



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

This DECLARATION made this ____ day of _____, 20__, by _____ (“Owner”) having an addresses at: _____

WITNESSETH:

WHEREAS, the Owner is the record owner of all real property located at _____ in Pinellas County, Florida, designated in the Pinellas County Property Appraiser as Parcel Identification No. _____, and having the following legal description: _____

_____ and being the same property acquired by the Owner by deed dated _____, 20__, and recorded in the Official Records of _____ County, Florida at O.R. Book _____, Page _____;

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

1. It is identified as Permit Number _____ (“Permit”);
2. It is located in a flood hazard area identified on Flood Insurance Rate Map Panel Number _____;
3. It is located in Flood Zone _____ and the Base Flood Elevation is _____ feet NGVD / NAVD (circle one);
4. It is designated to conform to the requirements of the City of Clearwater’s Floodplain Management Ordinance; Chapter 51 of the Clearwater Community Development Code; 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 in the above-cited Official 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 that the affects, rights, and obligations of the Owner shall be binding on the Owner, his heirs, personal representatives, successors, and assigns.

NOW THEREFORE, the Owner agrees that the permitted structure shall be designed in accordance with the Florida Building Code and is as subject to the conditions as follows:

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

2. 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 City of Clearwater's Floodplain Management Ordinance and Chapter 51 of the Clearwater Community Development Code).

3. 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. 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. 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 City of Clearwater's Floodplain Management Ordinance and Chapter 51 of the Clearwater Community Development Code.

5. As required by the Florida Building Code, building materials used below the elevation required by the Florida Building Code must 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. Must not occur without the issuance of a permit by the Clearwater Building Official; AND
- B. Depending on the nature of the work, such permit may require full compliance with the Florida Building Code.

7. Any conversion, alteration, modification, improvement, or change in use 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.

8. The jurisdiction issuing the Permit and enforcing the Floodplain Management Ordinance may take any appropriate legal action to correct any violation. Any alterations or changes from these conditions also may render the structure uninsurable or significantly increase the cost of flood insurance.

9. A duly appointed representative of the City is authorized to enter the property for the purpose of inspecting the exterior and interior of the enclosed area to verify compliance with this Declaration. Such inspections will be conducted upon due notice to the Owner and no more frequently than twice each year. More frequent inspections may be conducted if the semi-annual inspection discovers a violation of the Permit.

10. OTHER CONDITIONS:
