

THIS INSTRUMENT PREPARED BY:

USE RESTRICTION DECLARATION
(Floor Area Ratio - Front Porch, Rear Porches and Side Porches)
(Individual - R1AAA, R1AA and R1A Districts)

THIS USE RESTRICTION DECLARATION made this ____ day of _____, 20____, by _____, whose address is _____ ("Owner"), in favor of the CITY OF WINTER PARK, a municipal corporation organized and existing under the laws of the State of Florida, whose address is 401 Park Avenue South, Winter Park, Florida 32789 ("City").

R E C I T A L S

WHEREAS, Owner is the owner of property located at _____, more particularly described as set forth in Exhibit "A" attached hereto, which property (hereinafter referred to as "the Property") is located within the corporate limits of the City; and

WHEREAS, Owner has applied for a building permit for construction or substantial improvements to be made on the Property; and

WHEREAS, Sections 58-65(f)(1)(h) and 58-66(f)(1)(h) of the Code of Ordinances of the City of Winter Park provide that the area within open street front porches and entries shall not be included within the "gross floor area", limited to a maximum area of 400 square feet, and the area within open or screened rear or open side porch, lanai, porte cochere or other covered areas shall not be included within the "gross floor area", limited to a maximum area of 500 square feet, provided, however, that properties utilizing these exemptions from gross floor area must record a deed covenant which outlines these restrictions and precludes the screening or enclosing of such porches or entries; and

WHEREAS, Owner has utilized such exclusion in determining the gross floor area of the construction or improvements to be made on the Property, and wishes to document this exemption and restrictions precluding screening or enclosing of the front porch and entry.

NOW, THEREFORE, in consideration of the 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 Sections 58-65(f)(1)(h) or 58-66(f)(1)(h) of the Code of Ordinances of the City of Winter Park, as said sections may from time to time be amended.

2. Owner hereby further declares and warrants that Owner has fee simple title and full right and interest in and to the Property and represents that no other parties other than those signing this document have any legal or equitable right, title or interest to the Property.

3. Owner hereby declares that any open street front porches and entries or screened rear or open side porch, lanai, porte cochere or other covered area constructed, improved or located on the Property, which has been excluded from the calculation of "gross floor area", shall not be enclosed, except upon the express written consent and approval of the City, which consent and approval shall be recorded in the Public Records of Orange County, Florida.

This restriction shall be a covenant running with the

Property and shall bind the Owner and Owner's successors and assigns, and shall not be released or terminated except upon the express written consent and approval of the City.

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

Signed, Sealed and Delivered
In the Presence of:

Print Name _____

Print Name _____

Print Name _____

(Address) _____

Print Name _____

Print Name _____

Print Name _____

(Address) _____

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this ____ day of _____, 20__ by _____ and _____, who is/are personally known to me or who produced _____ as identification.

NOTARY PUBLIC

Print Name _____
My Commission Expires: _____

APPROVED BY THE CITY OF WINTER PARK

BY
Print Name _____

As Its _____

Date: _____

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