

Name: _____

Address: _____

_____

Non-Conversion Agreement for Enclosures below the Design Flood Elevation in the Regulated Floodplain

Property Owner Name:					
Property Address City, State & Zip Code:					
Legal Description/ Parcel Control No:					
NFIP Community ID:	120192	Flood Zone:		Base Flood Elevation or Base Flood Depth:	
Source of Base Flood Elevation or Depth:				Vertical Datum:	
Map/Panel No and Suffix:		FIRM Index Date:		FIRM Panel Effective/Revised Date:	

WHEREAS, the Property Owner ("Owner") is the record owner of that real property located at the Property Address ("Property") located in Unincorporated Palm Beach County ("the County"); and

WHEREAS, Permit Number _____ ("Permit") has been issued to construct, improve, or repair a _____ on the Property; and

[Building or Structure Description]

WHEREAS, the building or structure has been constructed on the Property with an enclosed area that either (1) does not conform to or (2) if altered will become non-compliant with the strict design flood elevation requirements specified in the Floodplain Management Ordinance of the County, ULDC Article 18, Flood Damage Prevention ("Article 18"); and

WHEREAS, as a condition of obtaining a Certificate of Occupancy/Completion for the building or structure, in accordance with the provisions Article 18, Owner agrees to record this Declaration of Land Restriction (Non-Conversion Agreement) with the Property deed in the Official Record Books of Palm Beach County; and

WHEREAS, the Owner certifies and declares that the following covenants, conditions and restrictions are placed on the affected Property as a condition of the County granting the Certificate of Occupancy/Completion, and affects the rights and obligations of the Owner and shall be binding on the Owner, heirs, personal representatives, grantees, successors and assigns of the Owner.

NOW, THEREFORE the undersigned Owner of said Property hereby agrees to the following:

1. That the enclosed area below the design flood elevation shall not be altered at a later date from the approved plans associated with the Permit so as to violate the Florida Building Code or Article 18; and

Property Address City, State & Zip Code:	
Legal Description/ Parcel Control No:	

2. That the enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation without first obtaining a new building permit for the conversion and becoming fully compliant with Article 18 or the flood damage prevention ordinance in effect at the time of conversion; and
3. That all interior walls, ceilings, and floors below the design flood elevation shall be unfinished or constructed of flood-resistant materials; and
4. That mechanical, electrical, or plumbing devices that service the building shall not be installed below the design flood elevation; and
5. That the openings in the walls of the enclosed area below the lowest floor shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater; and
6. That any variation in construction beyond what is permitted shall constitute a violation of this agreement and Article 18; and
7. That the Owner and subsequent owners understand that duly authorized representatives of the County have the right to inspect inside the premises at any time to verify compliance with this agreement; and
8. That all pages of this Agreement shall be recorded with the deed of the Property in the Official Record Books of Palm Beach County so that subsequent owners are made aware of these restrictions; and
9. That a certified copy of this recorded Agreement shall be submitted to the County Building Division as a condition of obtaining a Certificate of Occupancy/Completion.

Signature of Property Owner

Printed Name of Property Owner

STATE OF _____
COUNTY OF _____

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 ☐ who has produced
Name of Person Acknowledging

_____ as identification and who ☐ did or ☐ did not take an oath.
Type of I.D.

Signature of Notary

Name of Notary typed, printed or stamped

SEAL