



Owner: _____
Address: _____
Permit No. _____

**DECLARATION OF LAND RESTRICTION
(NON-CONVERSION AGREEMENT FOR CERTAIN STRUCTURES IN THE FLOODPLAIN)**

FOR USE IN FLOOD HAZARD AREAS FOR PROPOSED/EXISTING DEVELOPMENT INCLUDING (1) ENCLOSURES BELOW ELEVATED BUILDINGS, (2) CRAWL/UNDERFLOOR SPACES THAT ARE MORE THAN 4 FEET IN HEIGHT, (3) DETACHED ACCESSORY STRUCTURES, NON-HABITABLE, THAT ARE NOT ELEVATED AND (4) ATTACHED GARAGES.

This declaration is made this _____ day of _____, 20__ by

("Owner"), the record owner of all that real property at _____

in Sarasota County, designated in the tax records as _____(PID), and being that same property acquired by the Owner by deed recorded in Official Records Instrument No. _____ of the Public Records of Sarasota County, Florida.

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

- (1) It is identified by Permit No. _____;
- (2) It is located in a special flood hazard area identified on Flood Insurance Rate Map Panel # _____ with an effective date of _____;
- (3) It is located in flood zone ____ with a Base Flood Elevation of ____ (note if seaward of the LiMWA or community-defined Coastal A Zone; note if seaward of the CCCL);
- (4) It is designed to conform to the requirements of City Code of Ordinances Chapter 88, Section 6, Floodplain Management of the City of Venice, Florida (referred to herein as "the Regulations") 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) in the Official Records of Sarasota County, Florida 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 said covenants, conditions, and restrictions affect rights and obligations of the Owner and any future owners, and shall be binding on the current Owner, its heirs, personal representatives, successors, and assigns; and.

WHEREAS, the permitted structure has the lowest floor elevated below the *[base flood elevation plus 1 foot]* _____ and the design and construction of the structure meets the Regulations and current building code; and

WHEREAS, as a condition of a Certificate of Occupancy, the Owner must agree not to alter the structure at a later date so as to violate the Regulations or building code.

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 THE FOLLOWING CONDITIONS:

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 that is more than 4 feet in height;
 - A detached accessory structure that is not elevated and is a non-habitable space; OR
 - An attached garage
2. The enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage, or access to the building and shall never be used for human habitation without first becoming fully compliant with the Regulations in effect at the time of conversion.
3. All interior walls, ceilings, and floors below the *[base flood elevation plus 1 foot]* _____, shall be unfinished or constructed of flood-resistant materials.
4. Mechanical, electrical, or plumbing devices that service the building shall not be installed below the *[base flood elevation plus 1 foot]* _____.
5. 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.
6. If required by the *Florida Building Code* or 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.
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

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beyond what is explicitly authorized constitutes a violation of the Permit, Regulations, and the *Florida Building Code* and shall be subject to enforcement action to correct such violation.

8. The Owner and subsequent owners understand that the City of Venice has a right to inspect the structure or part thereof identified in #1, including the interior, at any time to verify compliance with this Declaration.
9. This Declaration shall be recorded so that subsequent owners are made aware of these restrictions.

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.

Signature of Property Owner

Printed Name

Signature of Property Owner

Printed Name

THE FOREGOING INSTRUMENT was acknowledged before me by _____
and _____ by means of physical presence or online notarization who
is/are personally known to me, or who has/have produced _____ as
identification, this _____ day of _____, 20_____.

Notary Public

Print Name of Notary Public

My Commission Expires: _____

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