

**Parcel Identification Numbers: 13-00975436
13-00975447**

Title Insurance: None

**COVENANTS
FOR FLOATING ZONE LOCAL MAP AMENDMENT**

DECLARATION OF COVENANTS

This Declaration of Covenants, made this _____ day of _____, 2024, by Glenmont Forest Investors, LP, a Maryland limited partnership ("Owner"), owner of the property located at 2300 Glenmont Circle in Silver Spring, Montgomery County, Maryland, and described on Exhibit A attached hereto ("Property").

WITNESSETH:

WHEREAS, on October 27, 2023, the Owner and/or those in privity with them ("Applicant"), filed Zoning Application H-149, requesting the reclassification of the Property from the R-30 zone to the CRF-1.75, C-0.25, R-1.5, H-75' Zone, in accordance with Section 59-7.2.1 of the 2014 Montgomery County Zoning Ordinance; and

WHEREAS, the Applicant submitted a Floating Zone Plan ("FZP") (Ex. 30) and proposed covenant (Ex. _____) as part of the rezoning application pursuant to Zoning Ordinance §59-7.2.1.B.2.g.iv. for the purpose of clarifying various development restrictions (*e.g.* building height, allowed uses, minimum percentage of Moderately Priced Dwelling Units), as depicted on the FZP; and

WHEREAS, Section 59-7.2.1. of the Zoning Ordinance requires that Zoning Application H-149 and the FZP (Ex. 30) 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 Owner 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-1.75, C-0.25, R-1.5, H-75' 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-1.75, C-0.25, R-1.5, H-75' Zone, 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. 30), amended as may be authorized by law, ordinance or regulation. Further, the FZP contains the following binding restrictions and limitations by which the Owner shall be bound. All other elements will be governed by the provisions of the Montgomery County Code:

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, and up to 5,000 sf of non-residential use.
3. The development must provide a minimum of 15 percent (15%) Moderately Priced Dwelling Units (MPDUs) or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent consistent with the requirements of Chapter 25A.

2. These Covenants will be recorded among the Land Records of Montgomery County, Maryland, immediately following the grant of the CRF-1.75, C-0.25, R-1.5, H-75' 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-1.75, C-0.25, R-1.5, H-75' 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-1.75, C-0.25, R-1.5, H-75', and the Council approves the FZP (Ex. No. 30).

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.

5. This Declaration of Covenants may be executed in any number of counterparts, each of which shall be deemed an original, and all of which together, shall constitute one and the same instrument.

[SIGNATURE PAGES FOLLOW]

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

Witness:

GLENMONT FOREST INVESTORS, a
Maryland limited partnership.

By: _____

By: _____

Date: _____

Name: _____

Title: _____

STATE OF _____

COUNTY OF _____; to wit,

I hereby certify that on this _____ day of _____, 2024, before the subscriber, a Notary Public of the State of _____, and for the County of _____, personally appeared _____ of GLENMONT FOREST INVESTORS, LP, a Maryland limited partnership, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that he, having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my hand and official seal.

Notary Public

My Commission expires: _____

[NOTARIAL SEAL]

ATTORNEY'S CERTIFICATION

I HEREBY CERTIFY that I am an attorney duly admitted to practice before the Court of Appeals of Maryland and that the foregoing instrument was prepared by me or under my supervision.

Elizabeth C. Rogers

Exhibit "A"

Property Description