

(FORM 1A)

DECLARATION OF USE RESTRICTION

THIS DECLARATION OF USE RESTRICTION is made and entered into this ____ day of _____, 20__, (the "Effective Date"), by _____, whose address is _____, hereinafter referred to as the ("OWNER"), in favor of THE CITY OF MAITLAND, a Florida municipal corporation organized under the laws of the State of Florida.

RECITALS

WHEREAS, OWNER is the owner of certain real property which is located at _____ and which is more legally described as set forth in Exhibit "A" attached hereto, which property (hereinafter referred to as "THE PROPERTY") is located within the corporate boundaries of the City of Maitland; and

WHEREAS, OWNER has applied for a building permit for the construction of, substantial improvement to or the conversion of a use to a guest house or cottage on the Property; and

WHEREAS, Chapter 21 of the Maitland City Code prohibits the rental, leasing, or hiring out for occupancy when compensation is paid in any form or any consideration, of guest houses and cottages and permits said guest houses or cottages; and

WHEREAS, guest houses or cottages are only permitted pursuant to Chapter 21 of the Maitland City Code when used to provide accommodations for occasional nonpaying guests, members of a family occupying the principal structure (residence) or domestic servants employed on the premises, provided that the property owner resides in the principal residence; and

WHEREAS, Section 21 of the Maitland City Code prohibits a separate utility meter for any guest house or cottage; and

WHEREAS, should such guest house or cottage be occupied by a domestic servant employed on the premises, said OWNER shall warrant to the City and provide evidence (which may include a W-2 Form) that the domestic servant is in fact employed on the premises in the aforementioned capacity; and

WHEREAS, should it be necessary to perform an investigation to determine whether compliance exists based upon the terms and conditions set forth within Chapter 21 of the Maitland City Code and those specified within this DECLARATION OF USE RESTRICTION, the OWNER shall cooperate completely with the City without proceeding with legal action; and

WHEREAS, Chapter 21 of the Maitland City Code further requires the recording of a DECLARATION OF USE RESTRICTION pertaining to the use of the PROPERTY setting forth the limitations established by the City of Maitland, prior to the issuance of any building permits to construct or substantially improve a guest house or cottage or for the conversion of a use to a guest house or cottage.

NOW, THEREFORE, in consideration of mutual benefits contained herein, and other good and valuable consideration, the receipt of which is hereby acknowledged, OWNER hereby declares the following:

1. The Property as described in Exhibit "A" attached hereto is subject to the restrictions identified in Chapter 21 of the Maitland City Code as may be amended from time to time and is also subject to all restrictions outlined herein in the DECLARATION OF USE RESTRICTION.
2. OWNER hereby further declares that any guest house or cottage located on the Property shall be used only for providing accommodations for occasional nonpaying guests, members of a family occupying the principal structure (residence) or domestic servants employed on the premises, and shall not be rented, leased, or hired for occupancy whether compensations are paid in any form or for any consideration, shall not have separate utility meters and requires that the property owner must reside within the principal residence.

3. OWNER hereby further declares that should such guest house or cottage be occupied by a domestic servant employed on the premises, said OWNER shall warrant to the City and provide evidence (which may include a W-2 Form) that the domestic servant is in fact employed on the premises in the aforementioned capacity.

4. OWNER hereby further declares that should it be necessary for the CITY to perform an investigation to determine whether compliance exists based upon the terms and conditions set forth within Chapter 21 of the Maitland City Code and those specified within this DECLARATION OF USE RESTRICTION, the OWNER shall cooperate completely with the City without proceeding with legal action.

5. OWNER hereby further declares that these restrictions shall run with the PROPERTY and shall bind the OWNER and his successors and assigns.

IN WITNESS WHEREOF, Owner has hereunto executed this document as of the day and year first written above.

WITNESSES:

OWNER:

SIGN _____

PRINT _____

SIGN _____

PRINT _____

SIGN _____

PRINT _____

SIGN _____

PRINT _____

**STATE OF FLORIDA
COUNTY OF ORANGE**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ and _____, who has/have produced _____ as identification and who did (did not) take an oath.

My Commission Expires:

Notary Public _____

Print _____