

UDO Zoning Administration Manual

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CONTENTS

Section	Topic	Page
Section 1: Development Bonus		
1.1	Affordable Housing Bonus Administration	1.1-1
1.2	RESERVED	1.2-1
1.3	Charlotte Business INClusion Targets Met	1.3-1
1.4	Additional Open Space	1.4-1
1.5	Electric Vehicle (EV) Charging Stations	1.5-1
1.6	High Performance Construction	1.6-1
1.7	New Street Connection	1.7-1
1.8	Dedication or Reservation of Future Transit Rights of Way Along Transit Corridors (Per 100 Linear Feet)	1.8-1
1.9	Multimodal Mitigation	1.9-1
1.10	Transportation Demand Management (TDM) Mitigation	1.10-1
1.11	Electronic Micromobility Lockers	1.11-1
Section 2: Affordable Housing		
2.1	Affordable Housing Administration	2.1-1
Section 3: Open Space		
3.1	Open Space Provision Alternatives	3.1-1
Section 4: Trees		
4.1	Charlotte Tree Manual	4.1-1
4.2	Tree Canopy Preservation Program Manual	4.2-1

UDO Zoning Administration Manual

Section 1.1 - Affordable Housing Bonus Administration

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action(s), Applicability, and Bonus Awarded
- D. Procedure for Requesting Bonus Points
- E. Alternatives to On-Site Affordable Housing
- 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 earning Development Bonus Points by providing Affordable Housing per UDO Section 16.3.
- (2) The intent of the Affordable Housing qualifying actions are 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) **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 <https://www.huduser.gov/portal/home.html> listed under the Charlotte-Concord-Gastonia, NC-SC HUD Metropolitan Statistical Area.
- (2) **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).
- (3) **Housing & Neighborhood Services (HNS).** A department of the City of Charlotte responsible for the approval and compliance components of UDO-related affordable housing activities.
- (4) **Affordability Requirements Administrative 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). A typical Affordability Requirements Administrative Agreement contains 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.

- (5) **Deed 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.
- (6) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.
- (7) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.

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

- (1) Rows 1-4 of UDO Table 16-1 (referenced below) indicate the necessary qualifying action, the zoning districts in which the action is available, and bonuses awarded for successfully completing the qualifying action.

Row	Qualifying Action	Bonus Awarded
1	Affordable Housing Provided On-Site Devote percentage of gross floor area* of building receiving bonus to affordable housing, using local unit size averages. Affordable housing units shall be set aside for households earning the averages of Area Median Income (AMI) shown in the “Bonus Awarded” column for a 30-year affordability period. *Gross floor area does not include floor area in parking structures.	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: Open Space Bonus: For every 1% of gross floor area of affordable housing, receive a 10% reduction of open space requirement, up to a maximum of 50% reduction of open space requirement total AND Height Bonus: 3 points for every 1% of gross floor area of affordable housing, 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 5 points for every 1% of gross floor area of affordable housing, 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
2	Affordable Housing (80% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options 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. 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.	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: 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

	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. The amount of fee-in-lieu shall be calculated based on: 1. The gross floor area of each floor either partially or fully above the maximum permitted building height (without bonus), and 2. 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. Funds received for affordable housing provided through the fee-in-lieu option shall be accounted for in an account, or the equivalent, in the City's financial system that is similar to, but distinct from, the account used by the City's Housing Trust Fund. * Gross floor area does not include floor area in parking structures. The height of unoccupiable space above the top floor may be included in this bonus as follows: 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.	
3	Affordable Housing (60% Area Median Income (AMI) or less) Provided On-Site with Fee-In-Lieu, Offsite Housing, and Land Donation Options 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. 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.	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: 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

	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. The amount of fee-in-lieu shall be calculated based on: 1. The gross floor area of each floor either partially or fully above the maximum permitted building height (without bonus), and 2. 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. Funds received for affordable housing provided through the fee-in-lieu option shall be accounted for in an account, or the equivalent, in the City's financial system that is similar to, but distinct from, the account used by the City's Housing Trust Fund. * Gross floor area does not include floor area in parking structures. The height of unoccupiable space above the top floor may be included in this bonus as follows: 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.	
4	Affordable Housing Equitable Clean Energy Projects: Fee Program (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 & Neighborhood Services.) The amount of fee-in-lieu shall be calculated based on: 1. The gross floor area of each floor either partially or fully above the maximum permitted building height (without bonus), and 2. Any additional height above the top occupied floor, calculating the gross floor area as if it	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: Height Bonus: Additional height per floor up to the "Maximum Height with Bonus" standard indicated in the zoning district standards

	were occupiable space. Such additional height shall be no greater than the average floor-to-floor height of occupiable floors below. * Gross floor area does not include floor area in parking structures. The height of unoccupiable space above the top floor may be included in this bonus as follows: 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.	
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D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>. Prior to, or in conjunction with, requesting this pre-submittal meeting, the applicant shall submit a Bonus Request Form found at <https://charlottenc.seamlessdocs.com/f/UDOAHBonus> to the Charlotte Department of Housing & 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 Subsection E (below).
- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes 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 shall attend the Development Bonus Pre-Submittal Meeting with City and/or County staff to review the requirements of the affordable housing development bonus request and, if applicable, any other UDO Development Bonuses requested.
- (4) Following the Development Bonus Pre-Submittal Meeting, HNS staff will review the proposed project and provide a draft Affordability Requirements Administrative Agreement for review. The Affordability Requirements Administrative Agreement and sample deed restrictions can be found at <https://www.charlottenc.gov/files/sharedassets/city/v/1/streets-and-neighborhoods/housing/documents/city-of-charlotte-administrative-agreement-and-draft-deed-restrictions-homeownership-or-rental-options-template.pdf>. The UDO Administrator and HNS Director, or their designees will review and approve the Affordability Requirements Administrative Agreement. The Affordability Requirements Administrative 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 along with any reporting requirements.
 - f) How the developer will be required, in advance of seeking a building or land development permit, to identify lots/units that will be restricted.
 - g) Lot or unit information.
- (5) The applicant shall sign the Affordability Requirements Administrative 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 Affordability Requirements Administrative Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for bonuses awarded upon plan approval.
 - (7) The applicant shall provide a completed Bonus Table as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the additional requested height or the number of proposed bonus floors and, if applicable, open space reductions sought through the Affordable Housing qualifying action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.
 - (8) The applicant shall provide a note immediately below the site data table in the Land Development submittal package stating the project is utilizing an Affordable Housing Development Bonus per the UDO and provide details as to which standards the development is being built to.
 - (9) To comply with the Affordability Requirements Administrative Agreement, the applicant must record deed restrictions with the Register of Deeds Office prior to issuance of a Land Development or Building Permit. The recorded restrictions shall be reviewed by HNS, who will then release affordable housing holds on applicant building permits in accordance with the Affordable Housing Letter of Agreement. All affordable units resulting from an Affordable Housing Development Bonus shall be distributed throughout the development, not concentrated in any one structure or area of the site, unless the total affordable units in the development is five or fewer. Additionally, the affordable units shall have materials and exterior finishes substantially similar to those of the 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 Subsection D above, as applicable.

- (1) **Fee-In-Lieu**

- a) Applicants have the option of paying a fee-in-lieu instead 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 applicant signs the Affordability Requirements Administrative Agreement. There are currently two fee-in-lieu amounts per the City of Charlotte's FY 2026 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-submittal meeting, HNS staff will review the proposed development and provide the applicant with the required fee amount in writing, following review and HNS staff approval.
- e) When the applicant selects the fee-in-lieu option, payment shall be made by check after the fee amount is calculated and approved by staff. Payments shall be made before final development approval by the Charlotte Planning, Design, & Development Department. Unpaid fees will delay the development approval process.

(2) Offsite Affordable Housing

- a) Applicants have the option of providing affordable units at a different location than the proposed site receiving the bonus. For the provision of offsite units, specific requirements shall be met:

- i. Deed restrictions must ensure that the period of affordability 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 shall be within a one-mile walk distance of the property seeking the bonus.
 - iv. The offsite units shall be offered for sale or rent, whichever is applicable, prior to the date the final Certificate of Occupancy is issued for the property the applicant is seeking the bonus.
- b) Applicants 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 shall 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 shall be of equal or higher value than the amount produced by applying the fee-in-lieu. Any donated land shall be within the Charlotte corporate limits and approved by the HNS Director.

F. Administration

- (1) The period of affordability is 30 years for all affordable housing qualifying actions in Table 16-1 in the UDO. 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) The period of affordability begins once all units in a development are 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). Once the applicable Affordability Requirements Administrative Agreement is signed, bonuses 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, 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: hnsinfo@charlottenc.gov.

G. Compliance and Enforcement

- (1) As part of plan review and approval, the zoning reviewer determines the number of corresponding development bonus points and bonuses awarded are 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:
 - a) Rental Units: To ensure compliance, all rental units shall be monitored annually by HNS staff. The initial rent for an affordable 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 for affordable units 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 of affordable units shall always remain affordable to households with AMIs corresponding to those used for the requested Development Bonus, and as such, rents shall never be increased beyond that level. Please refer to the following table for the current rental rate.

Fiscal Year 2026 Maximum Rent Limits (June 2025)										
	Percent Area Median Income									
	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%
Studio	\$502	\$707	\$884	\$1,061	\$1,238	\$1,414	\$1,586	\$1,586	\$1,586	\$1,586
One Bedroom	\$537	\$758	\$947	\$1,211	\$1,326	\$1,515	\$1,647	\$1,647	\$1,647	\$1,647
Two Bedroom	\$645	\$909	\$1,136	\$1,364	\$1,591	\$1,818	\$1,824	\$1,824	\$1,824	\$1,824
Three Bedroom	\$788	\$1,050	\$1,313	\$1,575	\$1,838	\$2,100	\$2,250	\$2,250	\$2,250	\$2,250
Four Bedroom	\$830	\$1,172	\$1,465	\$1,758	\$2,051	\$2,343	\$2,637	\$2,852	\$2,852	\$2,852

- b) Homeownership: To ensure affordable homeownership opportunities, all units sold using UDO Affordable Housing Bonuses shall be priced to be affordable to households earning 80% or less of the area median income (AMI), or as specified in the program requirements or the Affordability Requirements Administrative Agreement.

If there are no maximum home sales prices set by a City-approved Affordability Requirements Administrative Agreement, each unit shall be sold for no more than the House Charlotte program's maximum sales price. Information on House Charlotte can be found at <https://dreamkeypartners.org>. 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 applicant 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:

- i. Calculate the household AMI. In this case, the household is at 77% AMI and is eligible for participation.
- ii. 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.
- iii. 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) Applicants using the UDO Affordable Housing Bonuses 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 Affordability Requirements Administrative Agreement.
- (4) Any project failing to meet the requirements of Section 1.1 of the UDO Zoning Administration Manual, 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 Affordability Requirements Administrative 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 Subsection G(4)a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.

UDO Zoning Administration Manual

Section 1.2

RESERVED

UDO Zoning Administration Manual

Section 1.3

Charlotte Business INClusion Targets Met

Table of Contents

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

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. Definitions

- (1) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.
- (2) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO
- (3) **Charlotte Business INClusion Targets Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the

requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.

C. Qualifying Action, Applicability, and Bonus Points

- (1) Row 5 of UDO Table 16-1 (referenced 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 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.

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>
- (2) Development Center staff schedules the Development Bonus Pre-Submittal meeting and includes 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 shall 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, if applicable, any other UDO Development Bonuses 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) Reporting and Compliance requirements
 - d) Non-compliance provisions
- (6) The applicant shall upload a copy of the signed Charlotte Business INClusion Targets 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 as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resourceshttps://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate 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.

E. 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.

F. 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 bonus program, 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 Subsection F(3)a) above.
- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- e) The final Certificate of Occupancy shall not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing & Neighborhood Services.

UDO Zoning Administration Manual

Section 1.4

Additional Open Space Bonus

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action(s), Applicability, and Bonus Points
- 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 by providing Additional Open Space per UDO Section 16.3.
- (2) The intent of the Additional Open Space qualifying action is to provide additional public open space above any requirements of the UDO.

B. Definitions

- (1) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.
- (2) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.
- (3) **Additional Open Space Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.

C. Qualifying Action, Applicability, and Bonus Points

- (1) Row 6 of UDO Table 16-1 (referenced 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 in the Zoning District 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

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-submittal meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>
- (2) Development Center staff schedules the Development Bonus Pre-submittal Meeting and includes 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 shall attend the Development Bonus Pre-Submittal Meeting with City and/or County staff to review the requirements of the Additional Open Space Development Bonus request and, if applicable, any other UDO Development Bonuses 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:
- The additional open space requirements for the project
 - Total number of Development Bonus points to be awarded for successfully implementing the additional open space requirements
 - Compliance requirements
 - Non-compliance provisions
- (5) The applicant shall upload a copy of the signed Additional Open Space Letter of Agreement to Accela as part of the land development submittal package so that plan reviewers can account for bonuses awarded upon plan approval.
- (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 as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the number of Development Bonus points sought through the Additional Open Space qualifying action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.

E. 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.

F. Compliance and Enforcement

- (1) As part of plan review and approval, the zoning reviewer determines 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 Subsection F(3)a) above.

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

UDO Zoning Administration Manual

Section 1.5

Electric Vehicle (EV) Charging Stations

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action(s), Applicability, and Bonus Points
- D. EV-Charging Station Categories
- E. Procedure for Requesting Bonus Points
- 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 earning Development Bonus Points by providing EV-Charging Stations per UDO Section 16.3.
- (2) The intent of the EV-Charging Stations qualifying actions are 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 Plus (SEAP+).

B. Definitions

- (1) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.
- (2) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.
- (3) **Electric Vehicle Charging Stations Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is

independent and written for a specified development.

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

- (1) Rows 7a and 7b of UDO Table 16-1 (referenced 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	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 One EV-Ready space may be counted for two EV-Capable spaces. One EVSE-Installed space may be counted as four EV-Capable spaces or two EV-Ready spaces. *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.	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
7b	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% One EV-Ready space may be counted for two EV-Capable spaces. One EVSE-Installed space may be counted as four EV-Capable spaces or two EV-Ready spaces. *Up to 25% of the bonus EV-parking spaces may be designed and designated for compact vehicles per CLDSM standards.	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

D. 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.

E. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>
- (2) Development Center staff schedules 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 shall 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, if applicable, any other UDO Development Bonuses 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 Electric Vehicle Charging Stations Letter of Agreement to Accela as part of the land development submittal package so that plan reviewers can account for bonuses awarded upon plan approval.
- (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 as part of the Land Development submittal package, which can be found under the Zoning tab as the "UDO Data Tables" resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the number of development bonus points sought through the EV-Charging Stations Qualifying Action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.

F. 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.

G. Compliance and Enforcement

- (1) As part of plan review and approval, the zoning reviewer determines whether the EV-charging stations shown on the submitted plans 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 Subsection G(3)a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & 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 & Neighborhood Services.

UDO Zoning Administration Manual

Section 1.6

High Performance Construction

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action(s), Applicability, and Bonus Points
- D. Procedure for Requesting Bonus Points
- E. Administration
- F. 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 qualifying actions are to encourage development to address goals of the City's Strategic Energy Action Plan Plus (SEAP+).

B. Definitions

- (1) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.
- (2) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.
- (3) **High Performance Construction Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.

- (4) **Sustainable Facility Oversight Team (SFOT).** An interdepartmental team of City staff charged with implementing and updating the City's Sustainable Facilities Policy, a Council-adopted policy that provides minimum sustainability standards for how the City constructs, renovates, operates, and maintains its buildings.

C. 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 (referenced 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	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. The bonus shall be applied per each qualifying building receiving the certification.	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
8b	High Performance Construction: Tier 2 Building is LEED Silver, NGBS Silver, or Two Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification.	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: 15 points
8c	High Performance Construction: Tier 3 Building is LEED Gold, NGBS Gold, or Three Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification.	UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 25 points 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
8d	High Performance Construction: Tier 4 Building is LEED Platinum, NGBS Emerald, or Four Green Globes using the most recent version of certification. The bonus shall be applied per each qualifying building receiving the certification.	UE, RAC, IC-2, RC, and TOD-UC Zoning Districts: 30 points 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

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>.
- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes 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 shall 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, if applicable, any other Development Bonuses requested. Sustainable Facility Oversight Team (SFOT) representative(s) attends this meeting to review any documentation available from the table in Subsection D.(7) below and makes a preliminary determination as to whether the project qualifies for the High Performance Construction 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. A positive determination allows the applicant to continue to step D.(5) below. A positive determination allows the applicant to continue to step D.(5) below. A negative determination results in the denial of the High Performance Construction Development Bonus points.
- (5) 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. The High Performance Construction 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 High Performance Construction Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for bonuses awarded upon plan review.
- (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 "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 " 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 " sustainablefacilitiespolicy@charlottenc.gov " "
Green Globes	1. Verification that project is registered, 2. Most current GPC Survey completed (noting certification level) and sent to " 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 " sustainablefacilitiespolicy@charlottenc.gov "
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- (8) The applicant shall provide a completed Bonus Table as part of the Land Development submittal package, which can be found under the Zoning tab as the "UDO Data Tables" resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate 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 in UDO Table 16-1.

E. 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.

F. 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
Energy Star	Final EPA-verified projected Energy Star Score that is projected to receive a 75 or above and receive appropriate certification
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

b) Reporting:

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

(2) Any project failing to meet the requirements of the High Performance Construction 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 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 Subsection F.(2)a) above.
- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & 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 & 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 issue.

UDO Zoning Administration Manual

Section 1.7

New Street Connection

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action, Applicability, and Bonus Points
- D. Eligible Project Types
- E. Procedure for Requesting Bonus Points
- 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 earning Development Bonus Points by providing a New Street Connection, per UDO Section 16.3.
- (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. Definitions

- (1) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.
- (2) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.
- (3) **New Street Connection Bonus Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of

Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.

C. Qualifying Action, Applicability, and Bonus Points

- (1) Row 9 of UDO Table 16-1 (referenced 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

D. 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 shall exceed 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.

E. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>.
- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes 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 shall attend the Development Bonus Pre-Submittal Meeting with City and/or County staff to review the requirements of the New Street Connection Bonus and, if applicable, any other Development Bonuses 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 New Street Connection Bonus Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for bonuses awarded upon plan approval.
 - (6) The applicant shall submit a site plan as part of the Land Development submittal package, which shall include agreed upon bonuses.
 - (7) Plans for any off-site New Street Connection shall be submitted as part of the Land Development submittal package for the project. Such plans shall be reviewed and approved as part of the overall project and shall not be reviewed as a separate Land Development submittal.
 - (8) The applicant shall provide a completed Bonus Table as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the number of Development Bonus points sought through the New Street Connection Qualifying Action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.

F. 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.

G. Compliance and Enforcement

- (1) As part of plan review and approval, the zoning reviewer works collaboratively with CDOT staff to ensure all proposed New Street Connections shown on the submitted plans 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 shall 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 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 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 Subsection G.(4)a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & 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 & Neighborhood Services.

UDO Zoning Administration Manual

Section 1.8

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

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action, Applicability, and Bonus Points
- D. Procedure for Requesting Bonus Points
- E. Program Requirements
- 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 earning Development Bonus points by dedicating or reserving Future Transit Rights of Way Along Transit Corridors per UDO Section 16.3.
- (2) The intent of the Dedication of Future Transit Rights of Way and Reservation of Future Transit Rights of Way qualifying actions are 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).

B. Definitions

- (1) **Dedication.** The conveyance of private land, either in fee simple or as an easement, for public use.
- (2) **Reservation.** 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.
- (3) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.

- (4) **Dedication or Reservation of Future Transit Rights of Way Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.
- (5) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.

C. Qualifying Action, Applicability, and Bonus Points

- (1) Row 10 of UDO Table 16-1 (referenced 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)	UE, RAC, CAC-2, IC-2, RC, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts: 3 points CAC-1, NC, CG, CR, IC-1, OFC, OG, TOD-NC, and TOD-TR Zoning Districts: 2 points
11	Reservation of Future Transit Rights of Way Along Transit Corridors (Per 2,500 Square Feet)	UE, RAC, CAC-2, IC-2, RC, IMU, TOD-UC, TOD-CC, and N2-C Zoning Districts: 2 points CAC-1, NC, CG, CR, IC-1, OFC, OG, TOD-NC, and TOD-TR Zoning Districts: 1 point

- (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.

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>.
- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and

includes 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 shall 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, if applicable, any other UDO development bonuses 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 shall be denied.
- (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) Other requirements as may be deemed necessary by the CATS Director or their designee
 - e) Compliance and reporting requirements
 - f) Non-compliance provisions
- (6) The applicant shall upload a copy of the signed Dedication or Reservation of Future Transit Rights of Way Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for bonuses awarded upon plan approval.
- (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 linear 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 Land Development or 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 as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the number of development bonus points sought through the Dedication or Reservation of Future Transit Rights of Way qualifying action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.

D. Program Requirements

- (1) No activity related to the proposed development may occur within the Transit Dedication/Reservation Area, unless expressly approved by CATS.

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 works 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 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 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 Subsection F.(3)a) above.
- (5) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- (6) 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 & Neighborhood Services.

UDO Zoning Administration Manual

Section 1.9

Multimodal Mitigation

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action, Applicability, and Bonus Points
- D. Eligible Project Types
- E. Procedure for Requesting Bonus Points
- 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 earning Development Bonus Points by providing additional Multimodal Mitigation points (as defined in the Comprehensive Transportation Review (CTR)) above the required tier/points per UDO Section 16.3.
- (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, 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. Definitions

- (1) **Charlotte Streets Manual.** Provides information about key transportation components necessary for the design and approval of land development projects. Specifically, the Streets Manual provides supporting technical documentation and/or guidance about the following three components: (1) Charlotte Streets Map, (2) Access Management and Driveway Design, and (3) Comprehensive Transportation Review Guidelines. Each component of the Streets Manual helps implement Charlotte's Unified Development Ordinance (UDO).
- (2) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte

Department of Transportation, and Charlotte Fire.

- (3) **Multimodal Mitigation Development Bonus Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.
- (4) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.
- (5) **Charlotte Land Development Standards Manual (CLDSM).** Provides standardized information to be used for design, review, approval, and implementation of construction plans.

C. Qualifying Action, Applicability, and Bonus Points

- (1) UDO Table 16-1 (referenced 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

D. Eligible Project Types

- (1) The applicant shall consult the CTR Multimodal Assessment Mitigation Options in the Charlotte Streets Manual Table 3.3 (https://www.charlottenc.gov/files/sharedassets/city/v/1/growth-and-development/documents/smp/charlotte-streets-manual_adopted_aug2022.pdf) to identify potential projects for Multimodal-related development bonus points.
- (2) Multimodal Mitigations used for the bonus program shall be included in Charlotte Streets Manual Table 3.3.
- (3) Any Multimodal Mitigations identified for use shall exceed those required as part of the CTR.

E. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>.

- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes 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 shall attend the Development Bonus Pre-Submittal Meeting with City and/or County staff to review the requirements of the Multimodal Mitigation Development bonus and, if applicable, any other UDO Development Bonuses 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. The Multimodal Mitigation Development Bonus 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 Multimodal Mitigation Development Bonus Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for bonuses awarded 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 shall be submitted as part of the Land Development plan submittal for the project. Such plans shall be reviewed and approved as part of the overall project and shall not be reviewed as a separate Land Development submittal.
- (8) The applicant shall provide a completed Bonus Table as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the number of Development Bonus points sought through the Multimodal Mitigation qualifying action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.

F. 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.

G. Compliance and Enforcement

- (1) As part of plan review and approval, the zoning reviewer shall work in consultation 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 submitted 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 CDOT showing progress made on the agreed-upon Multimodal Mitigation projects. Any such status updates shall be specified in the Multimodal Mitigation Development Bonus Letter of Agreement.
- (3) Compliance with the requirements shall 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 (CLDSM) (<https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/cldsm>).
- (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 Subsection G.(4)a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
 - e) The final Certificate of Occupancy shall not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing & Neighborhood Services.

UDO Zoning Administration Manual

Section 1.10

Transportation Demand Management (TDM) Mitigation

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action(s), Applicability, and Bonus Points
- D. Eligible Project Types
- E. Procedure for Requesting Bonus Points
- 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 earning Development Bonus points, per UDO Section 16.3, 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. Definitions

- (1) **Charlotte Streets Manual.** Provides information about key transportation components necessary for the design and approval of land development projects. Specifically, the Streets Manual provides supporting technical documentation and/or guidance about the following three components: (1) Charlotte Streets Map, (2) Access Management and Driveway Design, and (3) Comprehensive Transportation Review Guidelines. Each component of the Streets Manual helps implement Charlotte's Unified Development Ordinance (UDO).
- (2) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as

Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.

- (3) **TDM Mitigation Development Bonus Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.
- (4) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.
- (5) **Charlotte Land Development Standards Manual (CLDSM).** Provides standardized information to be used for design, review, approval, and implementation of construction plans.

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

- (1) Row 12 of UDO Table 16-1 (referenced 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

D. Eligible Project Types

- (1) The Applicant shall consult the CTR TDM Mitigation Options in the Charlotte Streets Manual Table 3.4 (https://www.charlottenc.gov/files/sharedassets/city/v/1/growth-and-development/documents/smp/charlotte-streets-manual_adopted_aug2022.pdf) to identify potential projects for TDM-related development bonus points.
- (2) TDM Mitigations used for the bonus program shall 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 shall exceed those required as part of the CTR.

E. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>
- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes representatives from the City and/or County departments responsible for administering each of the qualifying actions for which bonus points are sought by the applicant.
- (3) The applicant shall attend the Development Bonus Pre-Submittal Meeting with City and/or County staff to review the requirements of the TDM Mitigation Bonus and, if applicable, any other UDO Development Bonuses 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. The TDM Mitigation Development Bonus 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 TDM Mitigation Development Bonus Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for bonuses awarded 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 shall be submitted as part of the Land Development plan submittal for the project. Such plans shall be reviewed and approved as part of the overall project and shall not be reviewed as a separate Land Development submittal.
- (8) The applicant shall provide a completed Bonus Table as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the number of Development Bonus points sought through the TDM Mitigation qualifying action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.

F. 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.

G. Compliance and Enforcement

- (1) As part of plan review and approval, the zoning reviewer shall work in consultation 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 shall 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 (CLDSM) (<https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/cldsm>).
- (4) Any project failing to meet the requirements of the TDM Mitigation Development 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 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 Subsection G.(4)a) above.
 - d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
 - e) The final Certificate of Occupancy shall not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing & Neighborhood Services.

UDO Zoning Administration Manual

Section 1.11

Electronic Micromobility Lockers

Table of Contents

- A. Purpose and Intent
- B. Definitions
- C. Qualifying Action, Applicability, and Bonus Points
- 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 by providing secure electronic micromobility bicycle lockers, per UDO Section 16.3.
- (2) The intent of the Electronic Micromobility Lockers Bonus is to provide secure short-term bicycle parking that exceed UDO requirements.

B. Definitions

- (1) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.
- (2) **Electronic Micromobility Lockers Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.
- (3) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.

C. Qualifying Action, Applicability, and Bonus Points

- (1) Row 13 of UDO Table 16-1 (referenced 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

D. Procedure for Requesting Bonus Points

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>.
- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes representatives from the City and/or County departments responsible for administering each of the qualifying actions for which bonus points are sought by the applicant.
- (3) The applicant shall 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, if applicable, any other Development Bonuses 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. The Electronic Micromobility Lockers 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 Electronic Micromobility Lockers Letter of Agreement to Accela as part of the Land Development submittal package so that plan reviewers can account for bonuses awarded upon plan review.
- (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 are 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 as part of the Land Development submittal package, which can be found under the Zoning tab as the "UDO Data Tables"

resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the number of Development Bonus points sought through the Electronic Micromobility Lockers qualifying action as well as any other development bonus points sought through other qualifying actions in UDO Table 16-1.

E. 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.

F. Compliance and Enforcement

- (1) As part of plan review and approval, the zoning reviewer determines 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 Subsection F.(3)a) above.

- d) The payment-in-lieu amount shall be paid to the City of Charlotte Department of Housing & Neighborhood Services for allocation to the City's Affordable Housing Trust Fund.
- e) The final Certificate of Occupancy shall not be issued until the payment-in-lieu penalty has been received and acknowledged by the Department of Housing & 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, Affordable Housing Development Allowances (UDO Section 16.4)
- D. Procedure for Voluntary Mixed-Income Residential Development (UDO Section 4.5.B)
- E. Quadraplex Development in Neighborhood 1 Zoning Districts (UDO Section 15.4.GG)
- 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 N1-A, N1-B, N1-C, N1-D, and N1-E 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 & Neighborhood Services (HNS) that identifies a development as meeting the affordability requirements of UDO Affordable Housing Programs.
- (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 <https://www.huduser.gov/portal/home.html> 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).

- (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) **Affordability Requirements Administrative 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). A typical Affordability Requirements Administrative Agreement contains 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) **Deed 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.
- (7) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the UDO Affordable Housing Programs request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.

C. Procedure for Requesting Affordable Housing Development Certification in accordance with UDO Section 16.4, Affordable Housing Development Allowances

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 outlined in UDO Section 16.4. Compliance with this provision is subject to the approval process detailed in subsection G of Section 2.1 in the UDO Zoning Administration Manual.

- (1) The applicant seeking certification for development under UDO Section 16.4 shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal> . Prior to, or in conjunction with requesting this pre-submittal meeting, the applicant shall submit a Bonus Request Form found at <https://charlottenc.seamlessdocs.com/f/UDOAHBonus> to the Charlotte Department of Housing & 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.
- (2) HNS staff evaluates the submission and provides the applicant with a written list of required documentation for certifying that the proposed development meets the affordable housing development allowance requirements specified in UDO Section 16.4. After reviewing the documentation, HNS staff will either issue an Affordable 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 an Affordable Certification Letter, the applicant shall upload the letter with their other development documents to Accela as proof the project qualifies for the Section 16.4 Affordable Housing Bonus Allowances.

- a) High-Cost Areas – The UDO allows applicants 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) Once the applicant receives the Affordable Certification Letter from HNS and uploads the letter to Accela, Development Center staff schedules the Development Bonus Pre-Submittal Meeting, and includes representatives from the City and/or County departments responsible for administering the development allowances being sought by the applicant.
 - (4) The applicant shall attend the Development Bonus Pre-Submittal Meeting with City and/or County staff to review the requirements for requesting the Affordable Housing Development Allowances per UDO Section 16.4 and, if applicable, any other UDO affordable housing programs requested.
 - (5) Following the Development Bonus Pre-Submittal Meeting, HNS staff will review the proposed project and provide a draft Affordability Requirements Administrative Agreement for review. The Affordability Requirements Administrative Agreement and sample deed restrictions can be found at <https://www.charlottenc.gov/files/sharedassets/city/v/1/streets-and-neighborhoods/housing/documents/city-of-charlotte-administrative-agreement-and-draft-deed-restrictions-homeownership-or-rental-options-template.pdf>. The Affordability Requirements Administrative 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 Affordability Requirements Administrative Agreement.

- (6) The applicant shall sign the Affordability Requirements Administrative 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 Affordability Requirements Administrative Agreement to Accela as part of the land development submittal package so plan reviewers can account for the requested allowances upon plan approval.
- (8) The applicant shall provide a note immediately below the site data table in the Land Development submittal package stating the project is utilizing the Affordable Housing Development Allowances in accordance with UDO Section 16.4 and provide details as to which standards the development is being built to.

- (9) To comply with the Affordability Requirements Administrative Agreement, the applicant shall record deed restrictions with the Register of Deeds Office before a land development or building permit is issued. The recorded restrictions shall be reviewed by HNS, who will then inform Development Center staff to release affordable housing holds on applicant building permits in accordance with the Affordability Requirements Administrative Agreement. All affordable units resulting from this program shall 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. Additionally, the affordable units shall have materials and exterior finishes substantially similar to those of the 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.

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

Voluntary Mixed-Income Residential Development is a residential development option outlined in UDO Section 4.5.B that allows applicants to build more densely in the N1-A, N1-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. Compliance with this provision is subject to the approval process detailed in subsection G of section 2.1 in the UDO Zoning Administration Manual.

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>. Prior to, or in conjunction with, requesting this pre-submittal meeting, the applicant shall submit a Bonus Request Form found at <https://charlottenc.seamlessdocs.com/f/UDOAHBonus> to the Charlotte Department of Housing & Neighborhood Services (HNS). The applicant shall select "Voluntary Mixed Income Density Bonus" from the Bonus Program Requested drop-down menu on the form and provide the requested information for this option. Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes representatives from the City and/or County departments responsible for administering the development allowances being sought by the applicant. Prior to, or in conjunction with, requesting this pre-submittal meeting, the applicant shall submit a Bonus Request Form found at <https://charlottenc.seamlessdocs.com/f/UDOAHBonus> to the Charlotte Department of Housing & Neighborhood Services (HNS). The applicant shall select "Voluntary Mixed Income Density Bonus" from the Bonus Program Requested drop-down menu on the form and provide the requested information for this option. Development Center staff schedules the Development Bonus Pre-Submittal Meeting and includes representatives from the City and/or County departments responsible for administering the development allowances being sought by the applicant.
- (2) The applicant shall 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 per UDO Section 4.5.B and, if applicable, any other UDO Affordable Housing Programs requested.
- (3) Following the Development Bonus Pre-Submittal Meeting, HNS staff will review the proposed project and provide a draft Affordability Requirements Administrative Agreement for review. The

Affordability Requirements Administrative Agreement and sample deed restrictions can be found at <https://www.charlottenc.gov/files/sharedassets/city/v/1/streets-and-neighborhoods/housing/documents/city-of-charlotte-administrative-agreement-and-draft-deed-restrictions-homeownership-or-rental-options-template.pdf>. The Affordability Requirements Administrative 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 Affordability Requirements Administrative Agreement.

- (4) The applicant shall sign the Affordability Requirements Administrative Agreement, which shall also be signed by the HNS Director and the UDO Administrator or their designees on behalf of the City of Charlotte.
- (5) The applicant shall sign the Affordability Requirements Administrative 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 Affordability Requirements Administrative Agreement to Accela as part of the land development submittal package so plan reviewers can account for the requested allowances upon plan approval.
- (7) The applicant shall provide a note immediately below the site data table in the Land Development submittal package stating the project is utilizing Voluntary Mixed-Income Development in accordance with UDO Section 4.5.B and provide details as to which standards the development is being built to.
- (8) To comply with the Affordability Requirements Administrative Agreement, the applicant shall 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 Affordability Requirements Administrative Agreement. All affordable units resulting from this program shall 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. Additionally, the affordable units shall have materials and exterior finishes substantially similar to those of the market rate units.
- (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 period of affordability. Compliance with this provision is subject to the approval process detailed in Subsection G of Section 2.1 in the UDO Zoning Administration Manual.

- (1) The applicant shall submit a Bonus Request Form found at <https://charlottenc.seamlessdocs.com/f/UDOAHBonus> to the Charlotte Department of Housing & Neighborhood Services (HNS) prior to Land Development plan submittal. The applicant shall select "Quadraplex" from the Bonus Program Requested drop-down menu on the form and provide the required information for this option.
- (2) HNS staff will review the proposed project and provide a draft Affordability Requirements Administrative Agreement for review. The Affordability Requirements Administrative 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 Affordability Requirements Administrative 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 upload a copy of the signed Affordability Requirements Administrative Agreement to Accela as part of the land development submittal package so plan reviewers can account for the request of a quadraplex dwelling in an N1-A, N1-B, N1-C, N1-D, and N1-E Zoning Districts upon plan approval.
- (5) To comply with the Affordability Requirements Administrative Agreement, the applicant shall record the Quadraplex Deed Restriction with the Register of Deeds Office before a land development or building permit can be issued. The recorded restriction shall be reviewed by HNS, who will then release affordable housing holds on applicant building permits in accordance with the Affordability Requirements Agreement. The deed restriction shall be uploaded to Accela and the Mecklenburg County building permit system as a reference document.

F. Administration

- (1) Periods of Affordability for each type of UDO Affordable Housing Programs 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 Period of Affordability	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 UDO Affordable Housing Program. Once the applicable Affordability Requirements Administrative Agreement is signed, standards in the UDO Affordable Housing Program 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 Planning Design & Development 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: hnsinfo@charlottenc.gov

G. Compliance and Enforcement

- (1) Compliance with the requirements shall 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 shall 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 shall receive written approval from HNS and shall 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 of affordable units shall always remain affordable to households with AMIs corresponding to the applicable UDO Affordable Housing Program requirements, and as such, rents shall never be increased beyond that level. Please refer to the following table for the current rental rate.

Fiscal Year 2026 Maximum Rent Limits (June 2025)										
	Percent Area Median Income									
	30%	40%	50%	60%	70%	80%	90%	100%	110%	120%
Studio	\$502	\$707	\$884	\$1,061	\$1,238	\$1,414	\$1,586	\$1,586	\$1,586	\$1,586
One Bedroom	\$537	\$758	\$947	\$1,211	\$1,326	\$1,515	\$1,647	\$1,647	\$1,647	\$1,647
Two Bedroom	\$645	\$909	\$1,136	\$1,364	\$1,591	\$1,818	\$1,824	\$1,824	\$1,824	\$1,824
Three Bedroom	\$788	\$1,050	\$1,313	\$1,575	\$1,838	\$2,100	\$2,250	\$2,250	\$2,250	\$2,250
Four Bedroom	\$830	\$1,172	\$1,465	\$1,758	\$2,051	\$2,343	\$2,637	\$2,852	\$2,852	\$2,852

- b) Homeownership: To ensure affordable homeownership opportunities, all units sold under a UDO Affordable Housing Program shall be priced to be affordable to households earning 80% or less of the area median income (AMI), or as specified in the UDO Affordable Housing Program requirements or Affordable Requirements Administrative Agreement.

If there are no maximum home sales prices set by a City-approved Affordability Requirements Administrative Agreement, each unit shall be sold for no more than the House Charlotte program's maximum sales price. Information on House Charlotte can be found at <https://dreamkeypartners.org/>. 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 applicant shall 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) Applicants who use the UDO Affordable Housing Programs shall 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 Affordability Requirements Administrative Agreement or Affordable Certification Letter.
- (3) Any project failing to meet the requirements of Subsection C, D, or E of the UDO Zoning Administration Manual (as applicable) as determined by the zoning reviewer and HNS Director or their designees, shall be considered a zoning violation and shall be subject to an enforcement action, as follows:
 - a) The zoning reviewer shall notify the responsible party in writing of any failure to comply with the applicable Affordability Requirements Administrative Agreement. 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. Definitions
- C. Qualifying Action(s) and Applicability
- D. Procedure for Participation
- E. Administration
- F. Program Standards
- G. 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. Definitions

- (1) **Pre-Submittal Meeting.** A scheduled meeting between the applicant, the City, and, if necessary, the County to preliminarily discuss a development proposal. Developments proposing to utilize any of the bonuses outlined in UDO Table 16-1 or any of the UDO Affordable Housing Programs shall request a Development Bonus Pre-Submittal Meeting. During this meeting, applicants can ask outstanding questions they may have on their development proposal and receive preliminary guidance from City departments such as Housing & Neighborhood Services, Charlotte Planning, Design, & Development, Charlotte Department of Transportation, and Charlotte Fire.

- (2) **Open Space Alternatives Letter of Agreement.** A document that outlines an applicant's participation in bonuses found in UDO Table 16-1. The agreement describes the bonus(es) sought, the bonus requirements, how completion of the requirements will be documented, and how the development will be monitored (including any reporting requirements). A typical Letter of Agreement contains specific requirements to comply with the Bonus Table qualifying action, number of development bonus points awarded, reporting and compliance requirements, and non-compliance provisions. Each agreement is independent and written for a specified development.
- (3) **Bonus Table.** A table provided by the Charlotte Planning, Design, & Development Department that is completed by the applicant of a development proposal to provide additional detailed information on the proposed number of bonus points requested in accordance with Table 16-1 in the UDO.

C. 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 UDO Subsection 16.5.C.1. 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 Subsection 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 UDO Subsection 16.5.C.2. 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 Subsection 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.

D. Procedure for Participation

- (1) The applicant shall request a Development Bonus Pre-Submittal Meeting on Accela. Steps to schedule the meeting can be found at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/pre-submittal>
- (2) Development Center staff schedules the Development Bonus Pre-Submittal Meeting and

includes 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 sought by the applicant.

- (3) The applicant shall attend the Development Bonus Pre-Submittal Meeting with City and/or County staff to review the requirements of the Open Space Alternatives and, if applicable, any other UDO Development Bonuses 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. The Open Space Alternatives 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 Subsection E.1 Program Requirements – Land Dedication Standards (below). The Open Space Alternatives Letter of Agreement shall specify:
 - a) The open space dedication and fee-in-lieu alternatives 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 upon plan approval.
- (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 as part of the Land Development submittal package, which can be found under the Zoning tab as the “UDO Data Tables” resource at <https://www.charlottenc.gov/Growth-and-Development/Getting-Started-on-Your-Project/Commercial-Plan-Review/AppsFees/Resources>. In the Bonus Table, the applicant shall indicate the on-site Open Space Alternative utilized, as well as any development bonus points sought through eligible qualifying actions in UDO Table 16-1.

E. 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 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 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.

F. Program Standards

(1) Land Dedication Standards

- a) Park and Recreation shall 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 Land Development or 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:

$$\$1,000,000 / 10 \text{ Acres} = \$100,000 \text{ per Acre} \times 2 \text{ Acres to be Dedicated} = \textbf{\$200,000}$$

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 shall 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.

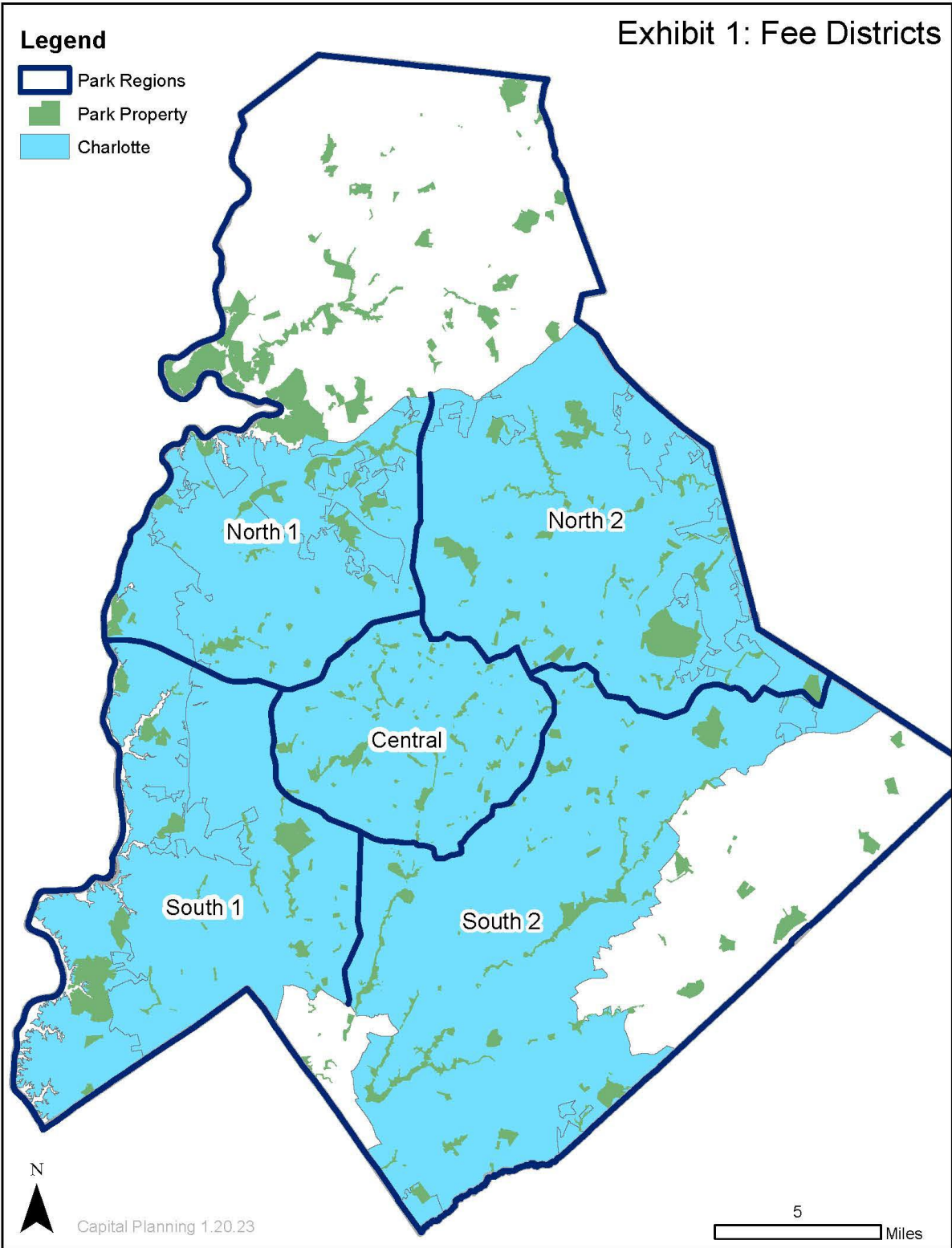
- c) Fee Acceptance. Once the fee is determined, the fee shall be collected from the applicant. Park and Recreation staff shall request the Board of County Commissioners recognize, receive, and appropriate the fee to the respective fee district as shown in attached hereto.

G. 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 bonus program, 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 Subsection 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 shall not be issued until the payment-in-lieu penalty has been received and acknowledged by Mecklenburg County.



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