

**THIS INSTRUMENT PREPARED BY:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GUEST HOUSE/GARAGE APARTMENT USE RESTRICTION DECLARATION**

**THIS USE RESTRICTION DECLARATION** made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, a \_\_\_\_\_ corporation, 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.

**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 (herein- after referred to as the "Property") is located within the corporate limits of the City of Winter Park; and

**WHEREAS,** Owner has applied for a building permit for the construction or substantial improvement of a guest house or garage apartment on the Property with 1,000 square feet of floor area or less; and

**WHEREAS,** Section 58-71(i) of the Code of Ordinances of the City of Winter Park prohibits the rental, leasing or hiring for occupancy, whether for direct or indirect compensation, of guest houses and garage apartment and permits said guest houses and garage apartments only when they provide accommodation for guests, servants or members of a family occupying the main building on the same property and so long as said guest houses and garage apartments are not equipped with a kitchen area or cooking facilities and/or separate utility meters; and

**WHEREAS,** Section 58-71(i) of the Code of Ordinances of the City of Winter Park further requires the recording of a restriction upon the use of the Property setting forth the limitations established by the City of Winter Park prior to the issuance of any building permits pertaining to guests houses and garage apartments.

**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 Section 58-71(i) of the Code of Ordinances of the City of Winter Park, as said section 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 guest house or garage apartment located on the Property shall be used only for providing accommodation for guests, servants or members of the family occupying the main building on the

Property and shall not be rented, leased or hired for occupancy, whether for direct or indirect compensation, and shall not be equipped with a kitchen area or cooking facilities and/or separate utility meters and that this restriction 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.

Signed, Sealed and Delivered  
in the Presence of:

\_\_\_\_\_, a  
\_\_\_\_\_ corporation  
\_\_\_\_\_  
(Address)

Print Name \_\_\_\_\_

BY \_\_\_\_\_  
Print Name \_\_\_\_\_  
As Its \_\_\_\_\_

Print Name \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_ as \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_ corporation, on behalf of the corporation. He/She is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires:

NOTARY PUBLIC  
Print Name \_\_\_\_\_

**APPROVED BY THE CITY OF WINTER PARK**

**BY** \_\_\_\_\_  
**Print Name** \_\_\_\_\_

**As Its** \_\_\_\_\_

**Date:** \_\_\_\_\_