



restrictions are: No agricultural activities are permitted, No fencing is allowed, No livestock is permitted, No poultry is permitted. These private covenants create an environment of confusion for property owners that sign the real estate disclosure as required by Bill 12-07 and then learn that certain agricultural uses are not allowed. The private covenants are not always available or provided at the settlement; however, the purchasers are required to sign the real estate disclosure. This environment of confusion can be addressed by the recommendation of the AAC and it will help to prevent future cases of private covenants being recorded that contradict the intent of RDT zone. The Montgomery County Delegation will need to propose another Bill as part of the 2013 MD Legislative Session to address existing cases where private covenants contradicting the legislative intent of the RDT zone are already recorded in the land records.

### **Recommendation**

When the Montgomery County Planning Board approves a record plat of subdivision a new condition should be added that prohibits all current and future property owners, developers, or Home Owners Associations from recording Declarations or private covenants that are in conflict with the legislative intent of the RDT zone. This suggestion will help to prevent future cases of private covenant conflicts; however a State Bill is still needed as part of the 2013 MD Legislative Session to address cases where conflicts already exist.

The AAC would like to thank the County Council for this opportunity to present our views on this request to amend the Subdivision Regulations of the County.

Please let us know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in dark ink and is positioned above a solid horizontal line.

David Weitzer, Chairman