



# DEVELOPMENT SERVICES DEPARTMENT – BUILDING SERVICES

## DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT)

Rev: 1.0 | Revision Date: 1/11/2022 | I.D. Number: NCA1.0

For use in flood hazard areas for proposed development that includes (1) enclosures below elevated buildings, (2) crawl/underfloor spaces that are more than 4 feet in height, (3) detached accessory structures that are not elevated and are larger than 300 square feet in area (footprint), (4) attached garages and (5) nonresidential farm buildings on farms.

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 \_\_\_\_\_ County, designated in the Tax Records as map \_\_\_\_\_, parcel \_\_\_\_\_, plat \_\_\_\_\_ 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 # \_\_\_\_\_, dated \_\_\_\_\_;
- (3) It is located in Flood Zone \_\_\_\_\_;
- (4) It is designed to conform to the requirements of Chapter 14, Floodplain Management of Code of Ordinances of the City of Fort Lauderdale, Florida 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.

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.

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

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

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

THE PERMITTED STRUCTURE SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE *FLORIDA BUILDING CODE*, OR LOCAL FLOODPLAIN MANAGEMENT REGULATIONS, AS APPLICABLE, AND IS SUBJECT TO CONDITIONS as follows:

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 that is larger than 300 square feet in area (footprint).
- An attached garage.
- A nonresidential farm building on farms.

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.

3. As required by the *Florida Building Code* or local regulations, as applicable, the walls of the structure or part thereof identified in #1 shall be equipped with flood openings. 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* or local regulations, as applicable, 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* or local regulations, 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 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.

Owner: \_\_\_\_\_  
Address: \_\_\_\_\_  
Permit No. \_\_\_\_\_

**WARNINGS**

Unauthorized conversion, alteration, modification, improvement or change in use of the permitted structure or part there of 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.

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.

**SIGN ONLY IN THE PRESENCE OF A NOTARY:**

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

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

Type of ID: \_\_\_\_\_

Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

SEAL:

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