

**DECLARATION OF COVENANTS**

This Declaration of Covenants, made this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by Pike Center Fee 1807, LLC, record owner (“Owner”) of the property located at 12101 Rockville Pike, Rockville, Maryland, and described as Parcel B, Washington-Rockville Industrial Park, as shown at Plat No. 6708 (“Property”).

WITNESSETH

WHEREAS, on \_\_\_\_\_, 2024, the Owner (“Applicant”), filed Zoning Application H-\_\_\_, requesting the reclassification of the Property from CR-2.0, C-0.75, R-1.5, H-200 to CRF-2.5, C-0.75, R-2.25, H-200, in accordance with Section 59-7.2.1. of the 2014 Montgomery County Zoning Ordinance (“Zoning Ordinance”); and

WHEREAS, the Applicant submitted a Floating Zone Plan (“FZP”) (Ex. \_\_) and proposed covenants (Ex. \_\_) as part of the rezoning application pursuant to Section 59-7.2.1.B.2.e.iv. of the Zoning Ordinance, for the purpose of limiting development of the Property to 760 multi-family dwelling units and 90,000 square feet of non-residential uses, as depicted in the FZP; and

WHEREAS, Section 59-7.2.1. of the Zoning Ordinance requires that Zoning Application H-\_\_\_ and the FZP (Ex. \_\_) 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-2.5, C-0.75, R-2.25, H-200 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-2.5, C-0.75, R-2.25, H-200, 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. \_\_), 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 Applicant commits that the maximum building height on the Property will be 200 feet, but that the maximum building height of the proposed new Building A will not exceed 90 feet and proposed new Building B will not exceed 200 feet.
- (2) The Applicant commits that the number of multi-family residential units on the Property will not exceed 760.
- (3) The Applicant commits that the square footage of non-residential uses on the Property will not exceed 90,000 square feet.
- (4) The Applicant commits to providing the half-acre Neighborhood Green identified for the site by the Sector Plan, with this space to be provided as public open space. Specific location and design features will be specified at the time of future Site Plan application(s).

2. These Covenants will be recorded among the Land Records of Montgomery County, Maryland, immediately following the grant of the CRF-2.5, C-0.75, R-2.25, H-200 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-2.5, C-0.75, R-2.25, H-200; 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-2.5, C-0.75, R-2.25, H-200 Zone, and the Council approves the FZP (Ex. No. \_\_).

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 Owner 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 Owner has set their hands and seals on the day and year written below.

WITNESS:

OWNER:

\_\_\_\_\_

PIKE CENTER FEE 1807, LLC,  
a Maryland limited partnership

\_\_\_\_\_

By: CPDC, Inc.,  
a Maryland corporation  
its general partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF MARYLAND,  
COUNTY OF MONTGOMERY, to wit:

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, before the subscriber, a Notary Public in and for the aforesaid County and State, personally appeared \_\_\_\_\_, \_\_\_\_\_ of CPDC, Inc., the general partner of Park Montgomery Limited Partnership (Owner), personally well known to me (or satisfactorily proved) to be the person whose name is subscribed to the within instrument and did acknowledge the foregoing Declaration to be the free act of the Owner.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal.

\_\_\_\_\_

NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

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.

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Heather Dlhopsky