Development Services
Floodplain Management
9000 Town Center Parkway
Lakewood Ranch, FL 34202
Phone: (941) 748-4501 x5871
flood@mymanatee.org
mymanatee.org

Non-Conversion Agreement

Purpose

This form is used in flood hazard areas for proposed development including (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 200 square feet in area (footprint), and (4) attached garages.

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 Manatee County, designated in the Tax Records, and being that same property acquired by the Owner by deed dated _____, _____, and recorded among the Land Records of Manatee County, Florida in Book No. _____ and Page No. _____.

WHEREAS, the Owner has applied for a permit to construct a structure on 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 Number _____, dated _____;
(3) It is located in Flood Zone _____ (seaward of LiMWA ☐);
(4) It is designed to conform to the requirements of the Chapter 2-10, Drainage and Flood Control referred herein as "Floodplain Management Regulations," of Manatee County and the *Florida Building Code*, if applicable; and
(5) If unauthorized improvements, modifications, alterations, conversions or repairs 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 any future owners, and shall be binding on current Owner, his heirs, personal representatives, successors, and assigns.

CAROL ANN FELTS *District 1* | AMANDA BALLARD *District 2* | TAL SIDDIQUE *District 3* | MIKE RAHN *District 4* | DR. BOB MCCANN *District 5* | JASON BEARDEN *At Large* | GEORGE W. KRUSE *At Large*

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 is larger than 200 square feet in area (footprint)
☐ An attached garage

(2) The structure or part thereof identified above shall be used solely for parking of vehicles, storage, or access to an elevated building, as applicable.

(3) If 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, manually closed or modified in any way that would alter the intended performance to allow floodwaters to automatically enter and exit.

(4) If required by the *Florida Building Code* or local Regulations, as applicable, the walls of the structure or part thereof identified herein 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, repair, or change in use of the structure or part thereof identified above:

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 repair, conversion, alteration, modification, improvement, repair, or change in use of the structure or part thereof identified above or any other unpermitted variation beyond what is explicitly authorized by permit constitutes a violation of the Permit, local Regulations, and the *Florida Building Code* and shall be subject to enforcement action to correct such violation.

INSPECTION

(8) The owner agrees to allow a representative of Manatee County access to the premises to inspect compliance with the Agreement upon request. Owner will be notified at least 48 hours prior to inspection.

WARNINGS

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

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 has provided the following identification _____. Expiration Date: _____ and who did/did not take an oath.

Notary Public Signature: _____ Notary Public Stamp Here