

# Non-Conversion Agreement



## Floodprone Enclosures Below the Design Flood Elevation

This **DECLARATION** made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ ("Owner") having the address at: \_\_\_\_\_

### WITNESSETH:

**WHEREAS**, the Owner is the record owner of all that real property located at \_\_\_\_\_ within the jurisdiction of Charlotte County, State of Florida, designated in the Tax Records as \_\_\_\_\_.

**WHEREAS**, the Owner has applied for a permit to {circle one} build / improve a structure on this property that has a floodprone enclosed area below the lowest floor (A-Zones) or below the lowest horizontal structural member of the lowest floor (V-Zones and Coastal A Zones) constructed in accordance with the requirements of the Floodplain Management Ordinance of Charlotte County, FL and under Permit Number \_\_\_\_\_.

**WHEREAS**, the Owner agrees to record this DECLARATION and certifies and declares that the following covenants, conditions and restrictions are placed on the subject 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, future owners, and assigns.

### UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure or part thereof to which these conditions apply is: \_\_\_\_\_
2. At this property, the flood zone is \_\_\_\_\_, and the Base Flood Elevation is \_\_\_\_\_ feet NAVD.
3. All interior walls, ceilings and floors below the Design Flood Elevation shall be unfinished or constructed of flood resistant materials. Mechanical, electrical, and plumbing devices shall not be installed below the Lowest Floor/Design Flood Elevation. (For a complete set of requirements, refer to Charlotte County's Floodplain Management Ordinance).
4. The walls of the enclosed areas below the Lowest Floor/Design Flood Elevation shall be equipped and remain equipped with flood openings, as shown on the building plans, which shall be functional without human intervention.
5. The jurisdiction issuing the Permit and enforcing the Ordinance may take any appropriate legal action to correct any violation. Any alterations or changes from these conditions without a building permit is a violation of Charlotte County Code 3-2 and the Florida Building Code 105.1 and may render the structure uninsurable or significantly increase the cost of flood insurance.
6. The use of floodprone enclosed areas below the Lowest Floor/Design Flood Elevation shall be limited to parking of vehicles, storage, and building access. Any other use shall be considered a violation of the Charlotte County's Floodplain Management Ordinance.
7. Other conditions: \_\_\_\_\_

**IN WITNESS WHEREOF, Under penalties of perjury, I declare that I have read the foregoing Non-Conversion Agreement and that the facts stated in it are true to the best of my knowledge and belief (Section 92.525, Florida Statutes).**

Owner: \_\_\_\_\_  
Print Name

Signature: \_\_\_\_\_

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

Owner: \_\_\_\_\_  
Print Name

Signature: \_\_\_\_\_

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

### State of Florida, County of Charlotte

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 \_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_  
Signature of Notary