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

E. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee, in conjunction with the CDOT Director or their designee, shall administer the TDM Mitigation Development Bonus Program and may establish and implement program guidelines and establish application requirements under the program.
- (2) The PD&D Director or their designee, in conjunction with the CDOT Director or their designee, may amend the TDM Mitigation Development Bonus Program guidelines as necessary.

F. Compliance and Enforcement

- (1) As part of plan review and approval, the Zoning Reviewer will work collaboratively with CDOT staff to ensure all proposed mitigations shown on the plan submittal meet the requirements of UDO Table 16-1 and that the number of corresponding Development Bonus points indicated in the Bonus Table are correct. Bonus points are approved administratively through plan review and do not require any additional approval.
- (2) During project development and construction, the Applicant may be required to provide status updates to the City showing progress made on the agreed-upon TDM Mitigation project(s). Any such status updates shall be specified in the TDM Mitigation Bonus Letter of Agreement
- (3) Compliance with the requirements will be determined through the Certificate of Occupancy field inspection to verify that the required TDM Mitigation project(s) is/are complete and complies with all applicable standards, including those in the Charlotte Land Development Standards Manual.
- (4) Any project failing to meet the requirements of the TDM Mitigation Development Bonus Letter of Agreement, as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the TDM Mitigation Development Bonus Letter of Agreement . Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
 - c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as

published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.

- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- e) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services.

UDO Zoning Administration Manual

Section 1.11

Electronic Micromobility Lockers

Table of Contents

- A. Purpose and Intent
- B. Qualifying Action, Applicability, and Bonus Points
- C. Procedure for Requesting Bonus Points
- D. Administration
- E. Compliance and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for earning Development Bonus points by providing secure electronic bicycle lockers, per Section 16.3 of the UDO.
- (2) The intent of the Electronic Micromobility Lockers bonus is to provide secure short-term bicycle parking above any requirements of the UDO.

B. Qualifying Action, Applicability, and Bonus Points

- (1) Row 13 of UDO Table 16-1 (shown below) indicates the necessary Qualifying Action, the zoning districts in which the action is available, and the number of points earned for successfully completing the Qualifying Action.

Row	Qualifying Action	Bonus Awarded
14	Electronic Micromobility Lockers All required short-term bicycle spaces are provided in secure lockers with a locking mechanism that are accessed by electronic card or other similar security feature.	UE, RAC, RC, and TOD-UC Zoning Districts: 10 points CAC-1, CAC-2, NC, IMU, TOD-CC, TOD-NC, TOD-TR, IC-1, OFC, OG, CG, CR, and N2-C Zoning Districts: 5 points

C. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points are being sought by the applicant.

- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Electronic Micromobility Lockers Development Bonus and any other Development Bonus being requested.
- (4) The applicant shall sign an Electronic Micromobility Lockers Letter of Agreement, which shall also be signed by the UDO Administrator or their designee on behalf of the City of Charlotte. This Letter of Agreement shall specify:
 - a) The Electronic Micromobility Lockers requirements for the project
 - b) Total number of Development Bonus points to be awarded for successfully implementing the Electronic Micromobility Lockers requirements
 - c) Compliance and reporting requirements
 - d) Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the additional building height that would be allowed by the bonus.
- (6) The applicant shall submit a site plan as part of the Land Development submittal package, which shall clearly indicate the location(s) and number of the proposed electronic micromobility bike lockers. The applicant shall include written notes on this site plan describing how the secure bicycle lockers can be accessed by users, including the process for obtaining and using electronic access cards or other security features.
- (7) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the number of Development Bonus points that are being sought through the Electronic Micromobility Lockers Qualifying Action as well as any other Development Bonus points being sought through other Qualifying Actions.

D. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee shall administer the Electronic Micromobility Lockers bonus program and may establish and implement program guidelines and establish application requirements for an application under the program.
- (2) The PD&D Director or their designee may amend the program guidelines as necessary.

E. Compliance and Enforcement

- (1) As part of plan review and approval, the Zoning Reviewer will determine whether the Electronic Micromobility Lockers shown on the site plan submittal meet the requirements of UDO Table 16-1 and whether the number of corresponding Development Bonus points indicated in the Bonus Table are correct. Bonus points are approved administratively through plan review and do not require any additional approval.

- (2) Compliance with the requirements will be determined through the Certificate of Occupancy field inspection to verify that the required Electronic Micromobility Lockers have been properly installed.
- (3) Any project failing to meet the requirements of the Electronic Micromobility Lockers bonus program, as determined by the Zoning Reviewer, shall be subject to a payment-in-lieu penalty, as follows:
- a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the Electronic Micromobility Lockers Letter of Agreement. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on:
 - i. The Gross Floor Area of each floor above the maximum permitted building height (without bonus), and
 - ii. Any additional height above the top occupied floor, calculating the Gross Floor Area as if it were occupiable space. Such additional height shall be no greater than the average floor to floor height of occupiable floors below.
 - c) The amount of the payment-in-lieu penalty is the sum of b) i. and b) ii. above, multiplied by the corresponding fee-in-lieu per square foot for affordable housing as published in the City's fee schedule at the time a notification of failure to comply is issued to the responsible party as described in paragraph a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing and Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
 - e) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing and Neighborhood Services.

UDO Zoning Administration Manual

Section 2.1

Affordable Housing Programs

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Procedure for Requesting Affordable Development Certification (UDO Section 16.4)
- D. Procedure for Voluntary Mixed-Income Residential Development Program (UDO Section 4.5.B)
- E. Quadraplex Development in Neighborhood 1 Zoning Districts
- F. Administration
- G. Compliance and Enforcement

A. Purpose and Intent

- (1) The purpose of this section is to establish general administrative requirements and procedures for providing affordable housing units, per UDO Section 4.5.B (Voluntary Mixed-Income Residential Development), UDO Section 16.4 (Affordable Housing Development Allowances), and the prescribed conditions for quadraplex dwellings in Neighborhood 1 zoning districts in UDO Section 15.4.GG.
- (2) The intent of these programs and allowances is to enhance the development potential for projects that increase the supply of low to moderate income housing units consistent with the City's goal of encouraging the provision of affordable housing.

B. Definitions

- (1) **Affordable Certification Letter.** A document provided by the City of Charlotte Department of Housing and Neighborhood Services (HNS) that identifies a development as meeting the affordability requirements of the UDO.
- (2) **Area Median Income (AMI).** The midpoint of a specific area's income distribution calculated on an annual basis by the Department of Housing and Urban Development (HUD). HUD refers to the figure as Median Family Income (MFI), based on a four-person household. The City of Charlotte determines household AMI using HUD's Part 5 definition of income and calculates using instructions found in the HUD Occupancy Handbook. Charlotte uses the income limit tables found at huduser.gov listed under the Charlotte-Concord-Gastonia, NC-SC HUD Metropolitan Statistical Area.
- (3) **Bonus Request Form.** A document used to initiate a bonus request review for any affordable housing provision under the UDO that encompasses essential details regarding the proposed

development, the developer's preferred bonus(es), and the methodology to be employed to satisfy the requirements of the requested bonus(es). The request form may be found at:

<https://charlottenc.seamlessdocs.com/f/UDOAHBonus>

- (4) **Housing & Neighborhood Services (HNS).** A department of the City of Charlotte responsible for the approval and compliance components of UDO-related affordable housing activities.
- (5) **Letter of Agreement.** A document that outlines an applicant's participation in affordable housing bonuses found in the UDO. The agreement describes the bonus(es) being sought, the affordability requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). Bonus agreements typically contain model deed restrictions and instructions for properly calculating beneficiary median incomes, qualifying mortgage amounts, and rent levels. Each agreement is independent and written for a specified development.
- (6) **Restrictions.** Conditions on the deed to a property setting out certain limits or acceptable uses. The conditions, also known as covenants, "run with the land" and as a result bind current and future property owners to the conditions of the agreement.

C. Procedure for Requesting Affordable Housing Development Certification (UDO Section 16.4)

The purpose of this section is to establish a process by which affordable housing developments can certify they meet the requirements for Affordable Housing Development Allowances (UDO Section 16-4).

(1) Bonus Request Form

Prior to submitting an application for a building or land development permit, the applicant seeking certification for development under Section 16.4 shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#). Prior to, or in conjunction with, requesting this pre-submittal meeting, the applicant shall submit a [Bonus Request Form](#) to the Charlotte Department of Housing and Neighborhood Services (HNS). The applicant shall select "Affordable Housing Development Certification (16-4)" from the Bonus Program Requested drop-down menu on the form and provide the requested information for this option.

HNS staff will evaluate the submission and provide the applicant with a written list of required documentation for certifying that the proposed development meets the affordable housing requirements specified in UDO Section 16.4. After reviewing the documentation, HNS staff will either issue a Certification Letter confirming compliance with the section's criteria, request further information, or identify corrective actions necessary for achieving compliance with the section's requirements. Once the applicant has received the Certification Letter, the applicant shall upload the letter with their other development documents as proof the project qualifies for the Section 16.4 Affordable Housing Bonus Allowances.

- (2) **High-Cost Areas** – The UDO allows developers to qualify for development bonuses under Section 16.4.A.3.c by providing 20% of housing units at 80% AMI in high-cost housing areas. High-cost housing areas are Neighborhood Profile Areas (NPAs) where the median residential property values exceed the median residential values for the city as a whole. HNS can provide a map of qualifying NPAs upon request.

- (3) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering the development allowances being sought by the applicant.
- (4) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements for requesting Affordable Housing Development Certification under UDO Section 16.4 and any other development bonus or allowance being requested.
- (5) Following the Development Bonus pre-submittal meeting, HNS staff will review the proposed project and provide a draft Affordable Housing Letter of Agreement for review. The Letter of Agreement shall specify:
 - a) Compliance requirements and process.
 - b) [Sample deed restrictions](#) (if applicable).
 - c) AMI levels and associated income levels to be used to comply with the program requirements.
 - d) How initial and ongoing monitoring (if applicable) will be provided along with any reporting requirements.
 - e) How the developer will be required, in advance of seeking a building or land development permit, to identify lots/units that will be restricted.
 - f) Lot or unit information.

The UDO Administrator and HNS Director, or their designees will review and approve the agreement.

- (6) The applicant shall sign the Affordable Housing Letter of Agreement, which shall also be signed by the HNS Director and the UDO Administrator or their designees on behalf of the City of Charlotte.
- (7) The applicant shall upload a copy of the signed Affordable Housing Letter of Agreement to Accela as part of the land development submittal package.
- (8) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the additional bonus lots and that would be allowed under this program upon plan approval.
- (9) To comply with the Affordable Housing Letter of Agreement, the applicant must record deed restrictions with the Register of Deeds office before a land development or building permit may be issued. The recorded restrictions must be reviewed by HNS, who will then release affordable housing holds on developer building permits in accordance with the agreement. All affordable units resulting from this program must be distributed throughout the development, not concentrated in any one structure or area of the site, unless the total affordable housing units in the development is five or fewer.
- (10) The applicant shall notify HNS once construction commences and shall meet periodically with HNS staff who shall monitor the development's Affordable Housing compliance.

D. Procedure for Voluntary Mixed-Income Residential Development Program (UDO Section 4.5.B)

The Voluntary Mixed-Income Residential Development Program is a residential development option found in UDO Section 4.5.B that allows developers to build more densely in the N1-A, 1-B, N1-C, and

N1-D zoning districts in exchange for creating a mix of affordable and market-rate housing units. Affordable units must be set aside for households earning 80% or less of the AMI for 15 years. AMI averaging is permitted per Section 4.5.B.3.b.

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#). Prior to, or in conjunction with, requesting this pre-submittal meeting, the applicant shall submit a [Bonus Request Form](#) to the Charlotte Department of Housing and Neighborhood Services (HNS). This form encompasses essential details regarding the proposed development and the methodology to be employed to satisfy the program requirements.
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering the development allowances being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Voluntary Mixed-Income Residential Development Program and any other development bonus or allowance being requested.
- (4) Following the Development Bonus pre-submittal meeting, HNS staff will review the proposed project and provide a draft Affordable Housing Letter of Agreement for review. The Letter of Agreement shall specify:
 - a) Compliance requirements and process.
 - b) [Sample deed restrictions](#).
 - c) AMI levels and associated income levels to be used to comply with the program requirements.
 - d) How initial and ongoing monitoring (if applicable) will be provided along with any reporting requirements.
 - e) How the developer will be required, in advance of seeking a building or land development permit, to identify lots/units that will be restricted.
 - f) Lot or unit information.

The UDO Administrator and HNS Director, or their designees will review and approve the agreement.

- (5) The applicant shall sign the Affordable Housing Letter of Agreement, which shall also be signed by the HNS Director and the UDO Administrator or their designees on behalf of the City of Charlotte.
- (6) The applicant shall upload a copy of the signed Affordable Housing Letter of Agreement to Accela as part of the land development submittal package.
- (7) The applicant shall upload a copy of the signed Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the additional bonus lots and that would be allowed under this program upon plan approval.
- (8) To comply with the Affordable Housing Letter of Agreement, the applicant must record deed restrictions with the Register of Deeds office before a land development or building permit may be issued. The recorded restrictions must be reviewed by HNS, who will then release affordable housing holds on developer building permits in accordance with the agreement. All affordable units resulting from this program must be distributed throughout the development, not concentrated in any one structure or area of the site, unless the total affordable housing units in

the development is five or fewer.

- (9) The applicant shall notify HNS once construction commences and shall meet periodically with HNS staff who shall monitor the development's Affordable Housing compliance.

E. Quadraplex Development in Neighborhood 1 Zoning Districts

Quadraplex dwellings are permitted on arterial streets in N1-A, N-1B, N1-C, N1-D, and N1-E zoning districts if a minimum of one unit within the structure is set aside for households earning 80% AMI or less for a 15-year affordability period. Compliance with this provision is subject to the approval process detailed in Section G of this section.

- (1) The applicant shall submit a [Bonus Request Form](#) to the Charlotte Department of Housing and Neighborhood Services (HNS) prior to plan submittal in Land Development.
- (2) HNS staff will review the proposed project and provide a draft Affordable Housing Letter of Agreement for review. The Letter of Agreement shall specify:
 - a) How the quadraplex unit will be identified and restricted to affordable rental use
 - b) Compliance requirements and process
 - c) Quadraplex Deed Restriction
- (3) The applicant shall sign the Affordable Quadraplex Housing Letter of Agreement, which shall also be signed by the HNS Director and the UDO Administrator or their designees on behalf of the City of Charlotte.
- (4) The applicant shall record the Quadraplex Deed Restriction with the Register of Deeds office prior to issuance of a building permit. Such deed restriction shall be uploaded to Accela as a reference document and also be uploaded to the Mecklenburg County building permit system as a reference document.

F. Administration

- (1) Affordability periods for each type of affordable housing program are shown in the table below. Affordability periods set the length of time affordable units shall be provided and monitored by the City. At the end of the affordability period, unit restrictions are removed, and units may be provided at prevailing market rates.
- (2) Affordability periods begin once all units in a development have been placed in service, and the occupant meets the median income requirements for that unit. A for-sale unit is placed in service once the unit is sold to a qualifying buyer.

UDO Program	Minimum Affordability Period	Ordinance Section
Affordable Housing Development Allowance	30 years	16.4
Voluntary Mixed Income Residential Development	15 Years	4.5 B
Quadraplex	15 Years	15.4.GG

- (3) The HNS Director or their designee shall determine whether the proposed actions qualify for the

requested affordable housing allowance(s). Once the applicable Letter of Agreement is signed, allowances are approved administratively and do not require approval by the City Council.

- (4) The HNS Director or their designee adopts and implements program guidelines related to affordable housing. The PD&D Director or their designee, in conjunction with the HNS Director or their designee, shall administer the above programs and may adopt and implement program guidelines or rules and establish the requirements for an application under the program. Questions about any part of the process can be emailed to Housing & Neighborhood Services: <mailto:hnsinfo@charlottenc.gov>.

G. Compliance and Enforcement

- (1) Compliance with the requirements will be determined through the following:

- a) Rental Units: To ensure compliance, all rental units shall be monitored annually by HNS. The initial rent for a unit may not exceed the maximum rent allowed by the affordable housing funding source requirements or the rates specified in the table below, whichever is greater.

Any rental increases must receive written approval from HNS and may not exceed the lesser of the area's average rental increase, as reported by Real Data, or 3%, whichever is less. It is important to note that the rent amount must always remain affordable to households with AMIs corresponding to the applicable program requirements, and as such, rents may never be increased beyond that level. Please refer to the following table for the current rental rate.

FY25 Maximum Rent Limits (June 2024)										
	Percent Area Median Income									
	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%
Studio	\$502	\$668	\$835	\$1,001	\$1,169	\$1,337	\$1,461	\$1,461	\$1,461	\$1,461
One Bedroom	\$537	\$716	\$894	\$1,145	\$1,252	\$1,432	\$1,623	\$1,623	\$1,623	\$1,623
Two Bedroom	\$645	\$859	\$1,073	\$1,288	\$1,503	\$1,718	\$1,932	\$2,141	\$2,141	\$2,141
Three Bedroom	\$721	\$962	\$1,202	\$1,488	\$1,683	\$1,985	\$2,164	\$2,404	\$2,538	\$2,538
Four Bedroom	\$830	\$1,041	\$1,302	\$1,661	\$1,822	\$2,214	\$2,343	\$2,645	\$2,792	\$2,792

- b) Homeownership: To ensure affordable homeownership opportunities, all units sold under the UDO affordable housing program must be priced to be affordable to households earning 80% or less of the area median income (AMI), or as specified in the program guidelines or development agreement.

If there are no maximum home sales prices set by a City-approved development agreement, each unit must be sold for no more than the [House Charlotte](#) program's maximum sales price. Housing is considered affordable when households pay no more than 30% of their income for housing costs, including utilities. To simplify calculations, HNS sets the utility cost at 2% of the household income.

Before a sales contract can be approved, the developer must provide the buyer's loan disclosure for affordability confirmation. For example, if a household of four has an annual income of \$65,000, the maximum affordable payment amount would be calculated as follows:

1. Calculate the household AMI. In this case, the household is at 77% AMI and is eligible for participation.
2. Calculate the household's maximum payment amount. Using the formula $(\$65,000 \times 28\%) / 12$ months, the maximum affordable payment amount would be \$1,516.
3. Calculate the maximum first mortgage:
 - a. Monthly Tax Escrow: $\$250,000 \times .965 / 100 = \$2,412.50 / 12 = \$201$
 - b. Monthly Insurance Escrow: $\$1,200 / 12 = \100
 - c. Payment Available for Debt Service: $\$1,625 - \$201 - \$100 = \$1,324$
 - d. Calculate Maximum Mortgage Amount: Using the current interest rate and a 30-year fixed mortgage, the maximum mortgage amount would be \$233,000.

If you have any questions regarding the affordability calculations or the homebuying process, please contact HNS for further guidance.

- (2) Developers who use the above affordable housing programs are obligated to provide regular reports to HNS to ensure that the property meets the required affordability standards for eligible households. The reporting requirements, which may include documents such as a rent roll, tenant lease with rent information, and income verification, will be clearly outlined in the Development Agreement or Certification Letter.
- (3) Any project failing to meet the requirements of Section C, D, or E of this manual (as applicable) as determined by the Zoning Reviewer and HNS Director or their designees, shall be considered a zoning violation and will be subject to a penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the applicable Letter of Agreement(s). Such notification shall state the reason(s) for determining the failure to comply and the penalty.
 - b) Failure to comply shall result in an extension of the affordability period for a time equal to the amount of time the project was deemed out of compliance.

UDO Zoning Administration Manual

Section 3.1

Open Space Provision Alternatives

Table of Contents

- A. Purpose and Intent
- B. Qualifying Action(s) and Applicability
- C. Procedure for Participation
- D. Administration
- E. Program Standards
- F. Compliance and Enforcement

A. Purpose and Intent

- (1) According to the Charlotte Future 2040 Comprehensive Plan, Goal 1: 10-Minute Neighborhoods, all Charlotte households should have access to essential amenities, goods, and services within a comfortable, tree-shaded 10-minute walk, bike, or transit trip by 2040. Not all neighborhoods are expected to include every essential amenity, good, or service, but every resident should have access within a ½ mile walk or a 2-mile bike or transit trip.
- (2) According to *Meck Playbook*, Mecklenburg County's master plan adopted in 2021, Mecklenburg County currently owns 21,000 acres of parkland. To maintain existing levels of service (19.1 acres per thousand residents), the County will need an additional 8,000 acres of new park space over the next 20 years to support the same level of service for new residents as well as plan for important environmental protections. Filling gaps, anticipating growth, and restoring natural ecology are the three primary aims of *Meck Playbook's* land acquisition strategy.
- (3) In order to meet both the goals of the *Charlotte Future 2040 Comprehensive Plan* and *Meck Playbook*, incentives to dedicate parkland or pay a fee-in-lieu to Mecklenburg County have been outlined in the Unified Development Ordinance (UDO).

B. Qualifying Action(s) and Applicability

- (1) When open space is required within the zoning district regulations, the property owner may select one of the following options, or a combination thereof, as an alternative to the required on-site open space:
 - a) Dedicate land required for on-site open space to Mecklenburg County Park and Recreation, so long as the land meets Park and Recreation standards. If selecting this option, and dedicating all required on-site open space, the amount of open space dedicated may be reduced by 10%, as per Section 16.5.C.1 of the UDO. For example, if 40,000 square feet of open space is required to be provided on-site, dedicating and conveying the open space to Mecklenburg County allows the

applicant to reduce the required on-site open space to 36,000 square feet (90% of 40,000 square feet). The land must be accepted by Mecklenburg County for the applicant to take advantage of this reduction. See [Section E.1 Program Requirements – Land Dedication Standards](#) (below) for general guidelines for land deemed acceptable to Mecklenburg County.

- b) Provide a fee-in-lieu of the required on-site open space to Mecklenburg County Park and Recreation, so long as the fee is accepted by Park and Recreation, per Section 16.5.C.2 of the UDO. The payment of such funds shall be used to acquire or develop recreation areas in the surrounding area for which the fee-in-lieu is paid.

The fee is paid directly to Mecklenburg County. See [Section E.2 Program Requirements – Fee-in-Lieu Standards](#) (below) for the general guidelines for calculating the fee and how the fee is collected and spent.

C. Procedure for Participation

- (1) The applicant shall request a Development Bonus pre-submittal meeting through the [Charlotte Development Center website](#).
- (2) Development Center staff will schedule the pre-submittal meeting, which will include representatives from the City and/or County departments responsible for administering each of the Qualifying Actions for which bonus points and/or alternative means of compliance are being sought by the applicant.
- (3) The applicant is required to attend the Development Bonus pre-submittal meeting with City and/or County staff to review the requirements of the Open Space Alternatives and any Development Bonus(es) being requested.
- (4) The applicant shall sign an Open Space Alternatives Letter of Agreement, which shall also be signed by the UDO Administrator or their designee on behalf of the City of Charlotte, and by the Mecklenburg County Park and Recreation Director or their designee. This Letter of Agreement does not bind the County to accept any land dedication, pending further investigation of the condition of the land to be dedicated to determine whether it meets the Land Dedication Standards in [Section E.1 Program Requirements – Land Dedication Standards](#) (below). This Letter of Agreement shall specify:
 - a) The Open Space Dedication and Fee-in-Lieu Alternatives being requested for the project
 - b) Compliance requirements
 - c) Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Open Space Alternatives Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for the reduction or elimination of required on-site open space.
- (6) If utilizing the on-site Open Space Dedication alternative, the applicant shall submit an open space exhibit for review as part of the Land Development submittal package that clearly

indicates the amount of open space required by the zoning district as well as the area of the open space to be dedicated to Mecklenburg County Park and Recreation. All open space areas shall be clearly labeled on the exhibit.

- (7) The applicant shall provide a completed Bonus Table, which is available on the [Charlotte Development Center website](#), indicating the on-site open space alternative being utilized, as well as any Development Bonus points being sought through eligible qualifying actions in UDO Table 16-1.

D. Administration

- (1) The Planning, Design and Development (PD&D) Director or their designee, in conjunction with the Mecklenburg County Park and Recreation Director or their designee, shall administer the Open Space Dedication and Fee-in-Lieu Alternatives program and may establish and implement program guidelines and establish application requirements for an application under the program.
- (2) The PD&D Director or their designee, in conjunction with the Mecklenburg County Park and Recreation Director or their designee, may amend the program guidelines as necessary.
- (3) It is the responsibility of Mecklenburg County Park and Recreation to review proposed land dedications to determine if they are usable park spaces that will meet the needs of the community.
- (4) It is the responsibility of Mecklenburg County Park and Recreation to structure how the fees-in-lieu are calculated, collected, and ultimately used to acquire park property.

E. Program Standards

- (1) Land Dedication Standards
 - a) Park and Recreation will use the following standards to review proposed land dedications and determine if it meets the minimum criteria for usable park land:
 - i. Unity. The dedicated land shall form a single parcel of land, except where Park and Recreation determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development and residents within close proximity of the development, or provide connectivity to an existing or proposed Park and Recreation facility.
 - ii. Usability. At least two-thirds of the dedicated land shall be suitable for recreation (e.g., playgrounds, pavilions, sport courts, and the like).
 - iii. Shape. The portion of dedicated land that is deemed suitable for recreation shall be of a shape so as to be usable for the recreational activities planned for the site.

- iv. Location. The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the development and residents within close proximity of the development.
- v. Access. Public access to the dedicated land shall be provided by adjoining public street frontage. Where the dedicated land is located adjacent to a street, the applicant or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. In some cases, additional access easements may be required to ensure public access to the parkland from other portions of the development or residents within close proximity.
- vi. Topography. The average slope of the portion of dedicated land deemed usable for recreation shall not be excessive and shall be practicable for the proposed recreational use. In no case shall a slope on the active portion of dedicated land exceed 15%, unless otherwise approved by Mecklenburg County. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land.
- vii. Ownership of dedicated land. Park, recreation, and open space land shall be in fee simple title to Mecklenburg County. In some cases, additional access easements may be required to ensure public access to the parkland from other portions of the development or residents within close proximity.

b) The Land Dedication Area shall be recorded with the Register of Deeds office as a plat or other legal instrument prior to issuance of a Building Permit. Such deed or other legal instrument shall be uploaded to Accela as a reference document and also be uploaded to the Mecklenburg County building permit system as a reference document.

(2) Fee-in-Lieu Standards

a) Fee Calculation. Should the applicant choose the fee-in-lieu option (as opposed to dedicating land to Mecklenburg County), the fee shall be calculated in the following way:

$\frac{\text{Total Tax Value of Project Area}}{\text{Total Acreage of Project Area}} = \text{Tax Value Per Acre} \times \text{Acreage to be Dedicated per UDO}$

An example of how this calculation would result in the fee to be paid is:

$\$1,000,000 / 10 \text{ Acres} = \$100,000 \text{ per Acre} \times 2 \text{ Acres to be Dedicated} = \mathbf{\$200,000}$
Fee-in-lieu

b) Fee Collection and Use. All fees collected shall be allocated to the respective fee district (see Exhibit 1 map) in which the development is occurring. Mecklenburg

County will have separate accounts for each fee district to ensure proper tracking of the fees collected.

When Park and Recreation finds parkland to acquire within a fee district, they may use the fees collected within that district towards the purchase of that property. Should a potential park property straddle multiple fee districts, fees collected in all districts in which the potential park property is located may be used towards the purchase of that property.

- c) Fee Acceptance. Once the fee is determined, the fee shall be collected from the applicant. Park and Recreation staff shall request the Board of County Commissioners recognize, receive, and appropriate the fee to the respective fee district as shown in attached hereto.

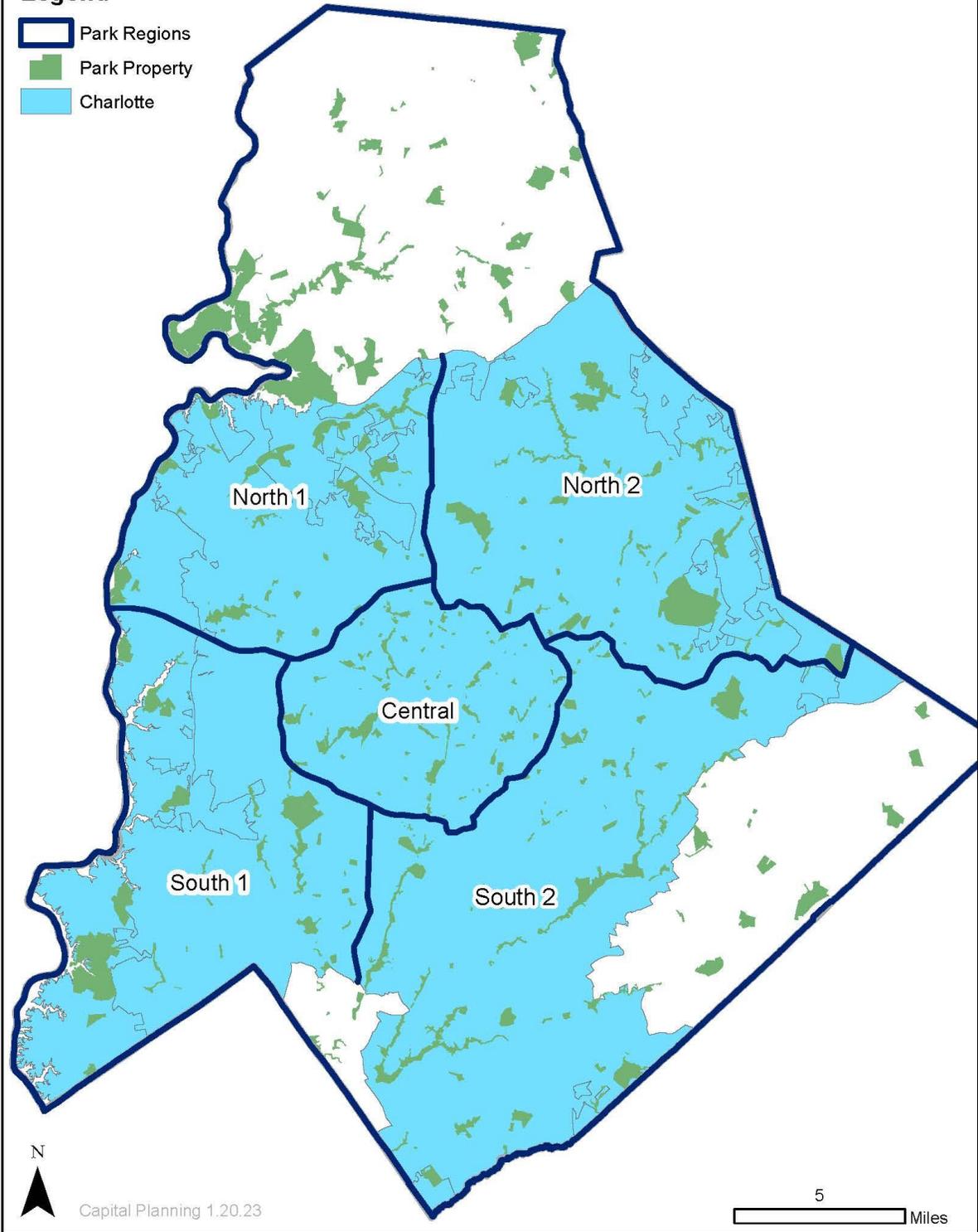
F. Compliance and Enforcement

- (1) Compliance with the requirements will be determined as follows, according to whether the action is land dedication or fee-in-lieu:
 - a) Conveyance of dedicated land in fee simple title to Mecklenburg County; or,
 - b) Acceptance of fee-in-lieu amount by Mecklenburg County.
- (2) Any project failing to meet the land dedication compliance requirements of (1) a) above, and with the Open Space Alternatives Letter of Agreement, as determined by the Mecklenburg County Park and Recreation Director or their designee, shall be subject to a payment-in-lieu penalty, as follows:
 - a) The Zoning Reviewer shall notify the responsible party in writing of any failure to comply with the Open Space Alternatives Letter of Agreement and/or program requirements. Such notification shall state the reason(s) for determining the failure to comply, as well as the amount of the payment-in-lieu penalty.
 - b) The amount of the payment-in-lieu penalty shall be calculated based on the Fee Calculation for the total area of required open space for the project (public, common, and private open space) per [Section E.2 Program Requirements – Fee-in-Lieu Standards](#).
 - c) The payment-in-lieu amount shall be paid to Mecklenburg County to be used to acquire or develop recreation areas in the surrounding area for which the fee-in-lieu is paid.
 - d) The final Certificate of Occupancy will not be issued until the payment-in-lieu penalty has been received and acknowledged by Mecklenburg County.

Exhibit 1: Fee Districts

Legend

-  Park Regions
-  Park Property
-  Charlotte



UDO Zoning Administration Manual

Section 4.1

Charlotte Tree Manual

The most recent Charlotte Tree Manual can be found here:

<https://www.charlottenc.gov/files/sharedassets/city/v/1/growth-and-development/getting-started/documents/urban-forestry/charlotte-tree-manual/ctm-1.2-final-4.23.2024.pdf>

UDO Zoning Administration Manual

Section 4.2

Tree Canopy Preservation Program

Under Development