

APPLICATION FOR SECOND AMENDMENT TO LIBERTY PARK PLANNED UNIT DEVELOPMENT

SECTION 6.9.2.1. INTRODUCTION AND APPLICATION

This Application for Second Amendment to Liberty Park Planned Unit Development (this “**Amendment Application**”) is made as of August 2, 2022, by **LIBERTY PARK JOINT VENTURE, LLP**, an Alabama limited liability partnership (“**LPJV**”), requesting certain amendments to the Liberty Park PUD (as hereinafter defined).

To date, (A) approximately 2,188 acres have been (or are currently being) developed in Liberty Park, a partially developed master-planned community (the “**Development**” or “**Liberty Park**”) within the corporate limits of the City of Vestavia Hills, Alabama (the “**City**”) in accordance with the requirements of the Liberty Park PUD (as hereinafter defined), consisting of single-family homes, multi-family units, commercial office space, retail/commercial space, an elementary school, municipal ball fields, a municipal fire station, and a church (defined herein as the “**Developed Areas**”); and (B) approximately 1,408 acres of Liberty Park is undeveloped (defined herein as the “**Remaining Undeveloped Land**”).

On or about June 27, 2022, the City adopted Ordinance Number 3099 to amend and restate the City’s Zoning Code in full (the “**2022 Zoning Code**”). The 2022 Zoning Code does not change the zoning of the Development, which remains Planned Unit Development, or otherwise affect the Liberty PUD as the same relates to the developed areas of Liberty Park. LPJV acknowledges, on behalf of itself only, that Ordinance 3099 reflects the City’s current operative zoning code and that the provisions of Section 6.9 et. seq. of the 2022 Zoning Code supersede and replace all prior planned unit development zoning provisions of the City and is henceforth the operative zoning code applicable to the Development.

Pursuant to City Ordinance No. 3085, which was adopted by the City on or about March 18, 2022, the City approved certain changes in the residential density allowances applicable to Liberty Park.

LPJV hereby submits the following information to the Planning and Zoning Commission and the City Council of the City pursuant to the requirements of Section 6.9.2 of the 2022 Zoning Code. The Section numbers referenced at the top of the following pages correspond with the Section Numbers of the 2022 Zoning Code.

DEFINITIONS

For the purposes of this Amendment Application, the defined terms used in the Introduction or in Section 6.9.2.4.f. of this Amendment Application shall have the meanings set forth therein and the following definitions shall apply to the designated capitalized terms. Other terms in this Amendment Application that are not herein defined herein shall have the meanings ascribed thereto in the PUD Ordinance.

“2022 Zoning Code” shall mean and refer to the Zoning Code of City by the adoption of Ordinance Number 3099.

“Amendment Application” shall mean and refer to this Amendment Application for a second amendment to the existing Liberty Park PUD and the existing Liberty Park PUD Application.

“Annexation Amendment” shall mean and refer to that certain Amendment to Annexation Agreements between the City and LPJV dated March 18, 2022, adopted by the City pursuant to City Ordinance 3085.

“ARCs” shall mean and refer to the Liberty Park Architectural Review Committee, together with such additional architectural review and/or control committees as may be created from time to time as the Remaining Undeveloped Land continues to develop.

“Associations” shall mean and refer to associations listed in Section 6.9.2.4.k. of this Amendment Application, together with such additional associations as may be created from time to time as Liberty Park continues to develop.

“City” shall mean and refer to the City of Vestavia Hills, Alabama.

“Cottage Homes” shall mean single-family detached residential dwellings located in close proximity to each other with shared common open space, as more particularly described in the Design Guidelines.

“Design Guidelines” has the meaning set forth in Section 6.9.2.4.c. of this Amendment Application.

“Developed Areas” means all of the property shown on the Revised Land Use District Map attached hereto as **Exhibit 6.9.2.4.(a)**, which is not designated as Remaining Undeveloped Land.

“First Amendment to Liberty Park PUD” means the amendments set forth in the Application for Amendment to Liberty Park Planned Unit Development dated May 9, 2003, approved by the City in Ordinance Number 2001 adopted by the City on July 7, 2003.

“Liberty Park PUD” means the existing Liberty Park PUD established by Ordinance Number 1864 adopted by the City on or about October 16, 2000, approving the Liberty Park Planned Unit Development Zoning Application submitted by Developer and other parties thereto dated December 5, 2000, as amended by the First Amendment to Liberty Park PUD.

“Liberty Park Restrictive Covenants” shall mean and refer to the protective and restrictive covenants listed in Section 6.9.2.4.k. of this Amendment Application, together with such additional protective and restrictive covenants as may be adopted from time to time to govern future development of the Remaining Undeveloped Land.

“Owner” or **“LPJV”** shall mean Liberty Park Limited Joint Venture LLP, an Alabama limited liability partnership.

“Planning Commission” shall mean The City of Vestavia Hills Planning and Zoning Commission.

“PUD” shall mean and refer to a planned unit development pursuant to the PUD Ordinance.

“PUD Ordinance” shall mean and refer to Section 6.9 et. seq. (Planned Unit Development) of the 2022 Zoning Code.

“Remaining Undeveloped Land” shall mean and refer to the property described in Section 6.9.2.4.a. of this Amendment Application and depicted in **Exhibit 6.9.2.4.(a)**. hereto.

“Revised Land Use District Map” shall mean the 2022 Revised Land Use District Map attached hereto as Exhibit 6.9.2.3.C.

“Watershed Covenants” shall mean and refer to the Declarations of Watershed Protective Covenants listed in Section 6.9.2.4.k. of this Amendment Application.

SECTION 6.9.2 (2)

AREA REQUIREMENTS

The Liberty Park PUD is in excess of the 75-acre minimum area of the PUD Zoning Ordinance.

SECTION 6.9.2 (3)

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SECTION 6.9.2.3.a.

AMENDMENT APPLICATION FEE

In accordance with the above referenced section of the PUD Ordinance, LPJV submits herewith a check in the amount of \$1,000 payable to the City, representing the application fee required for this Amendment Application. LPJV acknowledges and agrees to be responsible for all costs of notification and advertisement incurred by the City in connection with this Amendment Application.

SECTION 6.9.2.3.b.

OWNERS

LPJV is the sole owner of the Remaining Undeveloped Land.

Within the Developed Areas, approximately 1700 single family residential lots/houses are owned by residential owners and/or builders. A list of such single family lot/homeowners will be provided to the City if requested. In addition, there are approximately 26 owners of commercial properties in the Urban Center, which is not affected by this Amendment Application. A list of Urban Center owners will be provided to the City if requested. Listed below are the owners of the remaining commercial or institutional properties in the Developed Areas Liberty Park:

- 8001 Liberty Parkway, LLC
- 8844 Project, LLC
- ARG EHBIRAL001, LLC
- Board of Education of the City of Vestavia Hills, Alabama (Liberty Park Elementary and Middle School)
- CMF 15 Portfolio, LLC
- City of Vestavia Hills, Alabama (Liberty Park Sports Complex)
- Community Bank of Mississippi
- Corporate Woods Partners, LLC
- Enviro Services, LLC
- Fairway-Prominence, LLC
- Encompass Health Corporation
- High Noon, LLC
- KADD, LLC
- Liberty Park Joint Venture, LLP
- LP Development, LLC
- LPP II, LLC
- Main Street South Fulton, LLC
- Moore Oil Co., Inc.
- Parker Ophthalmic Properties, LLC
- RTR Partners, LLC
- STAS Networks, LLC
- Vestlake Communities Property Owners' Association, Inc.
- WK Services Co., LLC
- Woodlawn Baptist Church, Inc. (The Church at Liberty Park)

SECTION 6.9.2.3.c.

REVISED LIBERTY PARK PUD MAPS

A Revised Land Use District Map is attached hereto as Exhibit 6.9.2.3.c.(1), showing the location of the various land uses by PUD land use districts, the location of existing and proposed public or private streets, greenbelts, buffers, natural or man-made open spaces, schools, park and community service areas within and adjacent to the Liberty Park PUD and the location of any proposed gates for control of access on private streets.

A Revised Site Topographical Map is attached hereto as Exhibit 6.9.2.3.c.(2) showing known waterways, flood plains, forest cover and wetlands.

All of the property in Liberty Park may previously have been subject to subsurface or surface mining activities.

SECTION 6.9.2.4.a.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

LEGAL DESCRIPTION OF APPLICABLE PORTIONS OF LIBERTY PARK PUD

No change is made to the legal description of the Developed Areas of Liberty Park as set forth in the existing Liberty Park PUD.

A depiction and legal description for the Remaining Undeveloped Land is attached as Exhibit 6.9.2.4.a.

SECTION 6.9.2.4.b.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

GENERAL DESCRIPTION OF AREAS SURROUNDING LIBERTY PARK

No change is made to the general description areas surrounding Liberty Park from that set forth in the existing Liberty Park PUD.

SECTION 6.9.2.4.c.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

STATEMENT OF PLANNING OBJECTIVES

1. Planning Objectives

No change is made to the planning objectives for the Developed Areas of Liberty Park from that set forth in the existing Liberty Park PUD.

The Remaining Undeveloped Land is planned to include a mixed-use component that incorporates both residential and commercial uses in a town center (the “Town Center”). The Town Center shall incorporate traditional design principles to encourage walkability and convenience and include the following:

- An organized street and block network which incorporates open spaces, promotes flexibility and adaptability, and allows the Town Center and its public spaces to evolve, change and grow over time.
- Arrangement of streets, sidewalks, public spaces, and walkways connecting to parking facilities and surrounding areas. Elements which reinforce one another and work together to create gathering spaces and sidewalk areas where retail and leisure meet.
- Sidewalks sized for their intended use – wider sidewalks where restaurants and al fresco will be concentrated and narrower sidewalks planned on less intensively used streets.
- Scale that is comfortable for pedestrians with buildings that engage the street through windows, awnings, store signage and lighting. Storefronts shall avoid commonality and banality and allow for differentiation.
- On street parking convenient to retail and commercial buildings.
- Landscaping and hardscaping to enhance streetscapes and public places.

LPJV will finalize design guidelines (“Design Guidelines”) in the Town Center that implement the planning objectives above to serve as a guideline for development of individual projects in the Town Center. LPJV will consider in good faith all suggestions of the City’s Design Review Board which are in furtherance of the design principles set forth in this Section 6.9.2.4.c. prior to finalizing the Design Guidelines. The covenants for both the residential and commercial projects in the Town Center will incorporate the Design Guidelines by reference.

Without limitation on the foregoing, the following are the planning objectives for the Remaining Undeveloped Land:

A. Permit more flexible and, consequently, more creative and imaginative design in order to accommodate planned residential developments and planned office, commercial, retail, civic, institutional, and recreational developments within the context of a topographically difficult site;

B. Permit flexibility in land use densities in conjunction with provisions for more expansive functional open space and community services;

C. The combination and coordination of uses, building types, building relationships, and architectural systems within the Remaining Undeveloped Land;

D. The preservation and enhancement of existing natural features, their scenic qualities and amenities to the greatest extent possible, and the utilization of such features in a harmonious fashion; and,

E. The exception of the Liberty Park development from the conventional zoning regulations of the City Zoning Ordinance regarding setbacks, minimum yard sizes, minimum green belts, landscape regulations, off-street parking regulations minimum floor areas, and other regulations enabling LPJV to achieve the foregoing planning objectives.

2. Character of Liberty Park PUD

No change is made to the character of the Developed Areas of Liberty Park from that set forth in the existing Liberty Park PUD.

The Liberty Park PUD is or will be subject to recorded protective and restrictive covenants as listed in Section 6.9.2.4.k. of this Amendment Application, including, without limitation, the Watershed Covenants listed in Section 6.9.2.4.k. of this Amendment Application.

With authority granted by the Liberty Park Restrictive Covenants, the ARCs have review and approval rights for all plans and modifications relating to development in Liberty Park, as set forth in the respective Liberty Park Restrictive Covenants. In general, the overall character of the Liberty Park PUD will be one that complements and harmonizes with the existing natural and man-made environment of the area.

It is contemplated that there will be a variety of Residential Dwelling Units within the Remaining Undeveloped Land. These may include attached and detached Single-Family Units (which may include cluster residential, Cottage Homes, garden homes, duplexes, and townhouses), and Multi-Family Rental Units, to include Age-Restricted Rental Units, Market-Rate Rental Units, and Senior Housing Rental Units, subject to the limitations and conditions set forth in the Annexation Amendment. A mix of Residential Dwelling Units within the Remaining Undeveloped Land serves to provide diverse living spaces for families in various stages of life and income levels.

It is also contemplated that there will also be a variety of commercial building types and character within the Remaining Undeveloped Land, including retail, commercial, and hotel. A second elementary school site is located within the Remaining Undeveloped Land.

It is also contemplated that the Town Center will be constructed around a “Great Lawn” which will provide a park/gathering area to hold events such as farmer’s markets and holiday markets. In addition, it is contemplated that there will be other small parks and natural areas throughout the Remaining Undeveloped Land, as well as community connectivity improvements in the form of multi-use trails and sidewalk for walking, jogging, biking, and other forms of pedestrian traffic that will connect with the developed sectors of Liberty Park.

All of Liberty Park, including the Remaining Undeveloped Land, is organized to be self-governing through the Associations. The Associations established to date are listed in Section 6.9.2.4.(k) below. The Associations regulate matters of common area maintenance.

Other than those within Old Overton (which is a gated community with private roads maintained by the applicable Association), all roads within the Remaining Undeveloped Land (including all improvements within the rights-of-way of such roads other than pedestrian walkways (sidewalks/multi-use trails)) may, at LPJV’s option, be dedicated to the City upon final completion thereof in accordance with the City’s subdivision ordinances and the City’s acceptance of such roads. Additionally, LPJV may also transfer and convey to the City, in accordance with the City’s subdivision ordinances and upon the City’s acceptance of same, all of its right, title and interest in and to any other green space, parks, or other similar spaces intended for use by the general public within the Town Center (including, without limitation, the Great Lawn).

The Cahaba River borders and/or traverses Liberty Park. The Development has been planned from inception to protect, and will be continue to be planned, with this valuable asset in mind. Maintaining practical building setbacks along the Cahaba River frontage, along with other water quality designs within the Development, is a primary strategy that has been, and will continue to be, used.

3. Assumptions and Rationale for Remaining Undeveloped Land.

LPJV has assumed and projected the following in regard to the development of the Remaining Undeveloped Land:

A. Liberty Park lies in a growth area of the Birmingham metropolitan area and in one of the most desirable areas of the metropolitan area, i.e. the “Over the Mountain” area of the south Jefferson County area. The location of Liberty Park with the City places the community in a city with a national reputation for excellence in education. The great potential for growth in the Liberty Park area can be witnessed by the local indicators--the growth of adjacent and surrounding communities, the Summit development, the continued growth of the north Shelby County area, and the continued growth of the City.

B. The “planned mixed use” or “planned community” concept of development has been popular since the 1960s and has been found to be desirable for both residential and business markets. Liberty Park will offer the quality and uniqueness desired in a planned community and attract upscale residential and business markets.

C. The size, scale and projected development of Liberty Park will create a complete community, containing essentially all of the uses and services required in a suburban community, as contrasted to smaller planned developments

SECTION 6.9.2.4.d.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

PHASES OR STAGES OF DEVELOPMENT

The development of Liberty Park began with the development of The Urban Center at Liberty Park in the mid-1980s in unincorporated Jefferson County. LPJV was formed in 1990 and the development of the initial 2,500-acres of Liberty Park began in 1991 pursuant to the Jefferson County Planned Unit Development Zoning Ordinance. Liberty Park was annexed into the City in 1992, and other parcels acquired by LPJV since that date have been subsequently annexed into the City so that the development now contains approximately 3,596 acres. The development of Liberty Park has continued to this date. It is anticipated that development of Remaining Undeveloped Land will continue until it is fully developed.

SECTION 6.9.2.4.e.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

GENERAL DELINEATION OF LAND USE DISTRICTS

Listed below are the gross acreage (more or less) planned for each land use district of the Liberty Park PUD:

Land Use District	Gross Acreage	% of Land
PR-1	2,757.6	77%
PR-2	34.0	1%
PO	120.0	3%
PNC	20.6	1%
PB	625.6	18%
PI	11.2	0%
TOTAL	3,596.0	100.0

SECTION 6.9.2.4.f.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

CALCULATION OF RESIDENTIAL DENSITY

No change is made to the residential density calculation of the Developed Areas of Liberty Park from that set forth in the existing Liberty Park PUD.

Pursuant to the City Ordinance No. 3085:

1. The Residential Density Allowance for Liberty Park was increased to 3,870 Residential Dwelling Units;
2. The Multi-Family Density Allowance for Liberty Park was decreased to 870, to consist solely of Multi-Family Rental Units.
3. Of the reduced Multi-Family Density Allowance, Market-Rate Rental Units shall not exceed 270 units in the Remaining Undeveloped Land, with no more than 10% of the total additional Market Rate Rental Units to contain 3 bedrooms; and
4. Additional Market Rate Rental Units allowed by City Ordinance No. 3085 are to be located within the Town Center.

As used in this Section 6.9.2.4.f. of this Amendment Application, the following defined terms shall have the following meanings:

“Age-Restricted Rental Units” means Multi-Family Rental Units available for rent to individuals 55 years or older in compliance with the Housing for Older Persons Act of 1995.

“Market-Rate Rental Units” means Multi-Family Rental Units available for rent to the general public under The Fair Housing Act, 42 U.S.C. 3601 et. seq.

“Multi-Family Rental Units” means all multifamily units (including Senior Housing Rental Units) which are offered for rent. Multi-Family Rental Units shall not include individual units held for rent by an individual owner.

“Residential Dwelling Units” means all Single-Family Units and Multi-Family Rental Units.

“Restricted Rental Units” means Age-Restricted Rental Units and Senior Housing Rental Units.

“Senior Housing Rental Units” means rental units within a senior housing community which provide services marketed towards seniors or the elderly in a congregate setting such as independent living, assisted living, memory care, or skilled nursing care.

“Single Family Units” means residential dwellings for single family use.

SECTION 6.9.2.4.g.

PLANNING CRITERIA OF THE LIBERTY PARK PUD

DEVELOPMENT CRITERIA

1. **General.** No change is made to the General Statement of the Development Criteria of Liberty Park from that set forth in the existing Liberty Park PUD.
2. **[Intentionally Deleted].**

3. **Development Criteria for PR-1 Land Use Districts in Developed Areas of Liberty Park.**

- A. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Building Height Limitations. No change is made to the maximum building height requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Off-Street Parking. No change is made to the off-street parking requirements for any of the Developed Areas in the PR-1 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

4. **Development Criteria for PR-1 Land Use Districts in the Remaining Undeveloped Land:**

- A. Minimum Setbacks. Setbacks for all lots upon which Single-Family Units in either the PR-1 or PB Land Use Districts of the Remaining Undeveloped Land (i) will be determined based on the type of Single-Family Unit planned for a particular sector or phase as set forth in the Design Guidelines, (ii) will be set forth on the subdivision plats for the various sectors or phases as development proceeds, and (iii) will be subject to the review and approval of the Planning Commission as part of its subdivision approval process as set forth in the 2022 Zoning Code.
- B. Floor Areas. The minimum floor area for Single-Family Units in either the PB or PR-1 Land Use Districts of the Remaining Undeveloped Land shall be 750 square feet.
- C. Building Height Limitations. Building heights for Single-Family Units in the PR-1 Land Use Districts of the Remaining Undeveloped Land shall conform to Section 6.9.5.1.c. of the PUD Ordinance.
- D. Off-Street Parking. The minimum off-street parking requirements for Single-Family Units in the PR-1 Land Use Districts of the Remaining Undeveloped Land shall be two (2) spaces per Single-Family Unit. The minimum off-street parking requirements for Single-Family Units in the PB Land Use Districts of the Remaining Undeveloped Land shall be one (1) space per Single-Family Unit if no dedicated on-street parking is provided. Parking shall only be allowed on paved surfaces specifically approved for such use by the applicable ARC.

5. **Development Criteria for Planned Multifamily Residential (PR-2) Districts in the Developed Areas of Liberty Park.**

- A. Conditional Use. No change is made to the Conditional Use requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Off-Street Parking. No change is made to the off street requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of the Developed Areas in the PR-2 Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

6. **Development Criteria for the Multi-Family Residential Units in PB Land Use Districts in the Remaining Undeveloped Land:**

- A. Minimum Setbacks. Setbacks for all lots or parcels upon which Multi-Family Units in the PB Land Use District in the Remaining Undeveloped Land are to be constructed as set forth in the Design Guidelines and will be set forth on the subdivision plats for the various sectors or phases as development proceeds, and will be subject to the review and approval of the Planning Commission as part of its subdivision approval process as set forth in the 2022 Zoning Code.
- B. Floor Areas. The minimum floor areas for typical multi-family dwelling units in PB Land Use Districts in the Remaining Undeveloped Land shall be 650 square feet per unit. The minimum floor area for efficiency apartments/dwelling units in PB Land Use Districts in the Remaining Undeveloped Land shall be 450 square feet per unit.
- C. Building Height Limitations. Building heights of the Multi-Family Units in the PB Land Use Districts in the Remaining Undeveloped Land shall conform to Section 6.9.5.2.c. of the PUD Ordinance.
- D. Minimum Lot Width. There shall be no minimum lot width so long as such development complies with the setback requirements stated above.
- E. Off-Street Parking. The minimum off-street parking requirements for each Multi-Family Unit development in the PB Land Use Districts in the Remaining Undeveloped Land shall be 1.6 spaces per dwelling unit. Each Multi-Family Unit development in the PB Land Use Districts in the Remaining Undeveloped Land must contain adequate onsite parking with no dedicated on-street parking.
- F. Service Yard. Each Multi-Family Unit development in the PB Land Use Districts in the Remaining Undeveloped Land shall have a service yard or yards, adequate for the handling of waste and garbage and the loading and unloading of vehicles. Such service yards shall (i) be paved, (ii) have access to a street, alley or service road, and (iii) be located as approved by the ARC. The applicable ARC may, depending on various site planning characteristics, site lines and other related factors, require that such service yard or yards be enclosed by a structure with access through a gate, and adequate to conceal from visibility the service yard, equipment and material stored within such structure.

7. **Development Criteria for Planned Office (PO) Districts in the Liberty Park PUD.**

- A. Conditional Use. No change is made to the Conditional Use requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Off-Street Parking. No change is made to the off street requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of PO Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

8. Development Criteria for Planned Neighborhood Commercial (PNC) Districts in the Liberty Park PUD.

- A. Conditional Use. No change is made to the Conditional Use requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Off-Street Parking. No change is made to the off street requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of PNC Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

9. **Development Criteria for Planned Business (PB) Land Use Districts in the Developed Areas of Liberty Park.**

- A. Principal or Conditional Use. No change is made to the Principal or Conditional Use requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- B. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- C. Minimum Setback/Yards. No change is made to the Minimum Setback/Yard requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- D. Floor Areas. No change is made to the Minimum Floor Area requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- E. Building Height Limitations. No change is made to the maximum building height requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- F. Minimum Lot Width. No change is made to the minimum lot width requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- G. Parking/Loading and Unloading Areas. No change is made to the parking/loading and unloading requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- H. Service Yards. No change is made to the Service Yards requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.
- I. Construction Standards. No change is made to the Construction Standards requirements for any of the Developed Areas in the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

10. Development Criteria for the Planned Business District (PB) Land Use Districts in the Remaining Undeveloped Land:

- A. Maximum Land Use Density. No change is made to the Maximum Land Use Density requirements for any of the PB Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

The maximum land use density of the PB Land Use Districts of the Liberty Park PUD is further subject to the total density limitation of 7,500,000 square feet for office, commercial and retail uses in all of Liberty Park, pursuant to the original Annexation Agreement which is described in the Annexation Amendment.

- B. Minimum Setback/Yard. Setbacks for all lots or parcels within the PB Land Use Districts in the Remaining Undeveloped Land will be as set forth in the Design Guidelines and will be set forth on the subdivision plats for the various sectors or phases as development proceeds, and will be subject to the review and approval of the Planning Commission as part of its subdivision approval process as set forth in the 2022 Zoning Code.

- C. Parking, Loading and Unloading Areas. The minimum requirements for off-street parking, loading and unloading areas for developments in the PB Land Use Districts in the Remaining Undeveloped Land shall be as follows:

- (1) Parking shall be as set forth in Section 3 above for Single-Family Unit developments in the PB Land Use Districts in the Remaining Undeveloped Land (except to the extent such parking is covered by a shared use parking agreement as set forth below) and as set forth in Section 4 above for Multi-Family developments in the PB Land Use Districts in the Remaining Undeveloped Land. Other uses permitted in the PB Land Use Districts in the Remaining Undeveloped Land shall comply with the applicable parking requirements set forth in (3) below (except to the extent such parking is covered by a shared use parking agreement as set forth below). No parking shall be permitted on any street or drive, or any place other than approved parking spaces.
- (2) Except where common loading areas are designated on an approved site plan, loading areas shall not encroach into setback areas or be visible from any street or highway unless specifically approved by the applicable ARC. Loading docks shall be set back and screened to minimize the effect of their appearance from neighboring sites.
- (3) Parking for an establishment may be provided either by spaces located physically within the lot or parcel or by the provision of adjacent or shared parking with cross or shared parking agreements. Developments with cross agreements must provide the minimum number of spaces as herein stipulated when tabulated as a whole or by dedicated on street parking. The Developments with shared parking arrangements (i) shall comply with the

City's shared parking calculations set forth in Table 8.1.1. of the Zoning Code or (ii) may have reduced parking required from those otherwise specified based the review and approval of the recommendations of qualified parking consultant.

- (4) Retail developments require a minimum of four (4) parking spaces per 1,000 square feet of retail space. Non-integer numbers of spaces computed from this relationship shall be rounded to the next higher number;
- (5) Office developments require a minimum of two and one-half (2 ½) parking spaces per 1,000 square feet of office space. Non-integer numbers of spaces computed from this relationship shall be rounded to the next higher number
- (6) Restaurants, cafes, nightclubs or similar recreational or amusement establishments require a minimum of six (6) parking spaces per 1,000 square feet of floor area;
- (7) For all those land uses not covered above or elsewhere in this Amendment Application, the provisions of Article 8, "Regulations for Off-Street Parking" of the City Zoning Ordinance shall apply.

- E. Service Yard. Except where common service yards are designated on an approved site plan, each PB development in the Remaining Undeveloped Land (other than a Single-Family development) shall have a service yard or yards, adequate for the handling of waste and garbage and the loading and unloading of vehicles, or shall have access to a shared or central waste/garbage facility. Such service yards shall (i) be paved, (ii) have access to a street, alley, or service road, (iii) be located to the side or rear of a development and/or building. The applicable ARC may, depending on various site planning characteristics, sight lines and other related factors, require that such service yard or yards be enclosed by a structure with access through a gate, and adequate to conceal from visibility the service yard, equipment and material stored within such structure. Common service yards shall (i) be paved, (ii) have access to a street, alley, or service road, and (iii) be enclosed by a structure approved by the ARC with architecture compatible with the applicable buildings.

11. **Development Criteria for Planned Light Industrial (PI) Land Use District of Liberty Park.** No change is made to the Development Criteria for any of the Planned Light Industrial (PI) Land Use Districts of Liberty Park from that set forth in the existing Liberty Park PUD.

13. Generally Applicable Development Criteria and Land Use Districts

(1) Signage. Development in any land use district within the Remaining Undeveloped Land shall be subject to the applicable signage standards to be set forth in the Design Guidelines.

(2) Sidewalks. Sidewalks will be allowed, but not required, in any land use district within the Liberty Park PUD.

(3) Underground Utilities. To the extent practical, all units, buildings and/or structures constructed in any land use district within the Liberty Park PUD will be served by underground utilities. Infrastructure utilities may be underground or above ground, pursuant to separate agreements with the various utility companies.

(4) Accessory Structures, Fences and Buffer Strips. Any accessory structures, fences and/or buffer strips within any land use district of the Liberty Park PUD shall be governed by the Liberty Park Restrictive Covenants and subject to the review and approval of the ARC pursuant thereto.

(5) Watershed Covenants. Development in any land use district within the Liberty Park PUD shall be subject to the Watershed Covenants.

(6) Multi-Use Trails. Multi-Use trails will be allowed, but not required in the Remaining Undeveloped Land. Sidewalks and multi-use trails will be owned by the applicable Association. Any sidewalks or multi-use trails located within a City right-of-way that is to be dedicated will be subject to an easement in favor of the applicable Associations and its members for the use of such sidewalks and trails.

SECTION 6.9.2.4.h.

PROPOSED OPEN SPACE

The Proposed Open Space Network is shown on Exhibit 6.9.2.4.h.(1) attached hereto. The open space in the Remaining Undeveloped Land will total approximately 150 acres, representing approximately 18% of the Remaining Undeveloped Land and 4% of the overall Liberty Park PUD. The open space in the overall Liberty Park PUD will total approximately 843 acres, representing approximately 23% of the overall Liberty Park PUD.

SECTION 6.9.2.4.i.

AVAILABILITY OF TRANSPORTATION AND UTILITIES

Listed below are the utilities presently serving Liberty Park; however, such providers may change from time to time and other technologies may be developed which may affect the list of utility providers and services for Liberty Park:

1. Water: Birmingham Water Works.
2. Power: Alabama Power Company.
3. Telephone: AT&T and Spectrum.
4. Natural Gas. Spire.
5. Sewer: Enviro Services, LLC.
6. Cable television: Spectrum among other providers.

No regularly scheduled public transportation serves Liberty Park at this time.

SECTION 6.9.2.4.j.

OWNERSHIP AND MAINTENANCE OF COMMON AREAS

All roads *other than* those within Old Overton (which is a gated community with private roads maintained by the applicable Association) within the Remaining Undeveloped Land (including all improvements within the rights-of-way of such roads other than pedestrian walkways (sidewalks/multi-use trails)), may, at LPJV's option, be dedicated to the City upon final completion thereof in accordance with the City's subdivision ordinances and acceptance by the City.

Additionally, LPJV may also transfer and convey to the City, in accordance with the City's subdivision ordinances and the City's acceptance thereof, all of its right, title and interest in and to any other green space, parks, or other similar spaces intended for use by the general public within the Town Center (including, without limitation, the Great Lawn).

All other common areas within the Remaining Undeveloped Land will be privately owned by LPJV and/or various Associations, subject to the provisions of paragraph immediately following below. Funding for the maintenance and repair of such common areas in Remaining Undeveloped Land will be provided through dues, assessments, maintenance charges and other fees paid to the Associations by the members thereof.

SECTION 6.9.2.4.k.

**PROTECTIVE COVENANTS, ASSOCIATIONS AND
ARCHITECTURAL REVIEW COMMITTEES**

1. Liberty Park is or will be subject to the following restrictive covenants which affect some or all parts of the Remaining Undeveloped Land:

A. As to the commercial areas: Declaration of Protective Covenants for the Commercial Development Area at Liberty Park, recorded as Instrument Number 9307/4579 in the Office of the Judge of Probate of Jefferson County, Alabama, as amended by Supplementary Declaration to the Original Covenants, recorded as Instrument Number 9309/4645 in said Probate Office; as further amended by Amendment No. 1 to the Original Covenants, recorded as Instrument Number 9313/3250 in said Probate Office; as further amended Amendment No. 2 to the Original Covenants, recorded as Instrument Number 9315/6020 in said Probate Office; as further amended by Amendment No. 3 to the Original Covenants, recorded as Instrument Number 9505/1755 in said Probate Office; as further amended by Amendment No. 4 to the Original Covenants, recorded as Instrument Number 9507/2675, and re-recorded as Instrument Number 9508/8221 in said Probate Office; as further amended by Amendment No. 5 to the Original Covenants, recorded as Instrument Number 9509/2804 in said Probate Office; as further amended by Amendment No. 6 to the Original Covenants, recorded as Instrument Number 9709/1114 in said Probate Office; as further amended by Amendment No. 7 to the Original Covenants, recorded as Instrument Number 9805/8300 in said Probate Office; as further amended by Amendment No. 8 to the Original Covenants, s recorded as Instrument Number 9807/0024 in said Probate Office; as further amended by Amendment No. 9 to the Original Covenants, recorded as Instrument Number 9810/3035 in said Probate Office; as further amended by Amendment No. 10 to the Original Covenants, recorded as Instrument Number 9810/4463 in said Probate Office; as further amended by Amendment No. 11 to the Original Covenants, recorded as Instrument Number 9815/9602 in said Probate Office; as further amended by Amendment No. 12 to the Original Covenants, recorded as Instrument Number 200003/0549 in said Probate Office; as amended by Amendment No. 13 to the Original Covenants, recorded as Instrument Number 200108/0736 in said Probate Office; as further amended by Amendment No. 14 to the Original Covenants, which is recorded as Instrument Number 201009/27432 in said Probate Office; as further amended by Amendment No. 15 to the Original Covenants, which is recorded as Instrument Number 2017129486 in said Probate Office and re-recorded as Instrument Number 2017131920 in the Probate Office of Jefferson County, Alabama, which said Amendment No. 15 was amended and restated in the Amended and Restated Fifteenth Amendment dated March 30, 2018, recorded as Inst. # 2018032286 in the Probate Office, which was then vacated, terminated, and declared null and void ab initio by Amendment No. 16 dated May 18, 2018, recorded as Inst. # 2018051538 in the Probate Office; as further amended by Amendment No. 17 dated August 29, 2018, recorded as Inst. # 2018091727 in the Probate Office; as further amended by Amendment No. 18 dated November 16, 2018, recorded as Inst. # 2018118326 in the Probate Office; as further amended by Amendment No. 19 dated August 17, 2021, recorded as Inst. # 2021095644 in the Probate Office, and as further amended by Amendment No. 20 dated March 1,

2022, recorded in Inst. # 2022024428 in the Probate Office (as amended, the “**Commercial Covenants**”).

B. As to the residential areas within The Bray sector of the Remaining Undeveloped Land: The Bray Single-Family Residential Declaration of Covenants, Conditions, and Restrictions, dated on or about the date hereof and to be recorded in the Office of the Judge of Probate of Jefferson County, Alabama (as the same may hereafter be amended, the “**Bray Residential Covenants**”).

C. As to the residential areas with Old Overton: Old Overton Ridge Covenants, Conditions, and Restrictions, recorded in Book 9313, Page 8012 in the Office of the Judge of Probate of Jefferson County, Alabama (as amended, the “**Old Overton Covenants**”).

D. As to all of the land within the Liberty Park PUD is subject to the Declaration of Watershed Protective Covenants for Liberty Park, dated 5/1/91, recorded in Real 4037, page 122, in the Probate Office of Jefferson County, Alabama, as amended by that certain Supplementary Declaration of Watershed Protective Covenants for Liberty Park recorded in Instrument 2017112666, in the Probate Office of Jefferson County, Alabama (as amended, the “**Watershed Covenants**”).

Additional restrictive covenants may be adopted from time to time to govern future development in Liberty Park.

2. **Associations.** The following Associations currently exist and are applicable to Liberty Park (or portions thereof):

A. The Bray Single-Family Residential Property Owners' Association, Inc., an Alabama not-for-profit corporation. This Association provides services to its members in connection with the residential areas known as The Bray located in the PB and PR-1 land use districts of the Remaining Undeveloped Land.

B. Old Overton Single-Family Residential Property Owners' Association, Inc., an Alabama not-for-profit corporation. This Association provides services to its members in connection with the residential areas known as the Old Overton Communities, including those portions of the Remaining Undeveloped Land located within the Old Overton gated community (PR- 1 District).

C. Liberty Park Commercial Development Area Owners' Association, Inc., an Alabama not-for-profit corporation. This Association provides services to its members in connection the commercial, office, and retail areas of Liberty Park (PO, PB, and PNC districts), other than The Urban Center at Liberty Park.

D. Liberty Park Master Owners’ Association, Inc., an Alabama not-for-profit corporation. This Association is primarily responsible for maintenance and upkeep of the private roadways and streets within Liberty Park (except the streets within the interior of The Urban Center at Liberty Park. Such streets are maintained by The Urban Center at

Liberty Park Owners' Association, Inc.) and certain other common areas as set forth in the Liberty Park Restrictive Covenants.

Additional owners' associations may be created from time to time as the Remaining Undeveloped Land continues to develop.

3. **Architectural Review and/or Control Committees.**

A. With authority granted by the applicable Liberty Park Restrictive Covenants, the following architectural review committee and architectural control committee (sometimes herein collectively referred to as the “**ARC**”) have review and approval rights for all plans relating to development in Liberty Park, as set forth in the Liberty Park Restrictive Covenants. Liberty Park Architectural Review Committee performs such functions as to all property within the Remaining Undeveloped Land.

B. As and to the extent set forth therein, the ARC shall have the exclusive right to grant variances with respect to any of the development requirements set forth in any of the Liberty Park Restrictive Covenants. The ARC will provide the City with copies of all written variances approved by the ARC for its records.

C. All of the covenants and related documents listed in this Section 6.9.2.4.k. are private; therefore, the City has no right or obligation to enforce any of such covenants, instruments, and documents or to grant variances with respect to any requirements set forth therein. Nothing in this Amendment Application or the approval hereof shall be interpreted to infer any such right or obligation of enforcement insofar as the City is concerned. Non-residential developments are subject to the City’s Design Review Board processes after approvals have been obtained from the ARC.

SECTION 6.9.2.4.m.

PLANNED INTERIM USES
WITHIN THE REMAINING UNDEVELOPED LAND

LPJV may make use of the undeveloped land within the PB Land Use District in the Remaining Undeveloped Land until such time as the land or area of said interim or temporary land use is permanently developed, provided such uses will not be detrimental to its planned permanent use. Such planned interim uses may include, without limitation:

1. Plant/landscape nursery(s) for stocking, growing and maintaining plants and necessary landscape equipment, garages, tools, and building(s) to be used in the development of Liberty Park.
2. Construction material storage area(s) to store construction material, including dirt rock, equipment, machinery, etc. LPJV will keep such areas as orderly as possible.
3. Borrow and fill areas for the purpose of mass grading operations on any portion of the Remaining Undeveloped Land and the preparation of lots/areas in the Remaining Undeveloped Land.
4. Information and sales center.

SECTION 6.9.2.4.n.

TRAFFIC STUDY

[ON FILE WITH THE CITY]

SECTION 6.9.2.4.o.

LANDSCAPING CRITERIA

All landscaping within the Remaining Undeveloped Land will be subject to the criteria set forth in the applicable Liberty Park Restrictive Covenants, and rules, regulations and standards relating to landscaping as adopted from time to time by the applicable ARC. The applicable ARC also has the rights of review and approval with respect to any and all landscaping plans in connection with development in all land use districts of the Remaining Undeveloped Land.

Landscaping for non-residential developments are subject to the City's Design Review Board processes after approvals have been obtained from the ARC.

SECTION 6.9.2.4.p.

PROPOSED MODIFICATION OF SUBDIVISION REGULATIONS

STREET/ SUBDIVISION DESIGN
STANDARDS FOR THE REMAINING UNDEVELOPED LAND

All roads *other than* those within Old Overton (which is a gated community with private roads maintained by the applicable Association) within the Remaining Undeveloped Land (including all improvements within the rights-of-way of such roads other than pedestrian walkways (sidewalks/multi-use trails)) may be dedicated to the City upon final completion thereof in accordance with the City’s subdivision ordinances and acceptance by the City.

As noted above, roadways, streets and alleys within Old Overton are privately owned and maintained by the applicable Association. The use of such roadways, streets and alleys by the public is granted by recorded easement document. The upkeep and maintenance of such roadways, streets and alleys is the responsibility of various Associations. The street/subdivision design standards and regulations for the private roadways, streets and alleys within Old Overton shall be generally the same as subdivision regulations of the City. However, LPJV may request that the City allow certain road designs that differ from the current Subdivision Regulations of the City. Such differences would typically include such things as reduced rights-of-way, reduced pavement widths, eliminations of curbs and gutters, and variations in inlet types. Such design changes are intended to reduce the effects of the Remaining Undeveloped Land development on the environment and to allow for the reasonable development of topographically difficult land as is typical of many areas of the Remaining Undeveloped Land.

Where differences exist between the design as proposed and City standards, the differences will be noted on the plans submitted for approval before the Planning and Zoning Commission of the City as a part of the subdivision plat approval process (when required). Approval of such differences shall not be unreasonably withheld, assuming adequate provision is made for safety and for the access of emergency vehicles.

The overall development plan for Liberty Park contemplates using alleys to provide access to certain lots for better traffic control, safety and aesthetics.

Approval of the Remaining Undeveloped Land application shall not constitute approval of any such modification, each of which must be submitted to and approved by the Planning and Zoning Commission of the City as part of the subdivision plat approval process.

Typical Standards Employed Within Liberty Park

Street Right-of-Way (Common Area) Widths

Parkways 4 lane	100 feet
Parkways 2 lane	60 feet
Local streets	50 feet
Minor streets	40 feet (minimum)

Cul-de-sacs	96 foot diameter (minimum)
Alleys	20 feet

Notes: Rights of ways may have variable dimensions to accommodate variations in streetscapes due to median widths, walkways, or other improvements.

Street Pavement Widths

Standard street 24 feet of paving with 18” curb and gutter= 27 feet back-to back(b/b) width
 22 feet of paving with 30” valley gutter =27 feet b/b

Minor street width 20 feet of paving with 18” curb and gutter= 23 feet bib

20 feet of paving with 24” valley gutter= 24 feet b/b

20 feet of paving (no edge treatment)

*18 feet of paving plus 24” valley gutter = 22 feet b/b

* This section to be used where topographic constraints call for a reduced pavement and roadway cross-section. In no instance will less than 20' be allowed (measured to the center of the gutter, or to the face of the curb, as applicable).

Parkways 4 lane (2) lanes of 24 feet of paving with 18” curb and gutter = 27 feet b/b

Parkways 2 lane 24 feet of paving with 18” curb and gutter = 27 feet b/b

Bifurcated residential 14 feet of paving with 18” curb and gutter or 24” valley

Streets gutter

Alleys 16 feet of paving with no edge treatment

Cul-de-sac 96 foot diameter to back of gutter or curb (minimum)

Roadway Grades

Maximum roadway grades for roadways within Liberty Park shall normally not exceed 15%. Exceptions to this maximum shall be reviewed on a case by case basis and shall only be allowed where topographic considerations dictate.

IN WITNESS WHEREOF, LPJV has caused this Amendment Application to be executed
as of _____, 2022.

LIBERTY PARK JOINT VENTURE, LLP
an Alabama limited liability partnership

By: _____

Name: _____

Title: _____

TAB 1

Exhibit 6.9.2.3.c.
Revised Land Use District Map

[See Attached]

TAB 2

**Exhibit 6.9.2.3.c.
Revised Site Topographical Map**

[See Attached]

TAB 3

Exhibit 6.9.2.4.a.

Depiction and Legal Description of Remaining Undeveloped Land

[See Attached]

TAB 4

Exhibit 6.9.2.4.h.

Proposed Open Space Network

[See Attached]