

# Collier County Declaration of Land Restriction

## Non-Conversion Agreement

This form is for use in Flood Zones VE, AE, AH and A for proposed development, substantial improvement, alteration, or repair for the following (1) Enclosures below elevated buildings, (2) Crawl/Underfloor spaces that are more than 5 feet in height, (3) Detached accessory structures that are not elevated and are larger than 120 square feet in area (footprint).

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 Collier County, designated in the Tax Records as parcel number: \_\_\_\_\_, and being that same property acquired by the Owner by deed dated \_\_\_\_\_, and recorded among the Land Records of Collier County, Florida in Book No. \_\_\_\_\_ 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 \_\_\_\_\_ Base Flood Elevation: \_\_\_\_\_  
Seaward of LiMWA or community-defined Coastal A Zone limit:  Yes  No  
Seaward of CCCL:  Yes  No
- (4) It is designed to conform to the requirements of the Collier County Floodplain Management Ordinance referred herein as "Regulations," of Collier County, Florida 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.

**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 5 feet in height
  - A detached accessory structure that is not elevated and is larger than 120 square feet in area (footprint)
2. The structure or part thereof identified in #1 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 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, repair, 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 Collier County Building Plan Review and Inspection Division, or any successor division; 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 in #1 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.

8. Other conditions:

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**WARNINGS**

Unauthorized conversion, alteration, modification, improvement, repair, or change in use of the permitted structure or part thereof 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:**

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

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

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

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

SEAL:

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Notary Public Signature