

SEPTEMBER 14, 2026

1. GENERAL PROVISIONS

- A. **SITE.** THESE DEVELOPMENT STANDARDS AND THE REZONING SITE PLAN FORM THE REZONING PLAN (THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY MID-AMERICA APARTMENTS, L.P. (THE "PETITIONER") FOR AN APPROXIMATELY 3.65-ACRE SITE THAT IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). THE SITE IS COMPRISED OF A PORTION OF TAX PARCEL NO. 183-141-17 AND A PORTION OF TAX PARCEL NO. 183-141-13.
- B. **ZONING DISTRICT/ORDINANCE.** THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE UNIFIED DEVELOPMENT ORDINANCE (THE "ORDINANCE"). UNLESS THE REZONING PLAN OR THESE DEVELOPMENT STANDARDS ESTABLISH MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE RAC (REGIONAL ACTIVITY CENTER) ZONING DISTRICT SHALL GOVERN THE DEVELOPMENT AND USE OF THE SITE.
- C. **GRAPHICS AND ALTERATIONS.** THE SCHEMATIC DEPICTIONS OF THE USES, SIDEWALKS, DRIVEWAYS, AND OTHER DEVELOPMENT MATTERS, AND THE ELEMENTS COLLECTION OF THE DEVELOPMENT/REZONING PLAN SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY ARTICLE 37 OF THE ORDINANCE.

SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING SOME ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS. THEREFORE, THERE MAY BE INSTANCES WHERE MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER ARTICLE 37 OF THE ORDINANCE. THESE INSTANCES WOULD INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

- (1) MINOR AND DO NOT MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MINOR MODIFICATIONS ARE ALLOWED PURSUANT TO THIS AMENDMENT PROCESS, AND IF IT IS DETERMINED THAT THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE, PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PURSUANT TO ARTICLE 37 OF THE ORDINANCE IN EACH INSTANCE, HOWEVER, SUBJECT TO PETITIONER'S APPEAL RIGHTS SET FORTH IN THE ORDINANCE.

- D. **NUMBER OF PRINCIPAL BUILDINGS.** A MAXIMUM OF ONE PRINCIPAL BUILDING MAY BE CONSTRUCTED ON THE SITE. ACCESSORY BUILDINGS AND STRUCTURES LOCATED ON THE SITE SHALL NOT BE CONSIDERED IN ANY LIMITATION ON THE NUMBER OF BUILDINGS ON THE SITE.
- E. **BUILDING ENVELOPE.** THE PRINCIPAL BUILDING SHALL BE LOCATED WITHIN THE BUILDING ENVELOPE DEPICTED ON THE REZONING PLAN.
- F. **VESTED RIGHTS.** PURSUANT TO SECTION 37.6 OF THE ORDINANCE AND SECTION 160D-108.1 OF THE NORTH CAROLINA GENERAL STATUTES, THE REZONING PLAN, IF APPROVED, SHALL BE VESTED FOR A PERIOD OF 5 YEARS DUE TO THE SIZE AND PHASING OF THE DEVELOPMENT, THE LEVEL OF INVESTMENT, ECONOMIC CYCLES AND MARKET CONDITIONS.
- G. **AMENDMENTS.** FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 37 OF THE ORDINANCE.

2. PERMITTED USES/DEVELOPMENT LIMITATIONS

- A. SUBJECT TO THE LIMITATIONS SET OUT BELOW, THE SITE MAY ONLY BE DEVOTED TO THE USES SET OUT BELOW (INCLUDING ANY COMBINATION OF SUCH USES), TOGETHER WITH ANY INCIDENTAL AND ACCESSORY USES RELATING THERETO THAT ARE ALLOWED IN THE RAC ZONING DISTRICT, INCLUDING, WITHOUT LIMITATION, RESIDENTIAL AMENITIES.
- (1) DWELLING - MULTI-FAMILY STACKED UNITS.
 - (2) STRUCTURED PARKING DECKS AS AN ACCESSORY USE.
 - (3) ART GALLERY.
 - (4) ART OR FITNESS STUDIO.
 - (5) FINANCIAL INSTITUTION.
 - (6) MEDICAL/DENTAL OFFICE.
 - (7) COMMERCIAL FITNESS CENTER.
 - (8) OFFICE.
 - (9) PERSONAL SERVICE ESTABLISHMENT.
 - (10) RESTAURANT/BAR.
 - (11) RETAIL GOODS ESTABLISHMENT.
 - (12) RETAIL GOODS: SHOWROOM.
 - (13) SPECIALTY FOOD SERVICE.
 - (14) VEHICLE DEALERSHIP; ENCLOSED.
- B. A MAXIMUM OF 275 DWELLING - MULTI-FAMILY STACKED UNITS MAY BE DEVELOPED ON THE SITE.

- C. A MAXIMUM OF 15,000 SQUARE FEET OF GROSS FLOOR AREA DEVOTED TO THE NON-RESIDENTIAL USES SET OUT ABOVE IN PARAGRAPHS 2.A.(3) - 2.A.(13) (THE "**PERMITTED NON-RESIDENTIAL USES**") MAY BE DEVELOPED ON THE SITE. FOR PURPOSE OF THIS PARAGRAPH 2.C., A LEASING AND MANAGEMENT OFFICE, A CLUBHOUSE AND AMENITIES FOR USE BY THE RESIDENTS OF THE DWELLING - MULTI-FAMILY STACKED UNITS SHALL NOT BE CONSIDERED TO BE PERMITTED NON-RESIDENTIAL USES.
- D. PERMITTED NON-RESIDENTIAL USES SHALL ONLY BE LOCATED ON THE GROUND FLOOR OF THE PRINCIPAL BUILDING TO BE CONSTRUCTED ON THE SITE. FOR PURPOSE OF THIS PARAGRAPH 2.D., A LEASING AND MANAGEMENT OFFICE, A CLUBHOUSE AND AMENITIES FOR USE BY THE RESIDENTS OF THE DWELLING - MULTI-FAMILY STACKED UNITS SHALL NOT BE CONSIDERED TO BE PERMITTED NON-RESIDENTIAL USES.
- E. FOR PURPOSES OF THESE DEVELOPMENT LIMITATIONS AND THE DEVELOPMENT STANDARDS IN GENERAL, THE TERM "GROSS FLOOR AREA" SHALL MEAN THE SUM OF THE GROSS HORIZONTAL AREAS OF ALL FLOORS OF THE SITE, AS MEASURED FROM THE EXTERIOR FACIES OF THE EXTERIOR WALLS OR FROM THE CENTERLINE OF WALLS SEPARATING TWO BUILDINGS. GFA DOES NOT INCLUDE ANY AREAS USED EXCLUSIVELY FOR SURFACE PARKING LOTS OR PARKING STRUCTURES, OR FOR BUILDING OR EQUIPMENT ACCESS, SUCH AS STAIRS, ELEVATOR SHAFTS, AND MAINTENANCE CRAWLSPACE. ACTIVE USE SPACE WITHIN A PARKING STRUCTURE COUNTS TOWARD GFA.

3. TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. NOTWITHSTANDING THE

FOREGOING, THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINTS MAY BE MODIFIED BY PETITIONER DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, CHANGES IN BUILDING AND PARKING LAYOUTS AND SITE CONSTRAINTS AND TO ACCOMMODATE ANY MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT").

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- C. THE ALIGNMENTS AND LOCATIONS OF THE INTERNAL PRIVATE DRIVES, DRIVEWAYS AND VEHICULAR CIRCULATION AREAS DEFINED ON THE REZONING PLAN MAY BE MODIFIED BY PETITIONER DURING THE PERMITTING PROCESS TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, CHANGES IN BUILDING AND PARKING LAYOUTS AND SITE CONSTRAINTS AND TO ACCOMMODATE ANY MODIFICATIONS REQUIRED FOR APPROVAL BY CDOT.
- D. OFF-STREET VEHICULAR PARKING FOR THE SITE MAY BE PROVIDED THROUGH A COMBINATION OF STRUCTURED PARKING AND SURFACE PARKING. OFF-STREET VEHICULAR PARKING SERVING THE USES LOCATED ON THE SITE MAY BE LOCATED ON THE SITE OR OFF-SITE.
- E. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE LOCATIONS OF THE INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS ARE SUBJECT TO MINOR MODIFICATIONS DURING THE PERMITTING PROCESS.
- F. PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE LOCATED IMMEDIATELY ADJACENT TO FAIRVIEW ROAD AS REQUIRED TO PROVIDE RIGHT-OF-WAY MEASURING 44 FEET FROM THE EXISTING CENTERLINE OF FAIRVIEW ROAD, TO THE EXTENT THAT SUCH RIGHT-OF-WAY DOES NOT ALREADY EXIST.
- G. A RIGHT-OF-WAY ENCROACHMENT AGREEMENT IS REQUIRED FOR THE INSTALLATION OF ANY NON-STANDARD ITEM(S) (IRRIGATION SYSTEMS, DECORATIVE CONCRETE PAVEMENT, BRICK PAVERS, ETC.) WITHIN A PROPOSED/EXISTING CITY-MAINTAINED STREET RIGHT-OF-WAY BY A PRIVATE INDIVIDUAL, GROUP, BUSINESS, OR HOMEOWNERS/BUSINESS ASSOCIATION. AN ENCROACHMENT AGREEMENT MUST BE APPROVED BY CDOT PRIOR TO CONSTRUCTION/INSTALLATION. CONTACT CDOT FOR ADDITIONAL INFORMATION CONCERNING COST, SUBMITTAL, AND LIABILITY INSURANCE COVERAGE REQUIREMENTS.
- H. PETITIONER SHALL DEDICATE AND CONVEY IN FEE SIMPLE ALL RIGHTS-OF-WAY TO THE CITY OF CHARLOTTE PRIOR TO THE ISSUANCE OF THE SITE'S FIRST BUILDING CERTIFICATE OF OCCUPANCY. CDOT REQUESTS RIGHTS-OF-WAY SET AT 2 FEET BEHIND BACK OF SIDEWALK WHERE FEASIBLE.

4. ARCHITECTURAL STANDARDS

- A. THE MAXIMUM HEIGHT OF ANY BUILDING CONSTRUCTED ON THE SITE SHALL BE 120 FEET AS MEASURED UNDER THE ORDINANCE.

5. STREETSCAPE/LANDSCAPING

- A. A MINIMUM 8-FOOT-WIDE PLANTING STRIP AND A MINIMUM 12-FOOT-WIDE MULTI-USE PATH SHALL BE INSTALLED ALONG THE SITE'S FRONTAGE ON FAIRVIEW ROAD AS GENERALLY DEPICTED ON THE REZONING PLAN.
- B. A MINIMUM 10-FOOT-WIDE LANDSCAPE AREA WITH A MINIMUM 6-FOOT-TALL OPAQUE FENCE SHALL BE ESTABLISHED ALONG THE SITE'S SOUTHERN BOUNDARY LINE AS DEPICTED ON THE REZONING PLAN. THIS LANDSCAPE AREA SHALL BE PLANTED TO THE STANDARDS OF A CLASS C LANDSCAPE YARD.

6. OPEN SPACE/GREEN AREA

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE OPEN SPACE AND GREEN AREA REQUIREMENTS OF THE ORDINANCE.

7. ENVIRONMENTAL FEATURES

- A. DEVELOPMENT OF THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF ARTICLE 20 OF THE ORDINANCE.

- B. PETITIONER SHALL COMPLY WITH THE CHARLOTTE CITY COUNCIL APPROVED AND ADOPTED UNIFIED DEVELOPMENT ORDINANCE, STORMWATER ARTICLES 23 THROUGH 28.

8. GREENWAY

- A. DURING THE PERMITTING PROCESS, PETITIONER SHALL COORDINATE WITH MECKLENBURG COUNTY ON A POTENTIAL FUTURE PUBLIC PEDESTRIAN OR GREENWAY TRAIL FROM THE NORTHEAST CORNER OF THE SITE (IN THE LOCATION GENERALLY DESIGNATED WITH AN ASTERISK ON THE REZONING PLAN) TO FAIRVIEW ROAD (THE "TRAIL"). IF THE TRAIL IS CONSTRUCTED, IT WILL COMMENCE AT THE NORTHEAST CORNER OF THE SITE AND TRAIL TO FAIRVIEW ROAD. THE TRAIL SHALL BE 15 FEET WIDE. THE TRAIL ALIGNMENT OF THE TRAIL WILL BE DETERMINED BY MUTUAL AGREEMENT BETWEEN THE PETITIONER AND MECKLENBURG COUNTY DURING THE PERMITTING PROCESS. PETITIONER'S ONLY OBLIGATION WILL BE TO PROVIDE A 15-FOOT-WIDE, PERMANENT, NON-EXCLUSIVE EASEMENT FOR THE TRAIL. MECKLENBURG COUNTY WILL BE SOLELY RESPONSIBLE FOR THE INSTALLATION AND MAINTENANCE OF THE TRAIL AND ANY COSTS AND EXPENSES INCURRED THEREIN. THE PETITIONER AND ITS SUCCESSORS SHALL HOLD MECKLENBURG COUNTY HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES THAT MECKLENBURG COUNTY WILL INDEMNIFY AND HOLD HARMLESS THE PETITIONER (AND ITS SUCCESSORS IN INTEREST) AGAINST CLAIMS ARISING FROM THE CONSTRUCTION, USE, OR MAINTENANCE OF THE TRAIL.

9. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, ESTATEEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

