

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

**CITY CLERK
CITY OF OCEANSIDE
300 North Coast Highway
Oceanside, CA 92054**

THIS SPACE FOR RECORDER'S USE ONLY

**DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS
ON REAL PROPERTY KNOWN AS**

WHEREAS, _____, hereinafter referred to as the "OWNER," is the owner of approximately _____ acres of real property generally located at _____ in Oceanside, which such real property is more particularly described in the Property Description attached as Exhibit "A" and incorporated herein by reference, and hereinafter referred to as the "PROPERTY";

WHEREAS, OWNER has applied to the City of Oceanside ("City") for a permit to create a Junior Accessory Dwelling Unit ("JADU") and an Accessory Dwelling Unit ("ADU") on the PROPERTY, which permit has been granted subject to certain conditions as set forth in Article 30, Section 3006 of the Oceanside Zoning Ordinance ("CONDITIONS");

WHEREAS, Article 30, Section 3006 (Accessory Dwelling Units), Subsection E.5 of the Oceanside Zoning Ordinance requires that a covenant be recorded by the property owner declaring compliance with each and every condition referenced in said Section 3006;

WHEREAS, the OWNER intends to restrict the PROPERTY in accordance with the CONDITIONS, as required by the Zoning Ordinance;

NOW, THEREFORE, the OWNER declares that said PROPERTY shall be held, transferred, encumbered, used, sold, conveyed, leased and occupied subject to the covenants, conditions and restrictions set forth in this Declaration of Covenants, Conditions and Restrictions (hereinafter the "DECLARATION") expressly and exclusively for the use and benefit of the PROPERTY and each and every person and entity who now, or in the future, owns any portion of the PROPERTY. This DECLARATION shall constitute covenants running with the land and shall be binding on and for the benefit of OWNER, its successors and assigns, and all subsequent owners of the PROPERTY, together with their grantees, successors, heirs, executors, administrators, devisees and assigns.

OWNER HEREBY DECLARES AND COVENANTS AS FOLLOWS:

1. The permitted JADU/ADU on the PROPERTY comply with all the requirements of Section 3006 of the Oceanside Zoning Ordinance, including permit requirements, development standards and conditions; the PROPERTY is and shall be subject to the following continuing conditions and restrictions:

- a. Except as otherwise provided in Government Code Section 65852.26, an JADU/ADU shall not be sold separate from the primary dwelling.
- b. A JADU/ADU may serve as a rental unit or be occupied by family members, guests, or in-home health care providers, and others at no cost.
- c. Neither the JADU/ADU, nor the primary dwelling unit shall be rented for a term of less than 31 days.
- d. All JADUs that share sanitation facilities with the primary dwelling unit are subject to an owner-occupancy requirement unless the owner is another governmental agency, land trust, or housing organization. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person’s legal domicile and permanent residence.

2. The City shall have the right, but not the obligation, to enforce the provisions of this DECLARATION. In the event it becomes necessary for the City to institute legal action to enforce any provision of this DECLARATION, the City shall be entitled to recover from the OWNER, his assigns or any successors in interest in the PROPERTY, reasonable attorneys’ fees and costs incurred by the City in such action.

3. This DECLARATION shall constitute covenants running with the land and shall be binding on and for the benefit of OWNER, its transferees, successors and assigns, and any other present or future interest holders or estate holders or any portion or all of the PROPERTY.

4. This DECLARATION shall not be modified, removed or released without the express written consent of the City of Oceanside.

IN WITNESS WHEREOF, _____ (OWNER)
executes this Declaration this _____ day of _____, 20__.

OWNER:

By: (name) (name)

APPROVED AS TO FORM: _____
CITY ATTORNEY

**NOTARY AND ACKNOWLEDGMENT(S) MUST BE ATTACHED
(EVIDENCE OF SIGNATURE AUTHORIZATION IS NEEDED)**