

“**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 ~~2022~~ Revised Land Use ~~Plan~~ 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 6.19 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 Plan District Map”** shall mean the [2022](#) Revised Land Use ~~Plan~~[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 6.9.2.3.c.

#### **REVISED LIBERTY PARK PUD MAPS**

A Revised Land Use ~~Districts~~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~~[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.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	<del>2,697.3</del> <u>757.6</u>	<del>75.0</del> <u>77%</u>
PR-2	34.0	<del>0.9</del> <u>1%</u>
PO	<del>115.3</del> <u>120.0</u>	<del>3.2</del> <u>%</u>
PNC	<del>128.2</del> <u>20.6</u>	<del>3.6</del> <u>1%</u>
PB	<del>611.4</del> <u>625.6</u>	<del>17.0</del> <u>18%</u>
PI	<del>9.8</del> <u>11.2</u>	<del>0.3</del> <u>%</u>
TOTAL	<del>3596</del> <u>3,596.0</u>	100.0

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 ~~are to be constructed~~ (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.

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, ~~in its sole and absolute discretion,~~ 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.