



**City of Belleair Bluffs**

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**DECLARATION OF LAND RESTRICTION  
(NONCONVERSION AGREEMENT)**

Permit Number: \_\_\_\_\_



For use in flood hazard areas for proposed development that includes:

1. Enclosures below elevated buildings;
2. Crawl/Underfloor spaces that are more than four feet in height;
3. Detached accessory structures that are not elevated and are larger than 300 square feet in area (footprint) and;
4. Attached garages.

**The attached agreement shall be executed and recorded onto the property deed prior to a Certificate of Occupancy being issued.**

## DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT)

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 the \_\_\_\_\_ the Election District of \_\_\_\_\_ County, designated in the Tax Records as Property Identifier number \_\_\_\_\_ Block \_\_\_\_\_, parcel \_\_\_\_\_, lot \_\_\_\_\_, subdivision and being that same property acquired by the Owner by deed dated \_\_\_\_\_, 20\_\_\_\_, and recorded among the Land Records of \_\_\_\_\_ County, Florida at OR Book \_\_\_\_\_ and Page No. \_\_\_\_\_.

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

- (1) It is identified by Permit Number \_\_\_\_\_ ("Permit");
- (2) It is located in a flood hazard area identified on Flood Insurance Rate Map Panel # \_\_\_\_\_;
- (3) It is located in Flood Zone \_\_\_\_\_;
- (4) It is designed to conform to the requirements of the Floodplain Management Regulations of {insert community name} and the *Florida Building Code*; and
- (5) If unauthorized improvements, modifications, alterations, or conversions are made to it in the future, the structure could be made noncompliant by such unauthorized actions, including such actions by future owners.

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Permit No. \_\_\_\_\_

WHEREAS, the Owner agrees to record this DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT) on the deed of the property recorded in the above-cited land records and 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 shall be binding on the Owner, his heirs, personal representatives, successors, and assigns.

**THE PERMITTED STRUCTURE SHALL BE DESIGNED IN ACCORDANCE WITH THE *FLORIDA BUILDING CODE* AND IS SUBJECT TO CONDITIONS as follows:**

7. 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 that is larger than 300 square feet in area (footprint).
  - ☐ An attached garage.
2. The structure or part thereof identified in #1 shall be used solely for parking of vehicles, storage, or access to the elevated building, as applicable. See section 604.50, F.S., for the definition and limitations of nonresidential farm buildings.
3. As required by the *Florida Building Code*, the walls of the structure or part thereof identified in #1 shall be equipped with flood openings [applies in flood hazard areas designated Zone A (including A, AE, AO, AH, or A1-30) and flood hazard areas designated as Coastal A Zone]. The flood openings shall not be blocked, covered, closed or modified in any way that would alter the intended performance to allow floodwaters to automatically enter and exit.
4. As required by the *Florida Building Code*, the walls of the structure or part thereof identified in #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*, 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 or change in use of the structure or part thereof identified in #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*.
7. Any conversion, alteration, modification, improvement or change in use of the structure or part thereof identified in #1 or any other variation beyond what is permitted that is not authorized by permit constitutes a violation of the Permit and the *Florida Building Code* and shall be subject to enforcement action to correct such violation.

## WARNINGS

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

9. 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. The local jurisdiction issuing the Permit shall not be held liable for any increase in damage or injury to occupants.

10. 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 will be prosecuted as allowed for under adopted Code Enforcement regulations.

## SIGN ONLY IN THE PRESENCE OF A NOTARY:

\_\_\_\_\_  
Owner's Signature / Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
(Additional) Owner's Signature / Date

\_\_\_\_\_  
Printed Name

SEAL:

\_\_\_\_\_  
Notary Public Signature

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.