

**MODEL COVENANTS FOR USE IN FLOATING ZONE LOCAL MAP AMENDMENT  
CASES UNDER SECTION 59-7.2.1. OF THE ZONING ORDINANCE<sup>1</sup>**

**DECLARATION OF COVENANTS**

This Declaration of Covenants, made this \_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_  
and \_\_\_\_\_, record owners ("Owners") of the property located at 7501-7515, 7519, 7529  
Standish Place, Derwood Maryland, 20855, and described as Lot N/A, 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 H- 156, requesting the reclassification of the  
Property from the IM Zone to the CRNF 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.g.iv., for the purpose of limiting development of the Property to  
up to 210 dwelling units.

*Generally describe restrictions*

as depicted in the FZP; and

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<sup>1</sup> Revised January 25, 2019.

WHEREAS, Section 59-7.2.1. of the Zoning Ordinance requires that Zoning Application H- 156 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 CRNF 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 CRNF, 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:

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

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1. The development must provide a minimum of 15 percent (15%) Moderately Priced Dwelling Units (MPDUs) as approved by the Montgomery County Department of Housing and Community Affairs (MCDHCA), consistent with the requirements of Chapter 25A.

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2. The development must provide at least 10 percent (10%) of the site area as open space, allocated proportionally by use (townhouse and multifamily) between Common and Public Open Space.

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3. The Central Park open space, identified illustratively on the Floating Zone Plan, must be made accessible to the public. The final size, design, and programming of the Central Park will be determined at time of Site Plan.

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4. Vehicular access to the Site will be limited to Standish Place.

2. These Covenants will be recorded among the Land Records of Montgomery County, Maryland, immediately following the grant of the CRNF 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 CRNF; 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 CRNF 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)

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 \_\_\_\_\_, 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 his/her own free act.

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

\_\_\_\_\_  
NOTARY PUBLIC

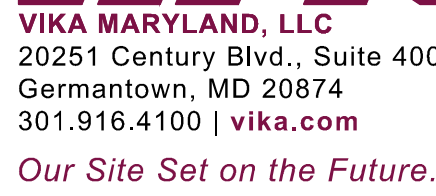
My Commission Expires: \_\_\_\_\_

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.

\_\_\_\_\_



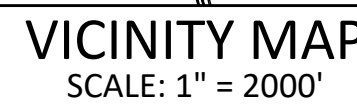


PREPARED FOR:  
**TRI POINTE HOMES**  
12435 PARK POTOMAC AVE., SUITE  
600  
POTOMAC, MD 20854

CONTACT: GIO ESPOSITO  
(301)-803-4832

**ATTORNEY:**  
**LERCH, EARLY &  
BREWER, CHTD.**  
7600 WISCONSIN AVE., SUITE 700  
BETHESDA, MD. 20814

CONTACT: PATRICK O'NEIL  
(301)-986-1300  
ploniel@learcheary.com



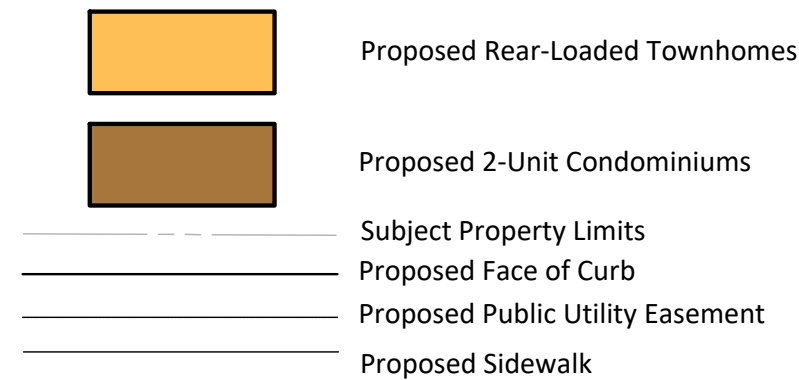
## DEVELOPMENT TABULATIONS

FLOATING ZONE PLAN DEVELOPMENT TABULATIONS					
Address		7601 STANDISH PLACE			
Property Description		Parcel ID: Parcel No. 13806			
Current Zoning		TM2 S-H-50			
Proposed Zoning		CPW1-15-2C-03-03-1-21-40			
Existing Use Area to be rezoned		554,431 SF		12.73 Acres	
AREA TO BE RE-ZONED (SQ. FT.)		554,431 SF		12.73 Acres	
Tract Area		554,431 SF		12.73 Acres	
Previous R.O.W. Dedication		48,432 SF		1.11 Acres	
Proposed R.O.W. Dedication		48,432 SF		1.11 Acres	
Proposed Site Area		603,863 SF		13.86 Acres	
Proposed Uses		230,400 SF			
Total Units*		230,400			
Total MPD's		230,400			
* Floor units and number of townhouses and 2 unit condominiums to be determined during site plan. Total units will not exceed 210 dwelling units.					
DEVELOPER STANDARD					
Minimum Density*		Permitted	Required	Provided	
CPW1-15-2C-03-03-1-21-40 R-1.25 C-4.00 R-1.25 S-H-50		1.25	1.25	248 (0.50)	50' (0.50)
Residential		1.25	754.913 SF	1.25	754.913 SF
Commercial		1.25	754.913 SF	1.25	754.913 SF
Principal Building Sections					
From Site Boundary - Crabbs Branch Way		Etc. by TSP		10'	
From Site Boundary - Invasive Species Plaza Centerline		Etc. by TSP		80'	
From Frontsetback		Etc. by Site Plan		180'	
Side Street Setback		Etc. by Site Plan		180'	
Side Setback		Etc. by Site Plan		180'	
Rear Setback, Alley		Etc. by Site Plan		180'	
Accessory Structure Sections		Etc. by Site Plan		180'	
Building Building Height		Etc. by Site Plan		60'	
Minimum Lot Size		Etc. by Site Plan		180'	
Maximum Lot Coverage		Etc. by Site Plan		180'	
Minimum Public Open Space, use Open Space Plan for Breakdown by Type		Proportional to (230,400 Sq. Area)		180' or the site plan	
Minimum Commercial Open Space, use Open Space Plan for Breakdown by Type		Proportional to (230,400 Sq. Area)		180' or the site plan	
Total Parking (1 per unit min. 2 per unit max)		630/mo / 420 mo		TBD at the site plan	
Paving		behind front building line		Yes	
Side-Street Setback		behind the side street building line		Yes	
Side-Setback		must accommodate landscaping required under Section 6.2.9		Provided	
Rear Setback		must accommodate landscaping required under Section 6.2.9		Provided	
Rear Setback, Alley					

## BINDING ELEMENTS

1. The development must provide a minimum of 15 percent (15%) Moderately Priced Dwelling Units (MPDUs) as approved by the Montgomery County Department of Housing and Community Affairs (MCHCA), consistent with the requirements of Chapter 25A.
2. The development must provide at least 10 percent (10%) of the site area as open space allocated proportionally by use (townhouse and multifamily) between Common and Public Open Space.
3. The Central Park open space, identified illustratively on the Floating Zone Plan, must be made accessible to the public. The final size, design, and programming of the Central Park will be determined at time of Site Plan.
4. Vehicular access to the Site will be limited to Standish Place.

## LEGEND



REVISIONS	DATE
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[illegible]

7501  
STANDISH  
PLACE

4TH ELECTION DISTRICT  
MONTGOMERY COUNTY,  
MARYLAND  
WSSC GRID: 220NW07 &  
221NW07  
TAX MAP: GS341 & GS342

FLOATING  
ZONE  
PLAN

PROFESSIONAL SEAL



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE  
PREPARED OR APPROVED BY ME, AND THAT I AM  
A DULY LICENSED PROFESSIONAL ENGINEER  
UNDER THE LAWS OF THE STATE OF MARYLAND.  
ENGINEER'S NAME: MICHAEL B. GOODMAN, P.E.  
LICENSE No.: 27721  
EXPIRATION DATE: 7/19/2026

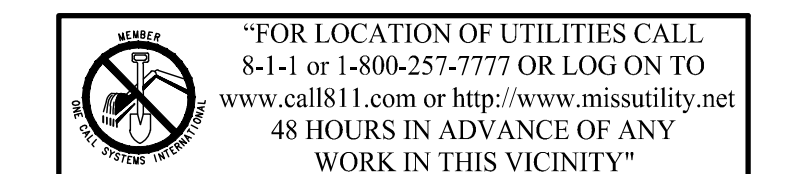
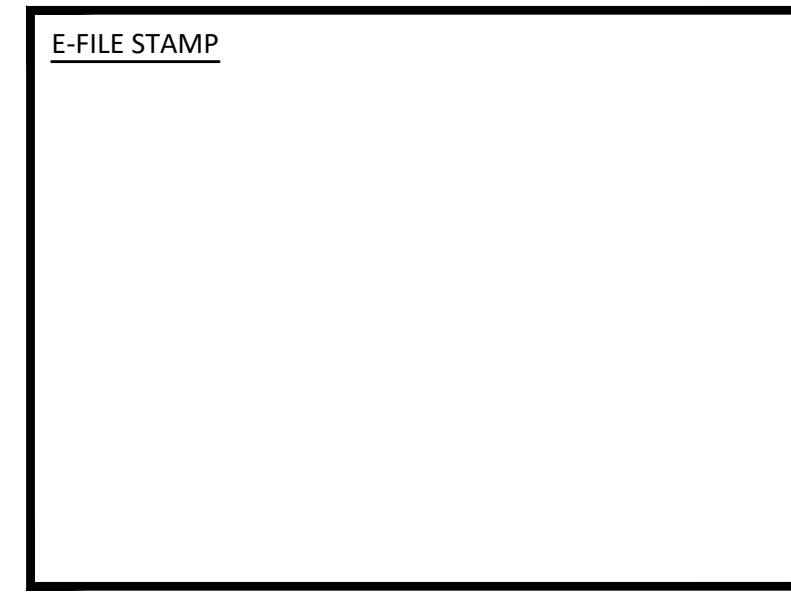
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DRAWN BY: KP  
DESIGNED BY: KP  
DATE ISSUED: \_\_\_\_\_

VIKA	50602
PROJECT	
DRAWING	

SHEET NO. \_\_\_\_\_



The excavator must notify all public utility companies with underground facilities in the area of proposed excavation and have those facilities located by the utility companies prior to commencing excavation. The excavator is responsible for compliance with requirements of Chapter 36A of the Montgomery County Code.

LAYOUT: FZP, Plotted By: kelbog

0 20' 40' 80'

SCALE: 1" = 40'

