

Deed Restriction Instructions

The deed restriction is a requirement for Accessory Dwelling approval pursuant to Section 10.30.020 of the Syracuse Municipal Code. It is intended to ensure owner occupancy of either the primary or the secondary dwelling on the subject property, assuming both dwellings are being inhabited. When the Deed is recorded, it becomes a part of the title, informing future property owners of the owner-occupancy limitation.

It is the responsibility of the current property owner to fulfill this requirement by completing the following steps:

1. Obtain a copy of the current deed, either from the owner's records, or from the County Recorder's Office. Note precisely how the owners' names are printed on the document.
2. Access the deed restriction form (pdf) on the City web site. If you do not have internet access, the Community & Economic Development Department will provide blank forms.
3. Enter the appropriate information in the following fields: (a) mailing address, (b) project site address, (c) property owner(s) as printed on deed, and (d) property owner(s) as printed on deed, for notary public. Attach the deed to the back of the form.
4. Sign the document and have it notarized by a notary public. The document must be signed by all owners of the property.
5. Take the original to the County Recorder's Office, which is located on the first floor of the Davis County Administration Building in Farmington, UT.
6. The recording clerk will review the document and record the original deed restriction. A recording fee will apply.
7. Take the copy of the RECORDED Restriction to Community Development Office and submit as evidence that the deed restriction has been recorded. Your building permit cannot be signed off until this document copy has been received.

This procedure shall be followed for all other types of deed restrictions imposed as conditions of permit approval.

RECORDING REQUESTED BY
Syracuse City, Utah

RETURN TO: _____

Mailing address

DEED RESTRICTION
DECLARATION OF OWNER OCCUPANCY RESTRICTION
FOR ACCESSORY DWELLING

Property Owner(s): _____

Site Address: _____

Tax ID#: _____

Whereas, Property Owner is the present owner of certain real property located in the City of Syracuse, County of Davis, State of Utah, more particularly described in the current deed attached hereto and made a part hereof; and

Whereas, the term "Property Owner" shall, if applicable, include heirs named within a currently valid declaration of trust designating ownership of subject property, and shall, if applicable, include principals of a corporation; and

Whereas, Property Owner and/ or persons acting on behalf of Property Owner propose to construct an accessory dwelling or convert all or part of an existing structure to an accessory dwelling unit; and

Whereas, Section 10.30.020 of the Syracuse Municipal Code requires that the construction and/ or conversion, and occupancy of accessory dwelling units as follows:

Property Owner must reside on the premises in the principal or accessory dwelling. This deed restriction shall be recorded prior to granting a building permit for: (a) a new accessory dwelling, (b) a new principal dwelling unit with an accessory unit, or (c) conversion of all or part of an existing structure to an accessory dwelling. Upon transfer of property, all succeeding property owners shall be subject to this occupancy restriction.

In the event the owner is unable to reside on the premises for any reason, continued occupancy of two units on the property shall be invalid and illegal. Only one of the units may be non-owner-occupied and the second unit shall not be fit for occupancy, except as an accessory building as permitted by the zoning ordinance for the applicable zoning district. In such case the second unit shall be modified to conform to the accessory building provisions of the Syracuse Municipal Code by elimination of the food preparation capability within the kitchen area, and required removal of all but two (2) plumbing fixtures. Elimination of the food preparation capability shall include removal of cooking units including ranges and ovens and disconnection of special electrical wiring and/ or gas lines to service the kitchen area. Other modifications may be stipulated by the zoning administrator.

When special circumstances necessitate a bona fide, temporary absences of three years or less for activities such as military service, temporary job assignments, sabbaticals or voluntary service or the owner is placed in a hospital, nursing home, assisted living facility for medical care, the zoning administrator shall have the discretion to allow the property owner to leave one of the two units vacant in lieu of eliminating the food preparation facilities. If the owner elects to leave one of the units vacant, the owner shall provide the City with a letter describing the circumstances of the unit and the anticipated length of time in which it will remain vacant. The unit may be subject to periodic inspections by the City to confirm that it is not being occupied. At the discretion of the zoning administrator, an application may be required to reestablish the secondary dwelling following a vacancy period of more than twelve (12) consecutive months.

This occupancy restriction shall not be valid if any applicable federal, state or local laws are subsequently enacted that expressly prohibit such occupancy limitation on accessory dwellings.

This instrument is the deed restriction recorded in compliance with Section 10.30.020 of the Syracuse Municipal Code.

1. Agreement to Comply with Restrictions: In satisfaction of the above-referenced condition, Property Owner hereby accepts the obligation to notice all future buyers of all conditions which apply to the accessory dwelling on this property.

2. Rights Appurtenant: This declaration is intended to be a covenant running with the land and shall bind and inure to the benefit of the heirs, personal representatives, successors and assigns of each present and future owner of the real property described herein.

Property Owner declares under penalty of perjury that these restrictions will be adhered to and he (she) (they) has executed this *Declaration of Restriction on Accessory Dwelling Unit*

Date: _____

Signed by: _____

Sign as appears on deed

STATE OF UTAH)

COUNTY OF DAVIS)

On _____, before me, _____, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Utah that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signed by: _____
Notary Public, State of Utah

Place notary seal above