

**MODEL COVENANTS FOR USE IN FLOATING ZONE LOCAL MAP AMENDMENT
CASES UNDER SECTION 59.7.2.1. OF THE ZONING ORDINANCE²**

DECLARATION OF COVENANTS

This Declaration of Covenants, made this ___ day of _____, by _____
and _____, record owners ("Owners") of the property located at 2300
Glenmont Circle, Silver Spring Maryland, 20902, and described as Lot N766, Block N/A
address
of Section N/A ("Property").

WITNESSETH

WHEREAS, on _____, 20___, the Owners and/or those in privity with them
("Applicants"), filed Zoning Application G- H149, requesting the reclassification of the
Property from the R-30 Zone to the CRF Zone, in accordance with Section 59-7.2.1. of the
2014 Montgomery County Zoning Ordinance; and

WHEREAS, the Applicants submitted a Floating Zone Plan ("FZP") (Ex. A) and
proposed covenants(Ex. B) as part of the rezoning application pursuant to Zoning
Ordinance §59-7.2.1.B.2.e.iv., for the purpose of limiting development of the Property to
up to 2,275 residential dwelling units and up to 5,000 square feet of neighborhood serving commercial use

Generally describe restrictions

as depicted in the FZP; and

² Revised February 7, 2019.

WHEREAS, Section 59-7.2.1. of the Zoning Ordinance requires that Zoning Application H- 149 and the FZP (Ex. A) be submitted to the Montgomery County Council, sitting as the District Council ("Council"), for approval; and

WHEREAS, upon approval of the rezoning and the FZP by the Council, Section 59-7.2.1.F.3. of the Zoning Ordinance requires the submission and filing in the Land Records of Montgomery County, Maryland, of an executed covenant reflecting in specific language any restricted development standards, development program, or limitation on uses contained in the approved FZP,

NOW, THEREFORE, in consideration of the foregoing and in compliance with the Zoning Ordinance, the Owners on behalf of themselves, and their heirs, personal representatives, successors or assigns, hereby declare, covenant and agree, that so long as the Property remains in the CRF Zone, the Property (and all its parts or subparts) shall be transferred, sold conveyed and occupied subject to the conditions, covenants and restrictions set forth herein:

1. So long as the Property is zoned CRF, no development, construction or use will be started, erected or maintained on the Property that does not conform to the binding elements of the FZP (Ex. A), amended as may be authorized by law, ordinance or regulation. Further, the FZP contains the following binding restrictions and limitations by which the Owners shall be bound. All other elements will be governed by the provisions of the Montgomery County Code: Sections 5.3.3.A.3 and 3.1.6

(List the Binding Elements as Set Forth in the FZP)

- 1. The maximum building height is limited to 45 feet, for a distance of 100 feet from the eastern property boundary.
- 2. The use of the property will be limited to Multi-Unit Living, Townhouse Living, Retail/Service Establishments (up to 5,000 sf) and Restaurant use.

2. These Covenants will be recorded among the Land Records of Montgomery County, Maryland, immediately following the grant of the CRF Zone for the Property. Further, these Covenants shall run with the land; shall be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns; shall inure to the benefit of each owner thereof and to Montgomery County, Maryland, so long as the Property is zoned CRF; and shall remain in effect until such time as the Property is rezoned or the restrictions on development are removed or are amended by action of the Council or other governmental body having jurisdiction, or are declared invalid by any court of competent jurisdiction, at which time the covenants and restrictions shall terminate and have no further force and effect. These Covenants shall not take effect until the Property is rezoned to the CRF Zone, and the Council approves the FZP (Ex. No. A).

3. The binding elements contained in this Declaration of Covenants and in the FZP shall be enforceable by the Council pursuant to Section 59-7.2.1.J. of the Zoning Ordinance.

4. This Declaration of Covenants may be amended by the Owners or their successors or assigns to conform to any modification made by the Council in the binding elements contained in the FZP, or any amendment thereof.

IN WITNESS WHEREOF, the Owners have set their hands and seals on the day and year written below.

WITNESS:

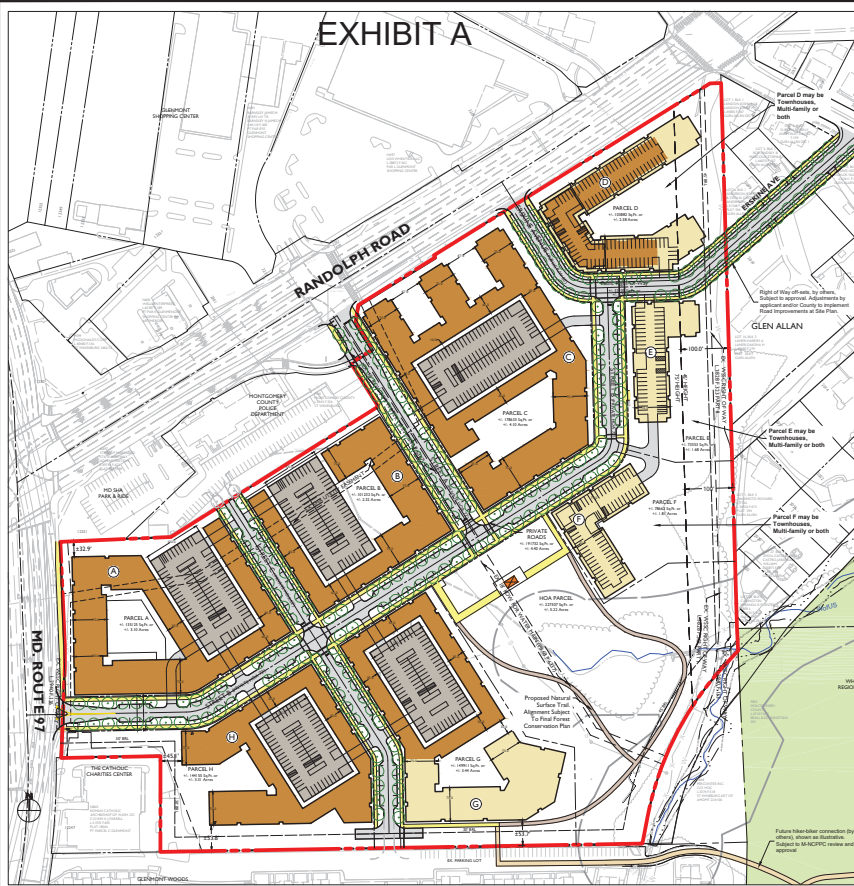
OWNERS:

_____ (SEAL)

WITNESS:

_____ (SEAL)

EXHIBIT A



OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS CERTIFICATION
 THIS IS A TRUE COPY OF THE FLOATING ZONE PLAN EXHIBIT NUMBER
 APPROVED BY THE DISTRICT COUNCIL ON _____ BY RESOLUTION NUMBER _____
 BY APPLICATION NUMBER _____

HEARING EXAMINER: _____ DATE: _____

HEARING EXAMINER NAME (PRINTED): _____

Preliminary Not For Construction

LEGEND

- See
- Scream Valley Buffer
- Floodplain
- Proposed 5 Story Building
- Proposed 6 Story Building
- Proposed Parking Garage
- Existing Regional Park
- Proposed Amenity Building

- ### GENERAL NOTES
- All existing zoning information shown is per Glenmont Sector Plan that was last updated on December 2013.
 - The site is currently zoned R-30, multi-family, low-density residential.
 - The site is proposed zone CRF-175 (C-25, R-13, H-75).
 - The site is comprised of parcels N256 (26.31 acres) and N410 (6.67 acres), currently in use as the American Glenmont Forest Apartments (Approximately 482 existing dwelling units).
 - Boundary lines, calculated areas and adjacent information shown herein were taken from deeds and plats of record. A boundary survey has not been completed by Rodgers Consulting, Inc.
 - Building footprints and square footages of buildings, open space, landscaping and recreation shall be as detailed as shown on this Plan.
 - Building heights may be increased up to 75' to allow for inclusion of MPDU's above 125%.
 - The PZAP includes more than 1,250 MPDU's. Bonus density may be achieved for future development per Sec. 4.5.2.C.1.
 - Zoning lot (Z) setback due to variable width public R/W along Randolph Rd and Georgia Avenue.
 - The minimum side setback is equal to 1.5 times the minimum side setback required for a detached house on the abutting property.
 - The minimum rear setback is equal to 1.5 times the minimum rear setback required for a detached house on the abutting property.

- ### BINDING ELEMENTS
- The maximum building height is limited to 45 feet, for a distance of 100 feet from the eastern property boundary.
 - The use of the property will be limited to Multi-Low Living, Townhouse Living, Retail/Service (up to 5,000 sf) and Restaurant use.

CRF Zone Optional Method Development Standards

Current Zoning	R-10 medium-density, low-density residential zone	
Requested Zoning	CRF-175 (C-25, R-13, H-75)	
Development Method	Optional Method	
Gross Tract Area:	ac	±
Gross Tract Area	34.87 ac	1,518,942 sf
Prop. Detention	422.36	19,722 sf
Proposed Public Road Detention (Below Area estimated)	826.36	32,262 sf
Net Tract Area	31.93 ac	1,390,411 sf

Article 59-3, Uses and Use Standards, Division 3.1 Use Table

Use Table	permitted / required	prohibited
Multi-Family	3.1.1.F Permitted Use	up to 3,375 sq ft
Townhouse ¹	3.1.1.F Permitted Use	up to 79 sq ft
Retail/Service Establishments (up to 5,000 square feet)	3.1.1.H Permitted Use	up to 500 sq ft

Commercial Program

Conventional SF	retail	restaurant	prohibited
0 sq'	C-25 = 379,738 sq'	up to 5,000 sq'	

Article 59-4 Development Standards for Euclidean Zones, Division 4.5 Commercial / Residential Zones

4.5.3 Standard Method Development	CRF-175 (C-25, R-13, H-75)	CRF-175 (C-25, R-13, H-75)
4.5.3.C.4 Height (max.)	CRF-175 (C-25, R-13, H-75)	CRF-175 (C-25, R-13, H-75)
Residential Building	75'	75'
Building A	75'	75'
Building B	75'	75'
Building C up to 5,000 sq' of gross area and minimum use	75'	75'
Building D: Floor 1 may be Townhouse, Multi-Family or both	45' 75"	45' 75"
Building E: Floor 2 may be Townhouse, Multi-Family or both	45' 75"	45' 75"
Building F: Floor 3 may be Townhouse, Multi-Family or both	45' 75"	45' 75"
Building G	75'	75'
Building H	75'	75'
Proposed	maximum 75'	75'
	minimum 75'	75'
	75'	75'
	75'	75'
	75'	75'

CRF Zoning Ordinance Conformance

Ordinance Reference	Permitted/Required	Provided
5.5.5.A	Density of Development a. Max Overall FAR b. Commercial Density c. Residential Density	Established by Floating Zone Plan CRF-175 (C-25, R-13, H-75) a. 25 FAR (up to 2,625,000 sq ft) b. 25 Commercial FAR (up to 379,738 sq ft) c. 15 Residential FAR (up to 2,276,411 sq ft)
5.5.5.B	Building Height	Established by Floating Zone Plan 75'
4.1.B.B	Height Compatibility	Complies All signs and other exterior measurement signs are required to be kept above the detached house on the abutting R/W Zone or the required sign and rear yard setback (see Section 4.1.B.B)
5.3.5.B	Building Setbacks (min.) from the boundary	Established by Floating Zone Plan (All others established by site plan) Principal Building Setbacks From Public Street: Apartment Building = 0' Townhouse = 5' From Adjoining Lot: Side: Apartment Building = 45' Townhouse = 45' Rear: Apartment Building = 30' Townhouse = 30'
4.1.B.A	Setback Compatibility	Complies Side Yard Setback = 45' R/W Zone's primary setback = 30' SRP (1.5 x 45') Rear Yard Setback = 30' RT-1.5 Zoned property setback = 20' SRP (1.5 x 30') Townhouse = 30'
5.3.5.C	Lot Size (min.)	Established in site plan Townhouse = 30'
5.3.5.D	Open Space Provided Under # 5.4.B.1. (net lots between > 401 acres)	10% of site area 10% (or 142,172 sq ft min.)

Grady Management, Inc.

RODGERS CONSULTING

1841 Century Boulevard, Suite 205, Germantown, Maryland 20874
 703.944.0300 (Fax), 703.944.0300 (www.rodgers.com)

Owner/Developer:
Glenmont Forest Investors, L.P.
c/o Grady Management, Inc.
 1841 Century Boulevard, Suite 205
 Germantown, Maryland 20874
 703.944.0300
 Attn: Tom R. Kasper

Lead Planner: Catherine Adkins, Civil Engineering
Rodgers Consulting, Inc.
 1841 Century Boulevard, Suite 205
 Germantown, Maryland 20874
 703.944.0300
 Attn: Russell Rodgers

W&A Associates
 2200 Woodmont Avenue, Suite 100
 Bethesda, Maryland 20814
 301.957.7277
 Attn: Nancy Kuehl

STATE OF MARYLAND

PROFESSIONAL CERTIFICATION

DATE: _____ DESCRIPTION: _____

PROJECT NUMBER: 11018

DATE: OCTOBER 2023

SCALE: 1" = 100'

Floating Zone Plan

DRAWING NUMBER: 07

Montgomery County, Maryland, Election District No. 13