

Owner: _____
Address: _____
Permit No. _____

DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT)

FOR USE IN FLOOD HAZARD AREAS FOR PROPOSED DEVELOPMENT INCLUDING (1) ENCLOSURES BELOW ELEVATED BUILDINGS, (2) CRAWL/UNDERFLOOR SPACES THAT ARE MORE THAN 4 FEET IN HEIGHT, (3) DETACHED ACCESSORY STRUCTURES THAT ARE BELOW THE BASE FLOOD ELEVATION, AND (4) ATTACHED GARAGES.¹

This DECLARATION made this _____ day of _____, 20____ by _____ ("Owner") having an address at: _____.

WITNESSETH:

WHEREAS, the Owner is the record owner of all that real property located at _____
_____ in Leon County, Florida, more specifically described as _____,

(Parcel ID and Legal Description)

and being that same property acquired by the Owner by deed dated this _____ day of _____, _____, and recorded among the Official Records of Leon County, Florida in Book _____ and Page _____, ("Property"); and

WHEREAS, the Owner has applied for a permit to construct a structure on the Property, and:

- (1) The Permit Number is _____ ("Permit").
- (2) The structure is located in a flood hazard area identified on Flood Insurance Rate Map Panel # _____, dated _____;
- (3) The structure is located in Flood Zone _____.
- (4) The structure is designed to conform to the requirements of the Leon County Environmental Management Act ("EMA") Floodplain Ordinance, specifically Section 10-8.105(d)(8) of the Code of Laws of Leon County, Florida, and the *Florida Building Code*.
- (5) If unauthorized improvements, modifications, alterations, conversions, or repairs are made to the structure in the future, the structure could be made noncompliant by such unauthorized actions, including such actions by future owners.

¹ Check with Florida Department of Emergency Management for nonresidential farm buildings (sec. 604.50, F.S.)

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THE PERMITTED STRUCTURE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE *FLORIDA BUILDING CODE* AND THE EMA AS APPLICABLE, AND IN CONSIDERATION FOR THE GRANTING OF THE PERMIT, OWNER AGREES TO THE FOLLOWING:

1. The structure or part thereof to which these conditions apply is:

- An enclosure that is below an elevated building
- A crawl/underfloor space enclosed by perimeter walls and is more than 4 feet in height
- A detached accessory structure that is not elevated and is larger than 600 square feet in area (footprint)
- An attached garage

2. The structure or part thereof identified in Paragraph 1 shall be used solely for parking of vehicles, storage, or access to an elevated building, as applicable and shall not be used for human habitation without first becoming fully compliant with the applicable floodplain management regulations at the time of such conversion.

3. If required by the *Florida Building Code* or the EMA, as applicable, the walls of the structure or part thereof identified in Paragraph 1 shall be equipped with flood openings. The flood openings shall not be blocked, covered, manually closed or modified in any way that would alter the intended performance to allow floodwaters to automatically enter and exit.

4. If required by the *Florida Building Code* or the EMA, as applicable, the walls of the structure or part thereof identified in Paragraph 1 shall be designed to break away. The breakaway walls shall not be altered in any way that prevents the walls from breaking away, as designed, under flood conditions.

5. As required by the *Florida Building Code* and the EMA, as applicable, building materials used below the elevation required by the *Florida Building Code*, shall be flood damage-resistant materials and unfinished.

6. Any conversion, alteration, modification, improvement, repair, or change in use of the structure or part thereof identified in Paragraph 1:

- a. Shall not occur without the issuance of a permit by the local permit authority; and
- b. Depending on the nature of work, such permit may require full compliance with the *Florida Building Code*.

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7. Any repair, conversion, alteration, modification, improvement, repair, or change in use of the structure or part thereof identified in Paragraph 1 or any other unpermitted variation beyond what is explicitly authorized by permit constitutes a violation of the Permit, the Code of Laws of Leon County and the *Florida Building Code* and shall be subject to enforcement action to correct such violation.

8. This DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT) shall be recorded on the deed of the Property recorded in the Official Records of Leon County, Florida. Owner certifies, accepts, and declares that the following covenants, conditions, and restrictions are placed on the affected property as a condition of granting the Permit, and affects rights and obligations of the Owner and any future owners, and shall be binding on current Owner, his heirs, personal representatives, successors, and assigns

WARNINGS

Unauthorized conversion, alteration, modification, improvement, repair, or change in use of the permitted structure or part there of identified in Paragraph 1 may render the structure uninsurable by the National Flood Insurance Program or increase the cost for flood insurance commensurate with the increased risk.

Unauthorized conversion of an enclosure below the lowest floor of an elevated building for uses other than permitted uses, or the unauthorized conversion of an accessory structure for uses other than permitted uses, exposes occupants to increased risk of death and injury. Leon County, Florida, shall not be held liable for any increase in damage or injury to occupants.

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SIGN ONLY IN THE PRESENCE OF A NOTARY:

Owner's Signature / Date

Printed Name

The Foregoing instrument was acknowledged before me by means of ___ physical presence or ___ online notarization this ____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification and who did/did not take an oath.

Signature of Notary/Deputy Clerk

Printed Name

(Additional) Owner's Signature / Date

Printed Name

The Foregoing instrument was acknowledged before me by means of ___ physical presence or ___ online notarization this ____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification and who did/did not take an oath.

Signature of Notary/Deputy Clerk

Printed Name