DEED RESTRICTION

DECLARATION OF RESTRICTIONS OF OCCUPANCY FOR JUNIOR ACCESSORY DWELLING UNIT

The Property Owner(s) ____________________ and _______________ is/are the fee title owner(s) of the property located at _______________________________, Santa Rosa, also identified as Sonoma County Assessor’s Parcel No. _____________________ (hereafter the Property). The Property is described in the deed recorded as Document No. ____________ in the Office of the Sonoma County Recorder, a copy of which is attached hereto and made a part hereof.

RECITALS

A. Property Owner(s) is the present owner of the Property.

B. Property Owner(s) proposes to construct (or install) a junior accessory dwelling unit on the Property pursuant to Section 20-42.130 of the City of Santa Rosa Zoning Code.

C. Section 20-42.130 of the City of Santa Rosa Zoning Code conditions the construction and/or conversion, and occupancy of junior accessory dwelling units as follows:

1. The junior accessory dwelling unit shall not be sold separately from the single family residence;

2. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or the junior accessory dwelling unit is occupied by the owner of record of the property; and

3. The junior accessory dwelling unit shall not be rented for a term of less than 30 days.

D. The purpose of this Declaration of Restrictions of Occupancy for Junior Accessory Dwelling Unit is to set forth as restrictions on the Property, and as covenants running with the land, those conditions which relate to the use of the single-family residence (Primary Residence) and the junior accessory dwelling unit on the Property.

E. This Declaration of Restriction of Occupancy for Junior Accessory Dwelling Unit is the deed restriction recorded pursuant to Section 20-42.130 (G) of the City of Santa Rosa Zoning Code.

NOW, THEREFORE, based on the foregoing, Property Owner(s) agrees as follows:
1. The junior accessory dwelling unit on the Property shall not be sold separately from the Primary Residence on the Property.

2. The junior accessory dwelling unit shall not have habitable space in excess of 500 square feet.

3. The junior accessory dwelling unit shall maintain an exterior entrance separate from the main entrance to the Primary Residence and interior access into the main living area of the Primary Residence.

4. The junior accessory dwelling unit is restricted to the size, design and location consistent with the City of Santa Rosa Zoning Code.

5. The junior accessory dwelling unit shall not be rented for a term of less than 30 days.

6. The Property Owner(s) shall occupy either the Primary Residence or junior accessory dwelling unit as its principal place of residence.

7. This Declaration of Restriction of Occupancy for Junior Accessory Dwelling Units is intended to be a covenant running with the land and shall be binding upon the heirs, assigns and successors in interest of Property Owners and subsequent purchasers of the Property.

8. Violation of the restrictions set forth in paragraphs 1 through 7, or any one of them, is a good and sufficient ground to warrant civil action against the Property Owner and all other remedies that may be required and/or available to the City of Santa Rosa for a violation of this Declaration of Restriction of Occupancy for Junior Accessory Dwelling Units.

Property Owner(s) has read and understands this Declaration of Restriction of Occupancy for Junior Accessory Dwelling Units and hereby enters into it voluntarily and without inducement.

Dated: ________________________________  By: ________________________________

Property Owner

Dated: ________________________________  By: ________________________________

Property Owner

Attach Notary Certificate (Acknowledgements)

APPROVED:

Date: ________________________________  By: __________________________________

Director of Planning and Economic Development, City of Santa Rosa